

Evers Administration: Seeks to save lives, stop Republican lawsuit

Posted on Tuesday, Apr 28, 2020

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MADISON - Gov. Tony Evers today announced that the Wisconsin Department of Health Services (DHS) and Wisconsin Department of Justice filed a response to the Legislative Republicans' lawsuit that endangers lives by blocking Safer at Home. The Evers Administration has asked the Wisconsin Supreme Court to toss the lawsuit.

"Safer at Home is working. It is saving lives," said Gov. Evers. "This lawsuit puts people's lives at risk by trying to take away Safer at Home, the best and most effective tool we have to save lives and prevent our hospitals from being overrun."

Wisconsin's pandemic laws give DHS broad powers to "close schools and forbid public gatherings" and "issue orders for guarding against the introduction of any communicable disease" and "authorize and implement all emergency measures necessary to control communicable disease." Every other state has similar laws, which were passed in response to frequent outbreaks of communicable disease in the early 20th century. Wisconsin is one of at least 42 states that has used these laws to quickly combat and contain COVID-19 with Safer at Home measures.

Instead of having Wisconsin quickly respond to the pandemic and save lives, the Republican lawsuit asks the Wisconsin Supreme Court to block Safer at Home and have DHS go through a lengthy administrative rulemaking process. The lawsuit asks the Court to give DHS six days to promulgate a rule, even though Wisconsin law requires at least 20 days to promulgate an "emergency" rule due to review by multiple entities, publication in the Administrative Register, legislative hearings, and comment periods. Before Safer at Home, the number of people testing positive for COVID-19 doubled every 3.4 days, similar to rates seen in Italy and Spain. With Safer at Home, the number of people with COVID-19 is doubling every 12.4 days.

“Deadly viruses don’t wait around while bureaucrats and politicians jump through procedural hoops. An effective response requires swift action by public health experts, which is why state law gives DHS the power to act quickly to stop the pandemic and save lives,” said Gov. Evers. “If Legislative Republicans want to be involved in the state’s response to this pandemic, they should stop sitting on the sidelines and start working to find solutions to help farmers, small businesses, and workers.”

More than 55,000 Americans have died from COVID-19. Legislative Republicans have yet to offer any plan to combat COVID-19 or replace Safer at Home. The Legislature met once, on April 17, to pass limited legislation in response to COVID-19, almost four weeks after Gov. Evers submitted a comprehensive legislative proposal to combat the pandemic, help small businesses, support first responders and critical workers, and assist farmers. There have been no legislative hearings on COVID-19. The Assembly Health Committee has not met since February 17. The Senate Committee on Health and Human Services has not met since March 11. Gov. Evers declared a public health emergency on March 12.

A copy of DHS’s brief can be found [here](#).

A copy of a supporting affidavit filed by Dr. Ryan Westergaard, Chief Medical Officer and State Epidemiologist for Communicable Diseases, is available [here](#).

A copy of a supporting affidavit filed by Julie Willems Van Dijk, DHS Deputy Secretary, is available [here](#).