

Fitzgerald open to rules on schools, mass gatherings as Evers drops COVID-19 emergency rule effort

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Gov. Tony Evers says GOP lawmakers aren't interested in any kind of administrative rule to deal with COVID-19, but a spokesman for Senate Majority Leader Scott Fitzgerald says the Juneau Republican is open to one that would deal with things such as reopening schools.

Evers announced Monday his administration is dropping efforts to draft an emergency rule to deal with COVID-19 because he was unable to get cooperation from GOP lawmakers.

A spokesman for Fitzgerald pointed to the legislator's Friday statement to WisPolitics.com that he wasn't interested in any rules that were similar to the gov's Badger Bounce Back plan. Instead, he wanted talks to address upcoming events such as college students returning to UW campuses and mass gatherings.

"Sen. Fitzgerald and the governor spoke at length on Sunday about some of the items covered in his statement like sporting events, public education, tourism, and large group gatherings," said Fitzgerald spokesman Alec Zimmerman.

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The Department of Health Services last week released the framework for an emergency rule that included goals similar to the stay-at-home order that was overturned by the state Supreme Court. On Monday, the agency notified lawmakers it was withdrawing that scope statement.

"It just doesn't make any sense to spend a lot of time doing something that we know isn't going to be successful," Evers said on a conference call Monday.

The gov said his administration is also dropping efforts to implement statewide regulations through the administrative rules process because Republicans “didn’t want to do anything on a statewide basis, period.”

Evers said his administration will continue the conversation on dealing with COVID-19 and encouraged businesses to follow the guidelines recommended by the Wisconsin Economic Development Corp. as they look to reopen.

“While it’s disappointing that we’re at this point, we intend to move forward and work with local public health agencies to see if they need additional assistance to address future localized clusters,” said Assembly Speaker Robin Vos, R-Rochester.

Evers said his administration will continue to push guidelines WEDC created to help businesses reopen and minimize the risk of transmission. But “as far as the administrative rules process, it would take forever and nothing was going to happen.”

He said the administration had hoped to provide some guidance via the rule process relating to surges, but “we were unable to get agreement on that.”

The Department of Health Services on Thursday released the scope statement. Sen. Steve Nass, co-chair of the Joint Committee for Review of Administrative Rules, quickly called on the administration to withdraw the rule.

Nass said the agency’s withdrawal of the proposal was “an important development for the citizens of Wisconsin desiring a path forward that recognizes both a need to use lawful approaches in protecting the public health and rebuilding a seriously damaged economy.

“I have great faith in the people of Wisconsin making the decisions necessary to fight and defeat Covid-19 without excessive government coercion.”

See the letter noticing the withdrawal:

<https://wispolitics.com/wp-content/uploads/2020/05/200518Letter.pdf>