

Rep. Kitchens: Area lawmakers explain no vote on mask mandate repeal

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Earlier today, the Wisconsin State Assembly passed SJR 3, a resolution that formally repeals the governor's COVID-19 public health emergency order, and in turn, the extension of his statewide mask mandate.

We are a group of legislators from Northeast Wisconsin and we are writing this letter to explain why we joined a handful of our colleagues in voting against the resolution.

We, the undersigned, believe that Gov. Evers' continued issuance of emergency order extensions, including his mask mandate, is likely illegal. However, it is the responsibility of the judicial branch - not the legislative branch - to make that determination. The Wisconsin Supreme Court has had this case for more than two months and we implore them to make a ruling as to whether or not the governor had the authority to issue his most recent order without legislative approval.

We need that legal clarity, because without it, the governor could continue to implement additional emergency orders every time the full Legislature passes a resolution, including SJR 3. This potential never-ending cycle of orders and resolutions would certainly be detrimental to the spirit of compromise, especially now when we are trying to focus our energies on agreeing to a comprehensive COVID-19 relief package that everyone can get behind.

Regardless of the Supreme Court's decision on this case, we are asking the governor to issue his mask guidance through the normal, legal administrative rule process, thus allowing the Legislature to appropriately and constitutionally provide

input on this important matter. Mask-wearing has become entirely too political and working with the Legislature in a bipartisan manner would certainly contribute to public acceptance and compliance.

Until we are able to reach an agreement, we do not believe it is prudent to remove the emergency order and mask mandate. More than 50 organizations representing the healthcare industry, businesses and churches have asked that we not remove the mandate at this time. We find it impossible to ignore the overwhelming concerns of these groups.

Furthermore, our research has shown that Wisconsin may potentially lose \$49 million per month in enhanced FoodShare benefits for low-income families and seniors if we do not have an emergency plan in place. While a proposal has been brought forward to work around this predicament, it is shaky at best. As a final and future concern shared by the undersigned, we fully expect the Biden administration to require a statewide mask mandate as a condition of receiving future federal CARES Act funding.

While no one enjoys wearing a mask, it is a very temporary and relatively minor inconvenience. To the best of our knowledge, there has not been a single resident who has been cited for not wearing a mask under Evers' order. With so much at stake, from both a healthcare and financial standpoint, and so much that is unknown at this time, we believe that it would be irresponsible to repeal the mandate now without a proper alternative.

The end of the COVID-19 pandemic is well within sight. If we can be smart and behave responsibly, we will return to a life that is close to normal by summer. Now is not the time to further politicize this issue. We encourage Gov. Evers to work with the Legislature so we can come up with a strategy that we can all support and see across the finish line.