



WISCONSIN LEGISLATURE

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Wimberger, Sanfelippo Introduce Legislation to Right-Size Emergency Powers Laws

MADISON—Senator Eric Wimberger (R-Green Bay) and Representative Joe Sanfelippo (R-New Berlin) today introduced LRB 0792 and LRB 1863, designed to modernize Wisconsin’s emergency powers laws. Based on the actions of local health departments, the Wisconsin Department of Health Services, and Governor Evers over the past year, the powers in current law are entirely too broad and ripe for abuse.

LRB-0792 does the following:

- Limits quarantine powers by prohibiting DHS or local health officials from ordering home confinement, including “stay at home orders”, without following specific procedures, including a physician’s diagnosis and a court hearing within 72 hours;
- Prohibits the governor from declaring any business as “essential” or “nonessential”;
- Requires that any action affecting businesses in an emergency be applied to all businesses uniformly, regardless of the service or product offered by the business.

“Over the past year, we have witnessed a constant struggle between individual liberty and government powers,” said Wimberger. “While governments do need emergency powers in certain, rare situations, they should be severely limited in duration and scope.”

“It is important to restore legislative oversight so the balance of power prescribed in our constitution is protected,” said Sanfelippo.

LRB 1863 targets states of emergency and would require the following:

- Requires that state of emergency declarations must be co-signed by at least two of the following legislative leaders: Senate majority leader, Senate minority leader, Assembly speaker, and Assembly minority leader;
- Prohibits the governor from circumventing legislative oversight by making successive state of emergency declarations based on the same, or closely related, disaster or public health crisis;
- Requires the governor to call the legislature into special session for the purpose of considering the state of emergency declaration, as well as any emergency orders issued pursuant to that declaration;
- Clarifies that legislative extensions of state of emergency declarations may last no longer than 30 days at a time.