

The Nass Report



Wisconsin State Government and the 11th Senate District

October 12, 2020

Legislative Committee Directs DHS to Issue an Emergency Rule on Gathering Limits

JCRAR invokes state law requiring an emergency rule within 30-days.

Senator Steve Nass (R-Whitewater), Co-chairman of the Joint Committee for Review of Administrative Rules (JCRAR), announced the JCRAR voted today to invoke Wisconsin Statute 227.26 (2) (b), to require the Department of Health Services (DHS) to promulgate an emergency administrative rule relating to the limits on public gatherings. DHS must comply within 30-days of the joint committee's action or no later than November 11, 2020.

An emergency rule, under Chapter 227 of the Wisconsin Statutes, would be subject to the jurisdiction of JCRAR on its effective date. JCRAR has the power to suspend all provisions or parts of any emergency rule issued by a state agency.

“Today, I led an effort to reign in DHS Secretary-Designee Andrea Palm and her rogue state agency that continues to ignore state law and State Supreme Court rulings. JCRAR has invoked a state law that requires DHS to issue an emergency rule relating to limits on gatherings in Wisconsin.

DHS now has 30-days to complete the promulgation process and issue an emergency rule no later than November 11, 2020. Our action today further erodes the ability of DHS to enforce its limits on gatherings under the whims of Evers and Palm. They need to

comply with Wisconsin’s Administrative Rules Law and act lawfully.”

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