

# The Nass Report



## Wisconsin State Government and the 11th Senate District

October 7, 2020

### **Legislative Committee to Require DHS Follow Administrative Rules Law**

#### *JCRAR to require DHS Promulgate Emergency Rule on Gatherings Order*

Senator Steve Nass (R-Whitewater), Co-chairman of the Joint Committee for Review of Administrative Rules (JCRAR), announced today he will be requesting an executive session of the joint committee under Wisconsin Statute 227.26 (2) (b), to consider passage of a motion requiring the Department of Health Services (DHS) to promulgate an emergency administrative rule relating to the limits on public gatherings. DHS would have to comply within 30-days of the joint committee's action.

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.

***“Yesterday, DHS Secretary-Designee Andrea Palm issued Emergency Order #3, limiting public gatherings under Statute 252.02 (3) and she falsely stated her order was compliant with the State Supreme Court ruling from May striking down her illegal shutdown orders issued in the spring.***

***Emergency Order #3 is not enforceable in its current form and would become less so if JCRAR acts to require the Evers Administration follow state law and submit an emergency rule. I***

***intend to present a motion for a vote in the JCRAR that would legally require the DHS to comply with state law.”***

Sen. Steve Nass  
State Capitol, Room 10 South  
PO Box 7882  
Madison, WI 53707  
Toll-Free (800) 578-1457 or (608) 266-2635  
[Sen.Nass@legis.wi.gov](mailto:Sen.Nass@legis.wi.gov) | [Website](#) | |