

The Nass Report



Wisconsin State Government and the 11th Senate District

May 15, 2020

DHS Scope Statement – The Empire Strikes Back with Safer At Home and Badger Bounce Back Emergency Rule

Senator Steve Nass (R-Whitewater), Co-Chairman of the Joint Committee on Review of Administrative Rules (JCRAR), released the following statement in response to the Department of Health Services (DHS) issuing a Scope Statement to implement an Emergency Rule restoring elements of Public Health Order #28 referred to as Safer At Home and Public Health Order #31 referred to as the Badger Bounce Back Plan:

“The Wisconsin Supreme Court clearly ruled that Governor Evers and DHS Secretary-Designee Andrea Palm acted improperly and illegally by forcing every citizen of Wisconsin to stay home, close certain businesses, prohibit freedom of association and harshly restrict personal travel by the threat of criminal penalty including arrest and jail time.

Now, most rational public servants would get the message that the rule of law and the constitutional limitations on government are not optional or mere suggestions. The DHS Scope Statement leaves little doubt that Secretary-Designee Palm is no longer acting in a lawful capacity by circumventing the Supreme Court ruling and once again trying to improperly take control of the daily lives of every Wisconsin citizen.

The statutory powers of the Joint Committee on Administrative Rules (JCRAR) to suspend Emergency Rules are not in doubt. DHS is needlessly creating a political fight that does nothing to move the state forward on the legal and proper path of fighting Covid-19.

I call on Governor Evers to withdraw the Scope Statement and end this needless confrontation before it escalates and leads to greater public discontent with the public health officials in this state.”

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