

**ROLL CALL**  
**OUTAGAMIE COUNTY BOARD OF SUPERVISORS**

DATE February 9, 2021 RESOLUTION # Z-22, Z-23, 111, 112, 113, 114, 115, 120, 122--2020-21

**ADOPT & LOCK IN Resolution Nos. Z-22, Z-23, 111, 112, 113, 114, 115, 120, 122--2020-21.**

MOTION: ADOPT & LOCK IN Resolution Nos. Z-22, Z-23, 111, 112, 113, 114, 115, 120, 122--2020-21.

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
1	Thompson	x				
2	Miller	x				
3	Renteria	x				
4	Patience	x				
5	Gabrielson	x				
6	Konetzke	x				
7	Hammen	x				
8	Nicholas Thyssen	x				
9	Krueger	x				
10	Lamers	x				
11	Fallona	x				
12	McCabe	x				
13	Wegand					x
14	Jeremy Thyssen	x				
15	Peterson	x				
16	Schroeder	x				
17	Croatt	x				
18	Spears	x				

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
19	Marcks	x				
20	Thomas	x				
21	Travis Thyssen	x				
22	Hagen	x				
23	Klemp	x				
24	Iverson	x				
25	Nooyen	x				
26	Davidson	x				
27	Culbertson	x				
28	Monfils	x				
29	Buchman	x				
30	Vacant					
31	Clegg	x				
32	VanderHeiden	x				
33	O'Connor-Schevers	x				
34	Rettler	x				
35	Melchert	x				
36	Suprise	x				

AYE	<u>34</u>
NAY	<u>0</u>
ABSTAIN	<u>0</u>
PRESENT	<u>0</u>
ABSENT	<u>1</u>
Vacant	<u>1</u>
TOTAL	<u>36</u>

APPROVED	<u>x</u>
DEFEATED	<u>      </u>

**ROLL CALL**  
**OUTAGAMIE COUNTY BOARD OF SUPERVISORS**

DATE February 9, 2021 RESOLUTION # Z-22, Z-23, 111, 112, 113, 114, 115, 120, 122--2020-21

**Reconsideration of Resolution Nos. Z-22, Z-23, 111, 112, 113, 114, 115, 120, 122--2020-21**

MOTION: Reconsideration of Resolution Nos. Z-22, Z-23, 111, 112, 113, 114, 115, 120, 122--2020-21.

MADE BY: Hagen SECONDED BY: Patience

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
1	Thompson	x				
2	Miller	x				
3	Renteria	x				
4	Patience	x				
5	Gabrielson	x				
6	Konetzke	x				
7	Hammen	x				
8	Nicholas Thyssen	x				
9	Krueger	x				
10	Lamers	x				
11	Fallona	x				
12	McCabe	x				
13	Wegand					x
14	Jeremy Thyssen	x				
15	Peterson	x				
16	Schroeder	x				
17	Croatt	x				
18	Spears	x				

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
19	Marcks	x				
20	Thomas	x				
21	Travis Thyssen	x				
22	Hagen	x				
23	Klemp	x				
24	Iverson	x				
25	Nooyen	x				
26	Davidson	x				
27	Culbertson	x				
28	Monfils	x				
29	Buchman	x				
30	Vacant					
31	Clegg	x				
32	VanderHeiden	x				
33	O'Connor-Schevers	x				
34	Rettler	x				
35	Melchert	x				
36	Suprise	x				

AYE	<u>34</u>
NAY	<u>0</u>
ABSTAIN	<u>0</u>
PRESENT	<u>0</u>
ABSENT	<u>1</u>
Vacant	<u>1</u>
TOTAL	<u>36</u>

APPROVED	<u>x</u>
DEFEATED	<u>      </u>

**ROLL CALL**  
**OUTAGAMIE COUNTY BOARD OF SUPERVISORS**

DATE February 9, 2021 RESOLUTION # 122--2020-21

**Health and Human Services Committee. APPROVE - AS AMENDED - Call on the Wisconsin Legislature to listen to the dozens of Wisconsin health care organizations and support the Governor's new Public Health Emergency Declaration; and call on the Wisconsin State Legislature to work in concert with Governor Evers to pass legislation establishing consistent, science-based, and enforceable statewide measures for controlling the COVID-19 pandemic in Wisconsin and expediting our economic and educational recovery as amended.**

MOTION:

APPROVE - AS AMENDED - Call on the Wisconsin Legislature to listen to the dozens of Wisconsin health care organizations and support the Governor's new Public Health Emergency Declaration; and call on the Wisconsin State Legislature to work in concert with Governor Evers to pass legislation establishing consistent, science-based, and enforceable statewide measures for controlling the COVID-19 pandemic in Wisconsin and expediting our economic and educational recovery.

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
1	Thompson	x				
2	Miller	x				
3	Renteria		x			
4	Patience	x				
5	Gabrielson	x				
6	Konetzke	x				
7	Hammen	x				
8	Nicholas Thyssen	x				
9	Krueger	x				
10	Lamers		x			
11	Fallona	x				
12	McCabe	x				
13	Wegand					x
14	Jeremy Thyssen	x				
15	Peterson	x				
16	Schroeder	x				
17	Croatt	x				
18	Spears	x				

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
19	Marcks	x				
20	Thomas	x				
21	Travis Thyssen	x				
22	Hagen	x				
23	Klemp		x			
24	Iverson	x				
25	Nooyen	x				
26	Davidson	x				
27	Culbertson	x				
28	Monfils	x				
29	Buchman	x				
30	Vacant					
31	Clegg	x				
32	VanderHeiden	x				
33	O'Connor-Schevers	x				
34	Rettler	x				
35	Melchert	x				
36	Suprise	x				

AYE	<u>31</u>
NAY	<u>3</u>
ABSTAIN	<u>0</u>
PRESENT	<u>0</u>
ABSENT	<u>1</u>
Vacant	<u>1</u>
TOTAL	<u>36</u>

APPROVED	<u>x</u>
DEFEATED	<u>      </u>

**ROLL CALL**  
**OUTAGAMIE COUNTY BOARD OF SUPERVISORS**

DATE February 9, 2021 RESOLUTION # 122--2020-21

**Health and Human Services Committee. AMEND Resolution 122--2020-21 by updating the language and attachments of the resolution.**

MOTION:

AMEND Resolution 122--2020-21 by updating the language and attachments of the resolution.

MADE BY: Gabrielson

SECONDED BY: Spears

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
1	Thompson	x				
2	Miller	x				
3	Renteria	x				
4	Patience	x				
5	Gabrielson	x				
6	Konetzke	x				
7	Hammen	x				
8	Nicholas Thyssen	x				
9	Krueger	x				
10	Lamers	x				
11	Fallona	x				
12	McCabe	x				
13	Wegand					x
14	Jeremy Thyssen	x				
15	Peterson	x				
16	Schroeder	x				
17	Croatt	x				
18	Spears	x				

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
19	Marcks	x				
20	Thomas	x				
21	Travis Thyssen	x				
22	Hagen	x				
23	Klemp	x				
24	Iverson	x				
25	Nooyen	x				
26	Davidson	x				
27	Culbertson	x				
28	Monfils	x				
29	Buchman	x				
30	Vacant					
31	Clegg	x				
32	VanderHeiden	x				
33	O'Connor-Schevers	x				
34	Rettler	x				
35	Melchert	x				
36	Suprise	x				

AYE	<u>34</u>
NAY	<u>0</u>
ABSTAIN	<u>0</u>
PRESENT	<u>0</u>
ABSENT	<u>1</u>
Vacant	<u>1</u>
TOTAL	<u>36</u>

APPROVED	<u>x</u>
DEFEATED	<u>          </u>

**ROLL CALL**  
**OUTAGAMIE COUNTY BOARD OF SUPERVISORS**

DATE

February 9, 2021

RESOLUTION #

122--2020-21

**Health and Human Services Committee. Call on the Wisconsin Legislature to reject the Senate Joint Resolution 3 recently passed by the State Senate that would end the COVID-19 Public Health Emergency declared by Governor Evers; and call on the Wisconsin State Legislature to work in concert with Governor Evers to pass legislation establishing consistent, science-based, and enforceable statewide measures for controlling the COVID-19 pandemic in Wisconsin and expediting our economic and educational recovery.**

MOTION:

Call on the Wisconsin Legislature to reject the Senate Joint Resolution 3 recently passed by the State Senate that would end the COVID-19 Public Health Emergency declared by Governor Evers; and call on the Wisconsin State Legislature to work in concert with Governor Evers to pass legislation establishing consistent, science-based, and enforceable statewide measures for controlling the COVID-19 pandemic in Wisconsin and expediting our economic and educational recovery.

MADE BY:

Gabrielson

SECONDED BY:

Spears

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
1	Thompson					
2	Miller					
3	Renteria					
4	Patience					
5	Gabrielson					
6	Konetzke					
7	Hammen					
8	Nicholas Thyssen					
9	Krueger					
10	Lamers					
11	Fallona					
12	McCabe					
13	Wegand					
14	Jeremy Thyssen					
15	Peterson					
16	Schroeder					
17	Croatt					
18	Spears					

DST	NAME	AYE	NAY	ABSTAIN	PRES	ABSENT
19	Marcks					
20	Thomas					
21	Travis Thyssen					
22	Hagen					
23	Klemp					
24	Iverson					
25	Nooyen					
26	Davidson					
27	Culbertson					
28	Monfils					
29	Buchman					
30	Vacant					
31	Clegg					
32	VanderHeiden					
33	O'Connor-Schevers					
34	Rettler					
35	Melchert					
36	Suprise					

AYE	0
NAY	0
ABSTAIN	0
PRESENT	0
ABSENT	0
Vacant	1
TOTAL	1

APPROVED	_____
DEFEATED	_____

# ***HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED AMENDMENT TO RESOLUTION NO.: 122—2020-21***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

***MAJORITY***

1 The COVID-19 global pandemic has caused significant health and economic impacts in  
2 our community, county, state, nation and worldwide. To date, the State of Wisconsin has  
3 experienced 543,165 total cases, 5,897 total deaths and continues to experience a very high  
4 disease activity level on a statewide basis.

5  
6 In Outagamie County, we will soon be approaching the one-year mark of the declared  
7 Public Health Emergency due to the COVID-19 pandemic. To date, Outagamie County  
8 has had 18,440 total cases, 181 total deaths and continues to deal with a very high level of  
9 disease activity.

10  
11 Our dedicated Public Health team continues their important work to prevent the spread of  
12 COVID-19 by promoting proven mitigation strategies such as masking, social distancing  
13 and hand washing. They are working in close collaboration with our local, state and federal  
14 partners to protect our community through the distribution and administration of the  
15 COVID-19 vaccine, but that effort will take many more months to provide the level of  
16 vaccination required to reach herd immunity.

17  
18 Unfortunately, the lack of a clear statewide plan developed by infectious disease specialists  
19 to help control the spread of the COVID-19 virus and supported by all three branches of  
20 Wisconsin government has led to confusion, unnecessary deaths and increased economic  
21 loss in our state. As a result, the Outagamie County Board of Supervisors unanimously  
22 passed Resolution 102 – 2020-21 on December 8, 2020 calling on the Wisconsin State  
23 Legislature to work with the State of Wisconsin Governor to pass legislation establishing  
24 consistent, science-based, and enforceable statewide measures for controlling the COVID-  
25 19 pandemic in Wisconsin.

26  
27 ~~On January 26th, the Wisconsin State Senate passed 2021 Senate Joint Resolution 3 which~~  
28 ~~would end~~ Last week, the Wisconsin State Legislature passed a resolution ending the  
29 COVID-19 Public Health Emergency declared by Governor Evers, despite opposition from  
30 over 50 organizations, including the Children's Hospital of Wisconsin, Medical College of  
31 Wisconsin, WI Academy of Family Physicians, WI Association of Local Health Depts &  
32 Boards, WI Hospital Association and the Wisconsin Medical Society. ~~Wisconsin~~  
33 ~~Assembly Speaker Robin Vos has indicated the Assembly will pass their own resolution~~  
34 ~~and send it back to the State Senate, which is scheduled to reconvene February 16<sup>th</sup>. If the~~  
35 ~~Senate follows suit and terminates the Governor's Public Health Emergency, it would~~  
36 ~~eliminate~~ If Governor Evers had not promptly issued a new Public Health Emergency, this  
37 action by the Legislature would have eliminated the statewide mask mandate that had been  
38 implemented as one of the key, science-based mitigation strategies proven effective in  
39 slowing the spread of this deadly disease. ~~This~~ The Legislature's action would directly

**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

**Page 2**

contradict Outagamie County Board Resolution 102 – 2020-21 and imperil the health and well-being of our residents and fellow Wisconsinites.

With evidence of new, more virulent variants of COVID-19 present in Wisconsin, the importance of statewide measures, such as mandatory masking, to help protect the health and well-being of our family, friends and co-workers has never been greater. It is incumbent upon all elected officials, at every level, to take responsibility for recognizing the importance of putting partisan politics aside in the interest of public health and uniting in the global battle against the worst pandemic in a century.

NOW THEREFORE, the following resolution is presented by the Health and Human Services Committee to the County Board.

BE IT RESOLVED, that the Outagamie County Board of Supervisors calls on the Wisconsin Legislature to ~~reject the Senate Joint Resolution 3 recently passed by the State Senate that would end the COVID-19 Public Health Emergency declared by Governor Evers~~ listen to the dozens of Wisconsin health care organizations and support the Governor's new Public Health Emergency declaration; and

BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors once again calls on the Wisconsin State Legislature to work in concert with Governor Evers to pass legislation establishing consistent, science-based, and enforceable statewide measures for controlling the COVID-19 pandemic in Wisconsin and expediting our economic and educational recovery, and

BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of this resolution to the Wisconsin Counties Association, the Outagamie County Lobbyist for distribution to the State Senators and State Representatives representing Outagamie County, and the State of Wisconsin Governor.

Dated this \_\_\_\_ day of February 2021.

Duly and officially adopted by the County Board on: \_\_\_\_\_

Signed: \_\_\_\_\_

Board Chairperson

County Clerk

Approved: \_\_\_\_\_ Vetoed: \_\_\_\_\_

Signed: \_\_\_\_\_

County Executive



**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

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State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1644/1  
RAC:amn

**2021 SENATE JOINT RESOLUTION 3**

January 21, 2021 - Introduced by Senators NASS, BRADLEY, KAPENGA, STROEBEL, FELZKOWSKI, JACQUE, TESTIN, MARKLEIN and WANGGAARD, cosponsored by Representatives RAMTHUN, HORLACHER, SORTWELL, MAGNAFICI, WICHGERS, CABRAL-GUEVARA, BROOKS, JAGLER, GUNDRUM, MACCO, SKOWRONSKI, THIESFELDT, BRANDTJEN, ALLEN, DITTRICH, MOSES, KNODL and SCHRAA. Referred to Committee on Senate Organization.

- 1     **Relating to:** terminating the COVID-19 public health emergency, including all  
2             emergency orders and actions taken pursuant to declaration of the public  
3             health emergency.

---

***Analysis by the Legislative Reference Bureau***

This joint resolution resolves that the public health emergency declared by the governor in Executive Order #104 on January 19, 2021, in response to the COVID-19 coronavirus, is unlawful and is terminated. The termination of the public health emergency applies to all actions of the governor and all emergency orders issued pursuant to the declaration of the public health emergency.

---

- 4             Whereas, under the United States Constitution and the Wisconsin State  
5     Constitution, the structural separation and limitation of governmental powers is  
6     foundational to our republican form of government, in that it ensures the  
7     government exercises only that authority to which the governed have consented; and  
8             Whereas, under section 323.10 of the statutes the governor may issue an  
9     executive order declaring the existence of a public health emergency; and



**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

**Page 4**

2021 - 2022 Legislature

- 2 -

LRB-1644/1  
RAC:amn

1           Whereas, section 323.12 of the statutes grants the governor certain powers that  
2     may be used in responding to the specified public health emergency, as defined in  
3     section 323.02 (16) of the statutes; and

4           Whereas, the governor's authority to use the powers granted under section  
5     323.12 of the statutes automatically expires 60 days after the declaration of the  
6     emergency, unless the legislature extends the state of emergency by joint resolution,  
7     or at such time as the legislature rescinds the executive order declaring the  
8     emergency, whichever occurs first; and

9           Whereas, on March 12, 2020, Governor Tony Evers issued Executive Order #72  
10    declaring a public health emergency for the COVID-19 coronavirus, which gave the  
11    governor access to the powers identified in section 323.12 of the statutes for the  
12    purpose of taking immediate action on the COVID-19 coronavirus emergency; and

13          Whereas, the legislature has not extended the state of emergency related to the  
14    COVID-19 coronavirus emergency identified in Executive Order #72, with the result  
15    that the governor's authority to address the COVID-19 coronavirus using the  
16    emergency powers identified in section 323.12 of the statutes expired on May 11,  
17    2020; and

18          Whereas, given that legislative oversight is vital to ensuring the governor's  
19    proper exercise of the emergency powers granted by section 323.12 of the statutes,  
20    legislative oversight is rendered useless if the governor ignores the temporal  
21    limitations on the emergency powers by continuously reissuing emergency  
22    declarations for the same emergency; and

23          Whereas, under section 323.10 of the statutes, any extension of the declaration  
24    of emergency caused by the COVID-19 coronavirus requires a joint resolution of the  
25    legislature; and

**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

**Page 5**

2021 - 2022 Legislature

- 3 -

LRB-1644/1  
RAC:amn

1           Whereas, the Wisconsin Supreme Court has already reaffirmed the  
2       legislature's constitutionally mandated participation in any further response to the  
3       COVID-19 coronavirus in *Wisconsin Legislature v. Palm*; and

4           Whereas, Executive Order #82 was unlawfully issued on July 30, 2020, to  
5       address the very same COVID-19 public health emergency that expired with  
6       Executive Order #72 on May 11, 2020; and

7           Whereas, Executive Order #90 was unlawfully issued on September 22, 2020,  
8       to address the very same COVID-19 public health emergency that expired with  
9       Executive Order #72 on May 11, 2020; and

10          Whereas, Executive Order #95 was unlawfully issued on November 20, 2020,  
11       to address the very same COVID-19 public health emergency that expired with  
12       Executive Order #72 on May 11, 2020; and

13          Whereas, it is incumbent upon the three branches of government to act as  
14       checks on one another's power in order to vigorously protect and defend the principle  
15       of structurally separated and limited power, so as to protect the governed from  
16       abusive government; and

17          Whereas, the legislature can and must take immediate action to protect the  
18       integrity of the legislative powers authorized under the Wisconsin Constitution and  
19       the integrity of this republican form of government; now, therefore, be it

20               ***Resolved by the senate, the assembly concurring, That*** the governor had  
21       no authority to issue Executive Order #104 on January 19, 2021, and it was therefore  
22       void from the date of its issuance, as were any and all of the governor's actions or  
23       orders related to the declared public health emergency to the extent the authority  
24       for those orders or actions depended on Executive Order #104, or sections 323.10 or  
25       323.12 of the statutes; and

**Resolution No. 122—2020-21**

LRB-1644/1  
RAC:amn

8 (END)

# HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED AMENDMENTS TO

Resolution No. 122—2020-21

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## Legislative Bill/Resolution

2021-2022 Legislative Session

### Senate Joint Resolution 3

Relating to; terminating the COVID-19 public health emergency, including all emergency orders and actions taken pursuant to declaration of the public health emergency.

1

American Cancer Society Cancer Action Network (ACS CAN)

↓ Against

Notified Date: 1/28/2021

2

American College of Obstetricians and Gynecologists - WI Section

↓ Against

Notified Date: 1/26/2021

3

American Heart Association

↓ Against

Notified Date: 1/28/2021

4

American Lung Association, dba American Lung Association in Wisconsin

↓ Against

Notified Date: 1/27/2021

5

Association of Wisconsin School Administrators

↓ Against

Notified Date: 1/28/2021

6

Business Education Fund

↓ Against

Notified Date: 1/26/2021

7

Children's Hospital of Wisconsin

↓ Against

Notified Date: 1/25/2021

8

Disability Service Provider Network

↓ Against

Notified Date: 1/26/2021

9

Fox Cities Chamber of Commerce & Industry

↓ Against

Notified Date: 1/29/2021

10

**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

**Page 8**

Greater Madison Chamber of Commerce

↓ **Against** 

Notified Date: 1/27/2021

11

Greater Wisconsin Agency on Aging Resources

↓ **Against**

Notified Date: 2/1/2021

12

Kids Forward

↓ **Against**

Notified Date: 1/26/2021

13

LeadingAge Wisconsin

↓ **Against**

Notified Date: 1/26/2021

14

Lutheran Office for Public Policy in Wisconsin

↓ **Against** 

Notified Date: 2/1/2021

15

Medical College of Wisconsin

↓ **Against** 

Notified Date: 1/25/2021

16

Menominee Indian Tribe of Wisconsin

↓ **Against**

Notified Date: 1/29/2021

17

Milwaukee Public Schools

↓ **Against**

Notified Date: 1/28/2021

18

Oneida Nation

↓ **Against**

Notified Date: 1/28/2021

19

Pharmacy Society of Wisconsin

↓ **Against**

Notified Date: 1/26/2021

20

Planned Parenthood Advocates of Wisconsin

↓ **Against**

Notified Date: 1/28/2021

**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

**Page 9**

21

Professional Fire Fighters of Wisconsin Inc

 **Against**

Notified Date: 1/29/2021

22

PROFS

 **Against**

Notified Date: 1/28/2021

23

Rural Wisconsin Health Cooperative

 **Against**

Notified Date: 1/26/2021

24

SEIU Wisconsin State Council

 **Against**

Notified Date: 1/26/2021

25

Southeastern Wisconsin Schools Alliance

 **Against**

Notified Date: 1/28/2021

26

Specialized Medical Vehicle Association of Wisconsin

 **Against**

Notified Date: 1/27/2021

27

Stockbridge-Munsee Community

 **Against**

Notified Date: 1/28/2021

28

The Arc Wisconsin

 **Against**

Notified Date: 2/2/2021

29

United Migrant Opportunity Services/UMOS Inc

 **Against**

Notified Date: 1/29/2021

30

WiRSA

 **Against** 

Notified Date: 1/28/2021

31

Wisconsin Academy of Family Physicians

**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

**Page 10**

32

Wisconsin Academy of Ophthalmology

 **Against**

Notified Date: 1/26/2021

33

Wisconsin Assisted Living Association

 **Against**

Notified Date: 1/26/2021

34

Wisconsin Association for Justice

 **Against**

Notified Date: 1/27/2021

35

Wisconsin Association of Family and Children's Agencies

 **Against**

Notified Date: 1/27/2021

36

Wisconsin Association of Local Health Departments and Boards

 **Against**

Notified Date: 1/25/2021

37

Wisconsin Association of School Business Officials

 **Against** 

Notified Date: 1/28/2021

38

Wisconsin Association of School District Administrators

 **Against** 

Notified Date: 1/28/2021

39

Wisconsin Association of School Nurses

 **Against**

Notified Date: 2/2/2021

40

Wisconsin Association of School Personnel Administrators

 **Against** 

Notified Date: 1/28/2021

41

Wisconsin Chapter of the American Academy of Pediatrics (WIAAP)

 **Against**

Notified Date: 1/29/2021

42

Wisconsin Chapter of the American College of Emergency Physicians



**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

**Page 11**

 **Against**

Notified Date: 1/26/2021

43

Wisconsin Coalition of Independent Living Centers

 **Against**

Notified Date: 2/3/2021

44

Wisconsin Community Action Program Association, Inc.

 **Against**

Notified Date: 1/28/2021

45

Wisconsin Council for Administrators of Special Services

 **Against** 

Notified Date: 1/26/2021

46

Wisconsin Council of Churches

 **Against** 

Notified Date: 1/22/2021

47

Wisconsin Dental Association

 **Against**

Notified Date: 1/27/2021

48

Wisconsin Education Association Council

 **Against**

Notified Date: 1/27/2021

49

Wisconsin EMS Association

 **Against**

Notified Date: 1/26/2021

50

Wisconsin Health Care Association Inc.

 **Against**

Notified Date: 1/26/2021

51

Wisconsin Hospital Association

 **Against**

Notified Date: 1/26/2021

52

Wisconsin Laborers District Council

 **Against**

Notified Date: 2/2/2021

53

**HEALTH AND HUMAN SERVICES COMMITTEE PROPOSED**  
**AMENDMENTS TO**

**Resolution No. 122—2020-21**

**Page 12**

Wisconsin Medical Society

 **Against**

Notified Date: 1/25/2021

54

Wisconsin Pipe Trades Association

 **Against**

Notified Date: 1/29/2021

55

Wisconsin Primary Health Care Association (WPHCA)

 **Against**

Notified Date: 1/26/2021

56

Wisconsin Psychiatric Association

 **Against**

Notified Date: 1/26/2021

57

Wisconsin Public Health Association

 **Against**

Notified Date: 1/25/2021

58

Wisconsin Retired Educators Association

 **Against** 

Notified Date: 1/28/2021

59

Wisconsin Society of Anesthesiologists

 **Against**

Notified Date: 1/26/2021

60

Wisconsin Transportation Builders Association

 **Undisclosed**

Notified Date: 2/1/2021

# ***RESOLUTION NO.: 122—2020-21***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

***MAJORITY***

1       The COVID-19 global pandemic has caused significant health and economic impacts in  
2       our community, county, state, nation and worldwide. To date, the State of Wisconsin has  
3       experienced 543,165 total cases, 5,897 total deaths and continues to experience a very high  
4       disease activity level on a statewide basis.

5  
6       In Outagamie County, we will soon be approaching the one-year mark of the declared  
7       Public Health Emergency due to the COVID-19 pandemic. To date, Outagamie County  
8       has had 18,440 total cases, 181 total deaths and continues to deal with a very high level of  
9       disease activity.

10  
11       Our dedicated Public Health team continues their important work to prevent the spread of  
12       COVID-19 by promoting proven mitigation strategies such as masking, social distancing  
13       and hand washing. They are working in close collaboration with our local, state and federal  
14       partners to protect our community through the distribution and administration of the  
15       COVID-19 vaccine, but that effort will take many more months to provide the level of  
16       vaccination required to reach herd immunity.

17  
18       Unfortunately, the lack of a clear statewide plan developed by infections disease specialists  
19       to help control the spread of the COVID-19 virus and supported by all three branches of  
20       Wisconsin government has led to confusion, unnecessary deaths and increased economic  
21       loss in our state. As a result, the Outagamie County Board of Supervisors unanimously  
22       passed Resolution 102 – 2020-21 on December 8, 2020 calling on the Wisconsin State  
23       Legislature to work with the State of Wisconsin Governor to pass legislation establishing  
24       consistent, science-based, and enforceable statewide measures for controlling the COVID-  
25       19 pandemic in Wisconsin.

26  
27       Last week, the Wisconsin State Legislature passed a resolution ending the COVID-19  
28       Public Health Emergency declared by Governor Evers, despite opposition from over 50  
29       organizations, including the Children's Hospital of Wisconsin, Medical College of  
30       Wisconsin, WI Academy of Family Physicians, WI Association of Local Health Depts &  
31       Boards, WI Hospital Association and the Wisconsin Medical Society. If Governor Evers  
32       had not promptly issued a new Public Health Emergency, this action by the Legislature  
33       would have eliminated the statewide mask mandate that had been implemented as one of  
34       the key, science-based mitigation strategies proven effective in slowing the spread of this  
35       deadly disease. The Legislature's action would directly contradict Outagamie County  
36       Board Resolution 102 – 2020-21 and imperil the health and well-being of our residents and  
37       fellow Wisconsinites.

38       With evidence of new, more virulent variants of COVID-19 present in Wisconsin, the  
39       importance of statewide measures, such as mandatory masking, to help protect the health  
40       and well-being of our family, friends and co-workers has never been greater. It is  
41       incumbent upon all elected officials, at every level, to take responsibility for recognizing

the importance of putting partisan politics aside in the interest of public health and uniting in the global battle against the worst pandemic in a century.

NOW THEREFORE, the following resolution is presented by the Health and Human Services Committee to the County Board.

BE IT RESOLVED, that the Outagamie County Board of Supervisors calls on the Wisconsin Legislature to listen to the dozens of Wisconsin health care organizations and support the Governor's new Public Health Emergency declaration; and

BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors once again calls on the Wisconsin State Legislature to work in concert with Governor Evers to pass legislation establishing consistent, science-based, and enforceable statewide measures for controlling the COVID-19 pandemic in Wisconsin and expediting our economic and educational recovery, and

BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of this resolution to the Wisconsin Counties Association, the Outagamie County Lobbyist for distribution to the State Senators and State Representatives representing Outagamie County, and the State of Wisconsin Governor.

Dated this 9<sup>th</sup> day of February 2021.

Duly and officially adopted by the County Board on: February 9, 2021

Signed:

Board Chairperson

County Clerk

Approved:

Vetoed:

Signed:

County Executive



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1644/1  
RAC:amn

**2021 SENATE JOINT RESOLUTION 3**

January 21, 2021 - Introduced by Senators NASS, BRADLEY, KAPENGA, STROEBEL, FELZKOWSKI, JACQUE, TESTIN, MARKLEIN and WANGGAARD, cosponsored by Representatives RAMTHUN, HORLACHER, SORTWELL, MAGNAFICI, WIGHGERS, CABRAL-GUEVARA, BROOKS, JAGLER, GUNDRUM, MACCO, SKOWRONSKI, THIESFELDT, BRANDTJEN, ALLEN, DITTRICH, MOSES, KNODL and SCHRAA. Referred to Committee on Senate Organization.

- 1     **Relating to:** terminating the COVID-19 public health emergency, including all  
2           emergency orders and actions taken pursuant to declaration of the public  
3           health emergency.

---

***Analysis by the Legislative Reference Bureau***

This joint resolution resolves that the public health emergency declared by the governor in Executive Order #104 on January 19, 2021, in response to the COVID-19 coronavirus, is unlawful and is terminated. The termination of the public health emergency applies to all actions of the governor and all emergency orders issued pursuant to the declaration of the public health emergency.

---

- 4           Whereas, under the United States Constitution and the Wisconsin State  
5           Constitution, the structural separation and limitation of governmental powers is  
6           foundational to our republican form of government, in that it ensures the  
7           government exercises only that authority to which the governed have consented; and  
8           Whereas, under section 323.10 of the statutes the governor may issue an  
9           executive order declaring the existence of a public health emergency; and

2021 - 2022 Legislature

- 2 -

LRB-1644/1  
RAC:amn

1           Whereas, section 323.12 of the statutes grants the governor certain powers that  
2           may be used in responding to the specified public health emergency, as defined in  
3           section 323.02 (16) of the statutes; and

4           Whereas, the governor's authority to use the powers granted under section  
5           323.12 of the statutes automatically expires 60 days after the declaration of the  
6           emergency, unless the legislature extends the state of emergency by joint resolution,  
7           or at such time as the legislature rescinds the executive order declaring the  
8           emergency, whichever occurs first; and

9           Whereas, on March 12, 2020, Governor Tony Evers issued Executive Order #72  
10          declaring a public health emergency for the COVID-19 coronavirus, which gave the  
11          governor access to the powers identified in section 323.12 of the statutes for the  
12          purpose of taking immediate action on the COVID-19 coronavirus emergency; and

13          Whereas, the legislature has not extended the state of emergency related to the  
14          COVID-19 coronavirus emergency identified in Executive Order #72, with the result  
15          that the governor's authority to address the COVID-19 coronavirus using the  
16          emergency powers identified in section 323.12 of the statutes expired on May 11,  
17          2020; and

18          Whereas, given that legislative oversight is vital to ensuring the governor's  
19          proper exercise of the emergency powers granted by section 323.12 of the statutes,  
20          legislative oversight is rendered useless if the governor ignores the temporal  
21          limitations on the emergency powers by continuously reissuing emergency  
22          declarations for the same emergency; and

23          Whereas, under section 323.10 of the statutes, any extension of the declaration  
24          of emergency caused by the COVID-19 coronavirus requires a joint resolution of the  
25          legislature; and

2021 - 2022 Legislature

- 3 -

LRB-1644/1  
RAC:amn

1       Whereas, the Wisconsin Supreme Court has already reaffirmed the  
2       legislature's constitutionally mandated participation in any further response to the  
3       COVID-19 coronavirus in *Wisconsin Legislature v. Palm*; and

4       Whereas, Executive Order #82 was unlawfully issued on July 30, 2020, to  
5       address the very same COVID-19 public health emergency that expired with  
6       Executive Order #72 on May 11, 2020; and

7       Whereas, Executive Order #90 was unlawfully issued on September 22, 2020,  
8       to address the very same COVID-19 public health emergency that expired with  
9       Executive Order #72 on May 11, 2020; and

10       Whereas, Executive Order #95 was unlawfully issued on November 20, 2020,  
11       to address the very same COVID-19 public health emergency that expired with  
12       Executive Order #72 on May 11, 2020; and

13       Whereas, it is incumbent upon the three branches of government to act as  
14       checks on one another's power in order to vigorously protect and defend the principle  
15       of structurally separated and limited power, so as to protect the governed from  
16       abusive government; and

17       Whereas, the legislature can and must take immediate action to protect the  
18       integrity of the legislative powers authorized under the Wisconsin Constitution and  
19       the integrity of this republican form of government; now, therefore, be it

20       ***Resolved by the senate, the assembly concurring, That*** the governor had  
21       no authority to issue Executive Order #104 on January 19, 2021, and it was therefore  
22       void from the date of its issuance, as were any and all of the governor's actions or  
23       orders related to the declared public health emergency to the extent the authority  
24       for those orders or actions depended on Executive Order #104, or sections 323.10 or  
25       323.12 of the statutes; and



2021 - 2022 Legislature

- 4 -

LRB-1644/1  
RAC:amn

1        ***Be it further resolved, That*** regardless of whether Executive Order #104  
2        should ever be construed as having conferred on the governor any authority to  
3        exercise the powers granted by section 323.10 of the statutes, Executive Order #104  
4        is hereby terminated and revoked. The revocation of Executive Order #104  
5        terminates any and all of the governor's actions or orders related to the declared  
6        public health emergency to the extent the authority for those orders or actions  
7        depend on Executive Order #104, or sections 323.10 or 323.12 of the statutes.

8

(END)

## Legislative Bill/Resolution

2021-2022 Legislative Session

### Senate Joint Resolution 3

Relating to: terminating the COVID-19 public health emergency, including all emergency orders and actions taken pursuant to declaration of the public health emergency.

1

American Cancer Society Cancer Action Network (ACS CAN)

↓ Against

Notified Date: 1/28/2021

2

American College of Obstetricians and Gynecologists - WI Section

↓ Against

Notified Date: 1/26/2021

3

American Heart Association

↓ Against

Notified Date: 1/28/2021

4

American Lung Association, dba American Lung Association in Wisconsin

↓ Against

Notified Date: 1/27/2021

5

Association of Wisconsin School Administrators

↓ Against

Notified Date: 1/28/2021

6

Business Education Fund

↓ Against

Notified Date: 1/26/2021

7

Children's Hospital of Wisconsin

↓ Against

Notified Date: 1/25/2021

8

Disability Service Provider Network

↓ Against

Notified Date: 1/26/2021

9

Fox Cities Chamber of Commerce & Industry

↓ Against

Notified Date: 1/29/2021

10

Greater Madison Chamber of Commerce

↓ Against

Notified Date: 1/27/2021

11

Greater Wisconsin Agency on Aging Resources

↓ Against

Notified Date: 2/1/2021

12

Kids Forward

↓ Against

Notified Date: 1/28/2021

13

LeadingAge Wisconsin

↓ Against

Notified Date: 1/28/2021

14

Lutheran Office for Public Policy in Wisconsin

↓ Against

Notified Date: 2/1/2021

15

Medical College of Wisconsin

↓ Against

Notified Date: 1/25/2021

16

Menominee Indian Tribe of Wisconsin

↓ Against

Notified Date: 1/29/2021

17

Milwaukee Public Schools

↓ Against

Notified Date: 1/28/2021

18

Oneida Nation

↓ Against

Notified Date: 1/28/2021

19

Pharmacy Society of Wisconsin

↓ Against

Notified Date: 1/26/2021

20

Planned Parenthood Advocates of Wisconsin

↓ Against

Notified Date: 1/28/2021

21

Professional Fire Fighters of Wisconsin Inc

↓ Against

Notified Date: 1/29/2021

22

PROFS

↓ Against

Notified Date: 1/28/2021

23

Rural Wisconsin Health Cooperative

↓ Against

Notified Date: 1/26/2021

24

SEIU Wisconsin State Council

↓ Against

Notified Date: 1/26/2021

25

Southeastern Wisconsin Schools Alliance

↓ Against

Notified Date: 1/28/2021

26

Specialized Medical Vehicle Association of Wisconsin

↓ Against

Notified Date: 1/27/2021

27

Stockbridge-Munsee Community

↓ Against

Notified Date: 1/28/2021

28

The Arc Wisconsin

↓ Against

Notified Date: 2/2/2021

29

United Migrant Opportunity Services/UMOS Inc

↓ Against

Notified Date: 1/29/2021

30

WIRSA

↓ Against

Notified Date: 1/28/2021

31

Wisconsin Academy of Family Physicians

↓ Against

Notified Date: 1/26/2021

32

Wisconsin Academy of Ophthalmology

 **Against**

Notified Date: 1/26/2021

33

Wisconsin Assisted Living Association

 **Against**

Notified Date: 1/26/2021

34

Wisconsin Association for Justice

 **Against**

Notified Date: 1/27/2021

35

Wisconsin Association of Family and Children's Agencies

 **Against**

Notified Date: 1/27/2021

36

Wisconsin Association of Local Health Departments and Boards

 **Against**

Notified Date: 1/25/2021

37

Wisconsin Association of School Business Officials

 **Against** 

Notified Date: 1/28/2021

38

Wisconsin Association of School District Administrators

 **Against** 

Notified Date: 1/28/2021

39

Wisconsin Association of School Nurses

 **Against**

Notified Date: 2/2/2021

40

Wisconsin Association of School Personnel Administrators

 **Against** 

Notified Date: 1/28/2021

41

Wisconsin Chapter of the American Academy of Pediatrics (WIAAP)

 **Against**

Notified Date: 1/29/2021

42

Wisconsin Chapter of the American College of Emergency Physicians

 **Against**

Notified Date: 1/26/2021

43

Wisconsin Coalition of Independent Living Centers

 **Against**

Notified Date: 2/3/2021

44

Wisconsin Community Action Program Association, Inc.

 **Against**

Notified Date: 1/28/2021

45

Wisconsin Council for Administrators of Special Services

 **Against** 

Notified Date: 1/28/2021

46

Wisconsin Council of Churches

 **Against** 

Notified Date: 1/22/2021

47

Wisconsin Dental Association

 **Against**

Notified Date: 1/27/2021

48

Wisconsin Education Association Council

 **Against**

Notified Date: 1/27/2021

49

Wisconsin EMS Association

 **Against**

Notified Date: 1/28/2021

50

Wisconsin Health Care Association Inc.

 **Against**

Notified Date: 1/26/2021

51

Wisconsin Hospital Association

 **Against**

Notified Date: 1/26/2021

52

Wisconsin Laborers District Council

 **Against**

Notified Date: 2/2/2021

53

Wisconsin Medical Society

↓ Against

Notified Date: 1/25/2021

54

Wisconsin Pipe Trades Association

↓ Against

Notified Date: 1/29/2021

55

Wisconsin Primary Health Care Association (WPHCA)

↓ Against

Notified Date: 1/26/2021

56

Wisconsin Psychiatric Association

↓ Against

Notified Date: 1/26/2021

57

Wisconsin Public Health Association

↓ Against

Notified Date: 1/25/2021

58

Wisconsin Retired Educators Association

↓ Against

Notified Date: 1/28/2021

59

Wisconsin Society of Anesthesiologists

↓ Against

Notified Date: 1/26/2021

60

Wisconsin Transportation Builders Association

? Undisclosed

Notified Date: 2/1/2021



# ***RESOLUTION NO.: 122—2020-21***

TO THE HONORABLE, THE OUTAGAMIE COUNTY BOARD OF SUPERVISORS

LADIES AND GENTLEMEN:

***MAJORITY***

1 The COVID-19 global pandemic has caused significant health and economic impacts in  
2 our community, county, state, nation and worldwide. To date, the State of Wisconsin has  
3 experienced 543,165 total cases, 5,897 total deaths and continues to experience a very high  
4 disease activity level on a statewide basis.

5  
6 In Outagamie County, we will soon be approaching the one-year mark of the declared  
7 Public Health Emergency due to the COVID-19 pandemic. To date, Outagamie County  
8 has had 18,440 total cases, 181 total deaths and continues to deal with a very high level of  
9 disease activity.

10  
11 Our dedicated Public Health team continues their important work to prevent the spread of  
12 COVID-19 by promoting proven mitigation strategies such as masking, social distancing  
13 and hand washing. They are working in close collaboration with our local, state and federal  
14 partners to protect our community through the distribution and administration of the  
15 COVID-19 vaccine, but that effort will take many more months to provide the level of  
16 vaccination required to reach herd immunity.

17  
18 Unfortunately, the lack of a clear statewide plan developed by infections disease specialists  
19 to help control the spread of the COVID-19 virus and supported by all three branches of  
20 Wisconsin government has led to confusion, unnecessary deaths and increased economic  
21 loss in our state. As a result, the Outagamie County Board of Supervisors unanimously  
22 passed Resolution 102 – 2020-21 on December 8, 2020 calling on the Wisconsin State  
23 Legislature to work with the State of Wisconsin Governor to pass legislation establishing  
24 consistent, science-based, and enforceable statewide measures for controlling the COVID-  
25 19 pandemic in Wisconsin.

26  
27 On January 26th, the Wisconsin State Senate passed 2021 Senate Joint Resolution 3 which  
28 would end the COVID-19 Public Health Emergency declared by Governor Evers, despite  
29 opposition from over 50 organizations, including the Children's Hospital of Wisconsin,  
30 Medical College of Wisconsin, WI Academy of Family Physicians, WI Association of  
31 Local Health Depts & Boards, WI Hospital Association and the Wisconsin Medical  
32 Society. Wisconsin Assembly Speaker Robin Vos has indicated the Assembly will pass  
33 their own resolution and send it back to the State Senate, which is scheduled to reconvene  
34 February 16<sup>th</sup>. If the Senate follows suit and terminates the Governor's Public Health  
35 Emergency, it would eliminate the statewide mask mandate that had been implemented as  
36 one of the key, science-based mitigation strategies proven effective in slowing the spread  
37 of this deadly disease. This action would directly contradict Outagamie County Board  
38 Resolution 102 – 2020-21 and imperil the health and well-being of our residents and fellow  
39 Wisconsinites.

40  
41 With evidence of new, more virulent variants of COVID-19 present in Wisconsin, the  
42 importance of statewide measures, such as mandatory masking, to help protect the health

and well-being of our family, friends and co-workers has never been greater. It is incumbent upon all elected officials, at every level, to take responsibility for recognizing the importance of putting partisan politics aside in the interest of public health and uniting in the global battle against the worst pandemic in a century.

NOW THEREFORE, the following resolution is presented by the Health and Human Services Committee to the County Board.

BE IT RESOLVED, that the Outagamie County Board of Supervisors calls on the Wisconsin Legislature to reject the Senate Joint Resolution 3 recently passed by the State Senate that would end the COVID-19 Public Health Emergency declared by Governor Evers; and

BE IT FURTHER RESOLVED, that the Outagamie County Board of Supervisors once again calls on the Wisconsin State Legislature to work in concert with Governor Evers to pass legislation establishing consistent, science-based, and enforceable statewide measures for controlling the COVID-19 pandemic in Wisconsin and expediting our economic and educational recovery, and

BE IT FINALLY RESOLVED, that the Outagamie County Clerk be directed to forward a copy of this resolution to the Wisconsin Counties Association, the Outagamie County Lobbyist for distribution to the State Senators and State Representatives representing Outagamie County, and the State of Wisconsin Governor.

Dated this \_\_\_\_ day of February 2021.

Duly and officially adopted by the County Board on: \_\_\_\_\_

Signed: \_\_\_\_\_

Board Chairperson

County Clerk

Approved: \_\_\_\_\_

Vetoed: \_\_\_\_\_

Signed: \_\_\_\_\_

County Executive



State of Wisconsin  
2021 - 2022 LEGISLATURE

LRB-1644/1  
RAC:amn

**2021 SENATE JOINT RESOLUTION 3**

January 21, 2021 - Introduced by Senators NASS, BRADLEY, KAPENGA, STROEBEL, FELZKOWSKI, JACQUE, TESTIN, MARKLEIN and WANGGAARD, cosponsored by Representatives RAMTHUN, HORLACHER, SORTWELL, MAGNAFICI, WICHGERS, CABRAL-GUEVARA, BROOKS, JAGLER, GUNDRUM, MACCO, SKOWRONSKI, THIESFELDT, BRANDTJEN, ALLEN, DITTRICH, MOSES, KNODL and SCHRAA. Referred to Committee on Senate Organization.

- 1 **Relating to:** terminating the COVID-19 public health emergency, including all  
2 emergency orders and actions taken pursuant to declaration of the public  
3 health emergency.

---

***Analysis by the Legislative Reference Bureau***

This joint resolution resolves that the public health emergency declared by the governor in Executive Order #104 on January 19, 2021, in response to the COVID-19 coronavirus, is unlawful and is terminated. The termination of the public health emergency applies to all actions of the governor and all emergency orders issued pursuant to the declaration of the public health emergency.

---

- 4       Whereas, under the United States Constitution and the Wisconsin State  
5 Constitution, the structural separation and limitation of governmental powers is  
6 foundational to our republican form of government, in that it ensures the  
7 government exercises only that authority to which the governed have consented; and  
8       Whereas, under section 323.10 of the statutes the governor may issue an  
9 executive order declaring the existence of a public health emergency; and

2021 - 2022 Legislature

- 2 -

LRB-1644/1  
RAC:amn

1       Whereas, section 323.12 of the statutes grants the governor certain powers that  
2       may be used in responding to the specified public health emergency, as defined in  
3       section 323.02 (16) of the statutes; and

4       Whereas, the governor's authority to use the powers granted under section  
5       323.12 of the statutes automatically expires 60 days after the declaration of the  
6       emergency, unless the legislature extends the state of emergency by joint resolution,  
7       or at such time as the legislature rescinds the executive order declaring the  
8       emergency, whichever occurs first; and

9       Whereas, on March 12, 2020, Governor Tony Evers issued Executive Order #72  
10       declaring a public health emergency for the COVID-19 coronavirus, which gave the  
11       governor access to the powers identified in section 323.12 of the statutes for the  
12       purpose of taking immediate action on the COVID-19 coronavirus emergency; and

13       Whereas, the legislature has not extended the state of emergency related to the  
14       COVID-19 coronavirus emergency identified in Executive Order #72, with the result  
15       that the governor's authority to address the COVID-19 coronavirus using the  
16       emergency powers identified in section 323.12 of the statutes expired on May 11,  
17       2020; and

18       Whereas, given that legislative oversight is vital to ensuring the governor's  
19       proper exercise of the emergency powers granted by section 323.12 of the statutes,  
20       legislative oversight is rendered useless if the governor ignores the temporal  
21       limitations on the emergency powers by continuously reissuing emergency  
22       declarations for the same emergency; and

23       Whereas, under section 323.10 of the statutes, any extension of the declaration  
24       of emergency caused by the COVID-19 coronavirus requires a joint resolution of the  
25       legislature; and

2021 - 2022 Legislature

- 3 -

LRB-1644/1  
RAC:amn

1       Whereas, the Wisconsin Supreme Court has already reaffirmed the  
2       legislature's constitutionally mandated participation in any further response to the  
3       COVID-19 coronavirus in *Wisconsin Legislature v. Palm*; and

4       Whereas, Executive Order #82 was unlawfully issued on July 30, 2020, to  
5       address the very same COVID-19 public health emergency that expired with  
6       Executive Order #72 on May 11, 2020; and

7       Whereas, Executive Order #90 was unlawfully issued on September 22, 2020,  
8       to address the very same COVID-19 public health emergency that expired with  
9       Executive Order #72 on May 11, 2020; and

10       Whereas, Executive Order #95 was unlawfully issued on November 20, 2020,  
11       to address the very same COVID-19 public health emergency that expired with  
12       Executive Order #72 on May 11, 2020; and

13       Whereas, it is incumbent upon the three branches of government to act as  
14       checks on one another's power in order to vigorously protect and defend the principle  
15       of structurally separated and limited power, so as to protect the governed from  
16       abusive government; and

17       Whereas, the legislature can and must take immediate action to protect the  
18       integrity of the legislative powers authorized under the Wisconsin Constitution and  
19       the integrity of this republican form of government; now, therefore, be it

20       ***Resolved by the senate, the assembly concurring, That*** the governor had  
21       no authority to issue Executive Order #104 on January 19, 2021, and it was therefore  
22       void from the date of its issuance, as were any and all of the governor's actions or  
23       orders related to the declared public health emergency to the extent the authority  
24       for those orders or actions depended on Executive Order #104, or sections 323.10 or  
25       323.12 of the statutes; and

2021 - 2022 Legislature

- 4 -

LRB-1644/1  
RAC:amn

~~*Be it further resolved, That* regardless of whether Executive Order #104 should ever be construed as having conferred on the governor any authority to exercise the powers granted by section 323.10 of the statutes, Executive Order #104 is hereby terminated and revoked. The revocation of Executive Order #104 terminates any and all of the governor's actions or orders related to the declared public health emergency to the extent the authority for those orders or actions depend on Executive Order #104, or sections 323.10 or 323.12 of the statutes.~~

(END)