Governor Tony Evers issued two significant orders this week. One of the orders extends the mandate to wear masks until November 21, 2020. The other, which was necessary in order for him to extend the mask mandate, creates a new Executive Order that gives the Governor extremely broad authority to take action without any input from the state legislature.

The broad authority the Governor has taken with Executive Order #90 (EO 90) is much more than Emergency Order #1, which extends his mask mandate until November 21, 2020. EO 90 proclaims a new public health emergency and designates the Department of Health Services (DHS) as the lead agency. It gives the agency authority to “take all necessary and appropriate measures to prevent and respond to COVID-19.”

This is the same authority the Governor created in Executive Order #72 (EO 72), which he issued on March 12, 2020. EO 72 was used to create Emergency Order #28, the “Safer At Home” order, which closed our economy and was ruled to be unconstitutional by the Wisconsin Supreme Court on May 13, 2020.

The new order – EO 90 – enables the Governor to do the exact same things he did last spring. He can take statewide, blanket approaches again no matter what the data or reality is in our communities. I am very concerned about how this could potentially impact our small businesses, employers, schools, churches and, frankly, all of us.

I am worried that the Governor will label some of our small businesses as non-essential, like he did in March. Will some of our small shops, salons and restaurants be forced to close again? Will we be able to attend church?

I have talked with leaders at our local hospitals in the 17th Senate District. I have analyzed the data related to positive tests, hospitalizations and deaths in our communities and throughout the state. While positive tests (cases) have risen, hospitalization rates and death rates have not. There is no correlation between positive case numbers and hospitalizations and deaths. In fact, over the last two months, our average daily hospitalization count is 335 people statewide. This means that only .006% of our state is hospitalized for COVID-19 on a daily basis.

If you listen to the Governor or watch the news, you would think that the vast majority of our state is infected and suffering from COVID-19. This is simply not the case. Our hospitals are not overrun. We have ample resources. The majority of those who test positive are recovering, if not completely asymptomatic. And these positive cases are not translating to a rash of hospitalizations and deaths!
The Executive Order process is meant to enable the Governor to respond quickly to emergencies when time is of the essence. However, EO 90 is simply to refresh the authority of the Governor and to continue a mandate which has already been in action for several months during which time, the Governor could have worked with the legislature. The Governor is using the Executive Order process to sidestep the legislative process. This is wrong.

I firmly believe that the Governor has overstepped his authority. It is time for him to work with the legislature on any future actions related to COVID-19. At this time, he has not reached out to us or made any effort to work with us.

I have sent numerous letters and messages to the Governor and his team to collaborate on a number of different issues. I don’t know who is writing his letters for him, but I consistently receive a letter in response that blames me and criticizes me for the issue, rather than offering any willingness to collaborate and work together. I have made the effort. It has not been reciprocated.

Unfortunately, this lack of collaboration forces the legislature to consider our options to restore the fundamental checks and balances that make our democracy work. The people I serve deserve a voice.

I am ready to vote “yes” on a Joint Resolution to terminate EO 90. I believe that any action the Governor wants to take on this issue should be approved by the state legislature. We may disagree with him. Our constituents may disagree with him. He may have to work harder to make a case for his position, and so will we. The bottom-line is that we, as legislators, are accountable to you and you deserve to have a voice.

As always, please do not hesitate to connect with me to provide input, ideas or to seek assistance. Send an email to sen.marklein@legis.wisconsin.gov or call 608-266-0703.