



2021 ASSEMBLY BILL 272

April 16, 2021 - Introduced by Representatives SANFELIPPO, NEYLON, ARMSTRONG, BRANDTJEN, BROOKS, CABRAL-GUEVARA, DUCHOW, GUNDRUM, HORLACHER, KNODL, KUGLITSCH, MOSES, MURPHY, RAMTHUN, ROZAR, SCHRAA and STEFFEN, cosponsored by Senator WIMBERGER. Referred to Committee on State Affairs.

1 **AN ACT to renumber and amend 323.10; to amend 323.10 (title); and to create**
2 323.10 (1) (b), 323.10 (1) (c) and 323.10 (2) of the statutes; **relating to:**
3 emergency declarations.

Analysis by the Legislative Reference Bureau

Under current law, the governor may issue an executive order declaring a state of emergency for the state or any portion of the state if he or she determines that an emergency exists resulting from a disaster or the imminent threat of a disaster or that a public health emergency exists. An emergency declaration lasts for 60 days unless extended by joint resolution of the legislature. Either the governor or the legislature by joint resolution may revoke an emergency declaration, but only the legislature has the authority to extend an emergency declaration.

This bill makes all of the following changes to the laws relating to the governor's authority to declare a state of emergency for the state or any portion of the state:

1. The governor may issue an executive order declaring a state of emergency only if the executive order is additionally signed by at least two of the following: the senate majority leader; the senate minority leader; the speaker of the assembly; the assembly minority leader.

2. The governor may not issue successive executive orders declaring a state of emergency based on the same disaster or public health crisis or based on circumstances arising from or closely related to the same disaster or public health crisis.

3. Upon issuing an executive order declaring a state of emergency, the governor must call the legislature into special session for the purpose of considering the

ASSEMBLY BILL 272

executive order and all emergency orders issued pursuant to the executive order. The executive order and each such emergency order terminates on the 30th day after the day the executive order declaring an emergency was issued unless approved in whole or in part by the legislature by joint resolution.

4. The legislature may by joint resolution extend a declaration of emergency one or more times, as provided under current law, but each extension may last no more than 30 days.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 323.10 (title) of the statutes is amended to read:

2 **323.10 (title) Declaration by governor; legislative approval.**

3 **SECTION 2.** 323.10 of the statutes is renumbered 323.10 (1) (a) and amended
4 to read:

5 323.10 (1) (a) The Subject to pars. (b) and (c), the governor may issue an
6 executive order declaring a state of emergency for the state or any portion of the state
7 if he or she determines that an emergency resulting from a disaster or the imminent
8 threat of a disaster exists. If the governor determines that a public health emergency
9 exists, he or she may issue an executive order declaring a state of emergency related
10 to public health for the state or any portion of the state and may designate the
11 department of health services as the lead state agency to respond to that emergency.
12 If the governor determines that the emergency is related to computer or
13 telecommunication systems, he or she may designate the department of
14 administration as the lead agency to respond to that emergency. A state of
15 emergency shall not exceed 60 days, unless the state of emergency is extended one
16 or more times, each of which may not exceed 30 days, by joint resolution of the
17 legislature. A copy of the executive order shall be filed with the secretary of state.
18 The executive order may be ~~revoked~~ terminated at the discretion of either the

ASSEMBLY BILL 272

1 governor by executive order or the legislature by joint resolution or as provided in
2 sub. (2).

3 **SECTION 3.** 323.10 (1) (b) of the statutes is created to read:

4 323.10 (1) (b) The governor may not issue an executive order under this
5 subsection unless the executive order is signed by at least 2 of the following in
6 addition to the governor:

- 7 1. The senate majority leader.
- 8 2. The senate minority leader.
- 9 3. The speaker of the assembly.
- 10 4. The assembly minority leader.

11 **SECTION 4.** 323.10 (1) (c) of the statutes is created to read:

12 323.10 (1) (c) The governor may not issue successive executive orders under
13 this subsection based on the same disaster or public health emergency or based on
14 circumstances arising from or closely related to the same disaster or public health
15 emergency.

16 **SECTION 5.** 323.10 (2) of the statutes is created to read:

17 323.10 (2) Upon issuing an executive order declaring a state of emergency
18 under sub. (1), the governor shall call the legislature into special session for the
19 purpose of considering the executive order and all emergency orders issued pursuant
20 to the executive order. The executive order and each such emergency order shall
21 terminate on the 30th day after the day the executive order was issued under sub.
22 (1) unless approved in whole or in part by the legislature by joint resolution.

23 (END)