

Dane County judge issues injunction preventing enforcement of extraordinary session laws

Posted on Thursday, Mar 21, 2019

A Dane County judge issued a [temporary injunction](#) Thursday preventing enforcement of laws Republicans passed during a December extraordinary session, ruling they didn't lawfully convene.

While GOP legislative leaders immediately vowed to appeal, Gov. Tony Evers seized on the opportunity to pull out of the multi-state suit against the Affordable Care Act after Republicans stripped him of that power in the lame-duck session. He ordered AG Josh Kaul to "take whatever steps are necessary" to remove Wisconsin from the lawsuit, an action the gov campaigned on. Kaul filed a motion to do so shortly after.

Judge Richard Niess also refused to dismiss the suit and denied a GOP request to stay his injunction.

"There can be no justification for enforcement of the unconstitutional legislative actions emanating from the December 2018 'Extraordinary Session' that is consistent with the rule of law," Niess wrote in the decision.

>> WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)

The suit, brought by the League of Women Voters and other groups, alleged the December extraordinary session wasn't properly convened under the Wisconsin Constitution, rendering the laws invalid.

Senate Majority Leader Scott Fitzgerald, R-Juneau, and Assembly Speaker Robin Vos, R-Rochester, said in a joint statement the Legislature has used extraordinary sessions for decades, adding they will appeal the ruling.

“Today’s ruling only creates chaos and will surely raise questions about items passed during previous extraordinary sessions, including stronger laws against child sexual predators and drunk drivers,” they said.

Senate Minority Leader Jennifer Shilling called the decision a “win for Wisconsin voters.”

“The lame duck session was a bait and switch to rush through more partisan bills, rig elections and consolidate more power in the hands of Republican politicians,” the La Crosse Dem wrote in a tweet.

The decision also impacts the 82 nominees and appointees that were OK’d during the lame-duck session, including two new regents and DOA Secretary Ellen Nowak as PSC chair. Niess ordered those positions are temporarily vacated with his ruling.