

Supreme Court lifts Dane Co. judge's injunction on several lame-duck laws

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A trial is now off in one of the two lame-duck cases out of Dane County after the state Supreme Court stayed part of a judge's ruling in the suit.

Dane County Judge Frank Remington had blocked some provisions Republicans approved in the December extraordinary session, including how state agencies handle guidance documents, and a trial was scheduled to begin today on that provision.

Originally, Republicans wanted agencies to perform a new review of the documents by July 1. Otherwise, they would've been rescinded.

The court yesterday was unanimous in keeping in place Remington's stay on the changes for guidance documents, finding agencies wouldn't have had time to meet the July 1 deadline because they've been operating under his order and assuming the reviews wouldn't be needed.

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The justices also were unanimous in staying Remington's injunction preventing the Legislature's Joint Committee for Review of Administrative Rules being able to suspend administrative rules multiple times.

The case is one of two stemming from the lame-duck session that have made their way to the state Supreme Court. The justices earlier put on hold a separate Dane County judge's ruling that prevented enforcement of the Legislature's December actions after he found lawmakers improperly met in extraordinary session. The court has since heard oral arguments in that case.

Cumulatively, the court's actions in both cases have restored almost all of the

extraordinary session actions, at least temporarily.

Senate Majority Leader Scott Fitzgerald, R-Juneau, hailed the latest ruling, calling it a victory for the people of Wisconsin.

“The Supreme Court correctly decided the statutes enacted by the Legislature should remain in effect,” he said. “We are confident that the constitutionality of these laws will be upheld when the Court hears the full case in the coming months.”

Still, the conservative majority stayed Remington’s injunction preventing enforcement of provisions in the lame-duck session laws prohibiting the AG from settling lawsuits without legislative approval.

Dem AG Josh Kaul has settled some suits since Remington’s stay was issued. That includes a challenge to a Scott Walker-era right-to-work measure that sought to allow employees to cancel automatic payroll deductions for union dues.

“This litigation will continue,” Kaul said of the suit challenging the lame-duck provisions limiting his powers. “We will continue to stand up to the legislature’s unconstitutional attempt to undermine DOJ’s ability to get justice for Wisconsinites.”

Read the ruling:

<https://www.wispolitics.com/wp-content/uploads/2019/06/190611Stay.pdf>