



Written by [Alex Newman](#) on March 28, 2011

Republicans: Wisconsin Union Law In Effect Despite Court Ruling

Republican officials in Wisconsin reportedly found a way around a county judge's order prohibiting implementation of the new budget-repair bill reining in government unions, prompting anger and confusion among Democrats and organized-labor bosses who led weeks of fierce protests against the measure.



For a law to go into effect in Wisconsin, it must first be published. So a local Democratic district attorney [filed suit](#) against the union bill seeking to block its publication. The district attorney claimed the legislature had failed to comply with state open-meeting rules which usually require 24-hour notice prior to public hearings.

Dane County judge Maryann Sumi (critics of her ruling [say](#) she should have recused herself from the case because her son is a political operative who has worked for the SEIU and the AFL-CIO unions) agreed with the plaintiff and said the bill should be halted while issues were resolved in court. She [issued](#) a temporary restraining order against the Wisconsin Secretary of State that, she said, legally blocked publication of the new law.

Republicans, however, did not agree. Saying the restraining order did not apply to the Legislative Reference Bureau, a government agency that [published the law](#) on March 25, legislative leaders and the executive branch announced that the law is now being implemented.

"If the [district attorney] didn't want the Legislative Reference Bureau to publish, then the DA should have made sure that they were part of the restraining order," [said](#) Wisconsin Senate Majority Leader Scott Fitzgerald. "It's published. It's law. That's what I [contend](#)."

A member of Gov. Scott Walker's cabinet said in a [statement](#) that the government would begin implementing the law immediately. "Today the administration was notified that the LRB published the budget-repair bill as required by law," he said. "The administration will carry out the law as required."

The Wisconsin Department of Justice [said](#) publication of the law was in fact "lawful." It also noted that its attorneys would "evaluate" how publication of the bill affects the pending litigation.

Democratic leaders in Wisconsin, however, blasted the move. "This bill has been under a cloud of suspicion since day one," [alleged](#) Wisconsin Assembly Minority Leader Peter Barca. "Today's actions and statements are only perpetuating the problem."

And confusion is indeed running rampant. The agency that [published the law](#), for example, did acknowledge the county court ruling. But, it also noted that state law "requires the Legislative



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Reference Bureau to publish every act within 10 working days after its date of enactment."

Complicating matters further, officials with the Legislative Reference Bureau expressed doubts that the bill should now officially be considered law.

"I think this is a ministerial act that forwards it to the secretary of state," agency director Stephen Miller [told](#) the *Milwaukee Journal Sentinel*. "I don't think this act makes it become effective. My understanding is that the secretary of state has to publish it in the [official state] newspaper for it to become effective."

The district attorney who originally filed the suit agreed, saying publication by the bureau made no difference. He was, however, seeking another temporary restraining order so the matter could be resolved in court.

On March 24, a state appeals court [ruled](#), without considering the facts, that the Justice Department's appeal should go straight to the state Supreme Court. The high court has not yet decided how to proceed, according to [news reports](#).

Democrats and unions are pursuing multiple strategies in an effort to kill the law. There are several other lawsuits pending which contest the validity of the bill on constitutional and procedural grounds. Activists on both sides are also [waging a campaign to recall some state senators](#).

Where the budget-repair bill goes from here is still unclear. But with the government saying it is in the process of implementing the law and opponents claiming implementation would be illegal, there will certainly be more news to come.

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Photo: Wisconsin Secretary of State Douglas La Follette, right, speaks with Assistant Attorney General Steven Kilpatrick after a judge issued a temporary restraining order on March 18, 2011 barring the publication of the new [budget-repair bill](#) reining in government unions, during a hearing in Dane County Court in Madison, Wis: AP Images



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