



State of Wisconsin
2025 - 2026 LEGISLATURE

LRB-3546/1
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2025 ASSEMBLY BILL 396

August 29, 2025 - Introduced by Representatives RIVERA-WAGNER, ANDRACA, BARE, CLANCY, FITZGERALD, GOODWIN, HYSELL, JOERS, KIRSCH, MADISON, MIRESE, MOORE OMOKUNDE, PHELPS, ROE, SHEEHAN, SINICKI, STROUD, STUBBS and TENORIO, cosponsored by Senators LARSON, L. JOHNSON, RATCLIFF and SPREITZER. Referred to Committee on State Affairs.

1 **AN ACT** *to amend* 13.124 (1) (b), 13.124 (2) (b) and 13.124 (3) (b); *to create*
2 13.124 (4) of the statutes; **relating to:** appointment of legal counsel by the
3 legislature.

Analysis by the Legislative Reference Bureau

Current law authorizes the speaker of the assembly, the senate majority leader, and the cochairpersons of the Joint Committee on Legislative Organization to retain legal counsel for a number of purposes. These purposes include retention of legal counsel for matters affecting the interests of the assembly, senate, or legislature. Also, by longstanding practice and constitutional authority, each house, or the houses jointly, may retain legal counsel by action of the full body or bodies or by action of the Committee on Assembly Organization, the Committee on Senate Organization, or JCLO.

This bill provides that the assembly, the senate, and the houses jointly, and any legislator or legislative committee, may not obtain legal counsel other than from the Department of Justice unless that action is submitted to the full house, or houses in the case of a joint appointment, and the appointment of legal counsel is approved by a majority of the members present and voting of the house or houses.

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

ASSEMBLY BILL 396**SECTION 1**

SECTION 1. 13.124 (1) (b) of the statutes is amended to read:

13.124 (1) (b) ~~The~~ Subject to sub. (4), the speaker of the assembly, in his or her sole discretion, may obtain legal counsel other than from the department of justice, with the cost of representation paid from the appropriation under s. 20.765 (1) (a), in any action in which the assembly is a party or in which the interests of the assembly are affected, as determined by the speaker. The speaker shall approve all financial costs and terms of representation.

SECTION 2. 13.124 (2) (b) of the statutes is amended to read:

13.124 (2) (b) ~~The~~ Subject to sub. (4), the senate majority leader, in his or her sole discretion, may obtain legal counsel other than from the department of justice, with the cost of representation paid from the appropriation under s. 20.765 (1) (b), in any action in which the senate is a party or in which the interests of the senate are affected, as determined by the senate majority leader. The senate majority leader shall approve all financial costs and terms of representation.

SECTION 3. 13.124 (3) (b) of the statutes is amended to read:

13.124 (3) (b) ~~The~~ Subject to sub. (4), the cochairpersons of the joint committee on legislative organization, in their sole discretion, may obtain legal counsel other than from the department of justice, with the cost of representation paid from the appropriation under s. 20.765 (1) (a) or (b), as determined by the cochairpersons, in any action in which the legislature is a party or in which the interests of the legislature are affected, as determined by the cochairpersons. The cochairpersons shall approve all financial costs and terms of representation.

SECTION 4. 13.124 (4) of the statutes is created to read:

13.124 (4) The assembly, the senate, and the houses jointly, and any legislator

ASSEMBLY BILL 396**SECTION 4**

1 or legislative committee, may not obtain legal counsel other than from the
2 department of justice unless that action is submitted to the full house, or houses in
3 the case of a joint appointment, and the appointment of legal counsel is approved by
4 a majority of the members present and voting of the house or houses.

5 (END)