The chaotic journey of Wisconsin's budget-repair bill brings to mind something Otto von Bismarck, the oft-quoted chancellor of Germany, was purported to have said more than a century ago: "Laws are like sausages, it is better not to see them being made."

The bill is in limbo because of a claim that the public was not given ample opportunity to see it being made.

A lawsuit by the Dane County district attorney alleging that the state senators violated the Wisconsin Open Meetings Law when they passed the measure resulted in a restraining order preventing publication of the bill, a requisite to becoming law.

While an appeal was in progress, the bill was posted online by the Legislative Reference Bureau, and Gov. Scott Walker and the Senate majority leader are claiming this puts in effect as a law. That will probably ignite more legal action.

Comparisons with sausage aside, this is no way to make law.

Hate it or love it (those seem to be the only two options concerning this bill that has left the people of Wisconsin bitterly divided), the budget-repair bill that restricts collective bargaining rights public employees have had for 52 years is one of the most important pieces of legislation in state history, and it should not become law in a manner that sets a precedent for excluding the public from the lawmaking process.

## The legislation may have been passed illegally, so do it over, and do it right

First Amendment lawyers who represent newspapers in cases involving the Wisconsin Open Meetings Law have said it's likely the Senate did break the law by failing to give proper notice for a session called to give quick approval of the bill and by excluding members of the public from its meeting room.

Regardless of what happens in court and whether or not the online publication ploy works, a law passed in a manner that mocks the principle of open government would forever be tainted. The Senate majority could avoid that and still get the outcome it wants by simply doing it over—reconsidering the bill and voting on it in the open, properly noticed session.

The budget repair bill is almost certainly going to be law one way or the other. It has been passed by the Assembly. The Democratic senators who thwarted Senate action by fleeing the state are back. The Senate can convene with a quorum, debate the bill and vote on it. The Republican majority will prevail and the bill will be passed.

Why doesn't the Senate majority want to take up the bill again, do it by the book and remove the stigma attached by the dubious way it was handled in the first place?

We’re not privy to the answer, but a guess might be that it’s because the reconsideration would be a tedious exercise. While the outcome would be assured, there would be a long and vigorous debate with a cascade of opinions jarring to the ears of senators on both sides of the aisle and, yes, it would give opponents of the bill another chance to sound off.

That might be inconvenient, but it’s how lawmaking is supposed to work. Dealing with it is what legislators get paid to do.

The famously anti-democracy Prussian Count von Bismarck might have been knowledgeable about sausage, but he certainly was not an expert on representative government. The people must be able to see laws being made.