

Special and Extraordinary Sessions of the Wisconsin Legislature

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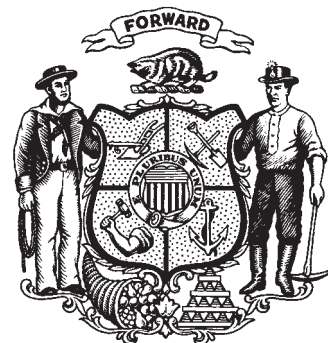


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SPECIAL AND EXTRAORDINARY SESSIONS OF THE WISCONSIN LEGISLATURE

I. INTRODUCTION

As the names suggest, “special” and “extraordinary” sessions of the Wisconsin Legislature differ from regular sessions in their purposes and procedures. They are similar to each other in that they are called solely to consider one or more specified topics or pieces of legislation. Their chief difference is that a special session is called by the governor and an extraordinary session is initiated by the legislature.

In the state’s early history, the legislature met for only a few months at the beginning of its term and then typically adjourned for the balance of the period. (Prior to 1883 sessions were held annually; since 1883 the legislature has met on a biennial schedule.) The special session served as a mechanism for the governor to bring the lawmakers back to Madison to address crises, such as natural disasters, fiscal emergencies, economic calamities or civil disturbances. Now that the legislature schedules floorperiods throughout much of a biennial session, the purpose of special and extraordinary sessions often is to focus attention on important public policy matters or to deal with unfinished business after the last scheduled floorperiod ends. Convening a special session enables the governor to take on a greater role in guiding legislation by setting the time and the agenda for the legislative meeting. When the legislature calls an extraordinary session, it can focus its attention on specific legislation it wants to expedite.

This bulletin provides an overview of the rules pertaining to special and extraordinary sessions of the Wisconsin Legislature and documents those types of sessions chronologically since statehood.

II. SPECIAL SESSIONS

Constitutional Basis

Special sessions are based on two provisions of the Wisconsin Constitution. Article V, Section 4, provides that the governor “shall have power to convene the legislature on extraordinary occasions.” Article IV, Section 11, states:

The legislature shall meet at the seat of government at such time as shall be provided by law, unless convened by the governor in special session, and when so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened.

Governor Determines Dates and Scope of a Special Session

A special session is called by the governor and is restricted to those matters specified in the call. A governor may supplement the original session call by issuing new proclamations

SAMPLE OF SPECIAL SESSION CALL



OFFICE OF THE GOVERNOR

EXECUTIVE ORDER #255

Relating to a Special Session of the Legislature

I, TOMMY G. THOMPSON, Governor of the State of Wisconsin, pursuant to Article IV, section 11 and Article V, section 4 of the Constitution of Wisconsin do require the convening of a special session of the Legislature at the Capitol in Madison, beginning on September 5, 1995 at 12:00 P.M. solely to consider and act upon:

Legislation relating to local professional baseball park districts.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this thirty-first day of August in the year one thousand nine hundred and ninety-five.

Tommy G. Thompson
TOMMY G. THOMPSON
Governor

By the Governor:

Douglas La Follette
DOUGLAS LA FOLLETTE
Secretary of State

to add new topics. Complete listings of the more than 70 special sessions held to date and their major purposes appear in Tables 1 and 2 of the Appendix.

The Call. The initial step in the special session process is the issuance of a proclamation by the governor setting forth the day and hour for convening the session and describing the purposes for which the session is to be held (see appendix for example). In recent years, the proclamation has taken the form of an executive order. In an opinion to Governor Emanuel L. Philipp in 1918, Attorney General Spencer Haven indicated that the executive's options in calling a special session were quite broad:

It will be noted that this provision of the constitution leaves the matter wholly within your hands. You are hampered by no machinery, and no limitations. The time of issuing the proclamation, the time when the session shall convene, the subjects to be considered thereat, the length of notice to be given to the members, the method of notifying them, all are left entirely to your discretion. (7 OAG 49)

Attorney General Stewart G. Honeck's opinion in 1948 (37 OAG 374) stated that the call may be issued in person or by mail, telephone or telegraph. He also added that failure to contact individual members who are out of the state or unavailable does not invalidate the special session.

Special Session May Be Conducted Concurrently with a Regular Session. The governor may call for a special session to begin at any time. It is not uncommon for special sessions and regular legislative sessions to convene during the same floorperiod, even on the same day, although the meetings are separate and distinct. In *State ex rel. Groppi v. Leslie*, 44 Wis. 2d 300 (1969), the Wisconsin Supreme Court determined that the constitution does not limit special sessions to days when the legislature is not scheduled to be in session. It reasoned that to deny the governor the ability to call a special session while the legislature is in regular session would restrict the governor's right to focus consideration on specific legislation.

Subjects To Be Considered. In regular session, the legislature may act upon a wide range of government issues, but in special session it can deal only with those subjects specifically enumerated by the governor in the special session proclamation. All bills and amendments introduced in the special session must be germane to the call. Upon occasion, specific bills or amendments have been challenged as invalid because they were nongermane. The governor then has the option of amending the call to permit consideration of measures which have been ruled nongermane. Table 3 lists selected rulings by attorneys general and decisions of the Wisconsin Supreme Court that provide guidelines about germaneness and other issues relating to the conduct of special sessions.

The governor can detail the particular topics to be considered, but cannot compel the legislature to consider specific bills or take specific action. In addition to passing legislation, the legislature may take other action if it is authorized by the call. A joint resolution proposing

an amendment to the Wisconsin Constitution or ratifying an amendment to the U.S. Constitution can be considered when necessary to accomplish one of the objectives enumerated in the governor's call, and gubernatorial appointments can be considered if they are an object of the call.

Assembly Speaker Thomas Loftus offered an explanation of the respective special session powers of the governor and the legislature in a 1987 symposium conducted by the Eagleton Institute of Politics at Rutgers University:

The governor can call and state the purpose of a special session; however, it is the legislature's power to act or not to act, to convene and then adjourn to a more convenient time, and if it acts, to arrive at any solution to the problem it wishes. The governor cannot pose the question and limit the answer. The governor can only pose the problem and suggest a solution.

The governor's call can specify the objectives of the legislation which the legislature is to consider and recommend means to accomplish them, but the legislature has considerable latitude to determine to what extent and in what form it responds to the advisory instructions. It is even free to produce legislation at cross-purposes to the governor's intentions, provided it stays within the subject area restrictions. Attorney General William J. Morgan stated in 1922 that, although a call for a special session of the legislature may specify in minute detail the laws the governor wishes enacted, the legislature has the constitutional authority to enact any law designed to accomplish objects of legislation suggested in the call (11 OAG 249). As stated by Lieutenant Governor Thomas J. O'Malley, presiding during the 1933 Special Session of the Wisconsin Legislature:

The general doctrine . . . is clear, namely that the legislature may deal only with the subjects included in the Governor's call, but may deal with them in any manner that it sees fit, and not merely in the manner suggested by the Governor. (1933 Special Session Senate Journal 77)

Veto. The governor's power to veto special session bills is the same as that for regular session bills, including partial vetoes of bills containing appropriations. Prior to 1974, the legislature would adjourn a special session *sine die* with no plans for reconvening, which had the consequence of investing the governor with absolute veto power because there was no opportunity for legislative review. This procedure changed with the adjournment resolution of the April 1974 Special Session which provided that the special session could "reconvene upon the call of a majority of the members of the joint committee on legislative organization", thereby permitting the review and potential override of a gubernatorial veto. Since the May 1861 Special Session, a total of 12 bills have been vetoed in full after seven special sessions, but none of the vetoes was overridden.

Legislative Organization and Procedures

The constitution does not prescribe how a special session should be conducted. Procedures have evolved over time and are now governed by legislative rules and practice. Assembly Speaker Robert D. Haase discussed the manner in which each special session is distinct from any other regular or special session held by the same legislature:

A special session of the Wisconsin legislature is a “new session” in the sense that, when it convenes, it has nothing before it on which it can act. Each proposal, in order to be acted on . . . must be placed before the legislature in the proper form of a bill, joint resolution or resolution, introduced in that special session. . . . [and] identified by the words “SPECIAL SESSION”. A special session . . . is a “new session” in the sense that it is not bound by the action of the legislature in the preceding regular session, but that any action taken by the legislature meeting in special session must be taken from the beginning and, if a law is to be enacted, go through the complete lawmaking cycle. . . . On the other hand, a special session of the Wisconsin legislature is not a “new session” in the sense that it would require a new oath of office of its members or officers. . . . [A] special session is a “new session” in the sense that it is entirely separate in all its particulars from the regular session of the same legislature. . . . (1963 Special Session Assembly Journal 14-16)

For much of the state’s history, legislatures met in regular session for only a few months and then adjourned *sine die*. (To adjourn *sine die*, that is “without a day” set for reconvening, means that, in effect, the legislative body abolishes itself.) This meant the legislature had to reorganize itself every time a special session was called, requiring considerable effort each time to elect new officers, assign seats and establish procedural rules. These problems were overcome when a constitutional amendment was ratified in April 1968 to permit the legislature to meet “at such time as shall be provided by law”. This continuous scheduling makes it unnecessary to reorganize for special sessions. Today committee assignments and elected officers of the houses carry over into the special session.

Special Session Rules. All regular session joint rules apply to special sessions unless specifically modified by the senate and assembly. Each body may amend its own rules. The 1997 Senate Rule regarding special sessions, which is similar to the companion rule, Assembly Rule 93, reads:

SENATE RULE 93. **Special, extended or extraordinary sessions.** Unless otherwise provided by the senate for a specific special, extended or extraordinary session, the rules of the senate adopted for the regular session shall, with the following modifications, apply to each special session called by the governor and to each extended or extraordinary session called by the senate and assembly organization committees or called by a joint resolution approved by both houses:

- (1) No senate bill, senate joint resolution or senate resolution shall be considered unless it is germane to the subjects enumerated by the governor in the special session proclamation and is recommended for introduction by the committee on senate organization or the joint committee on employment relations.
- (2) No notice of hearing before a committee shall be required other than posting on the legislative bulletin board, and no bulletin of committee hearings shall be published.

(3) The daily calendar shall be in effect immediately upon posting on the legislative bulletin boards. A printed calendar shall not be required.

(4) Any point of order shall be decided within one hour.

(5) No motion shall be entertained to postpone action to a day or time certain.

(6) Any motion to advance a proposal and any motion to message a proposal to the other house may be adopted by a majority of those present and voting.

Under Assembly Rule 93 proposals may be offered for introduction only by the assembly committees on finance, organization or rules or the joint committees on employment relations, finance or organization. The assembly also provides that a motion to reconsider must be taken up immediately unless a different time is set by majority vote.

Special Session Documents and Bills. Under current practice, each bill originating in a special session is clearly identified with the month and year of the special session and a sequential number. If enacted it is numbered within the sequence of all laws passed during the biennium. For example, the law which related to funding a new baseball park for the Milwaukee Brewers was September 1995 Special Session Assembly Bill 1, but it was designated 1995 Wisconsin Act 56 after it passed. Joint Rule 79 specifies the treatment of legislative documents for regular and special sessions within a single biennium as follows:

(1) **DRAFTING REQUESTS.** The legislative reference bureau shall number all drafting requests received by it in a continuing sequence throughout each legislative biennium. Separate sequences may be used to distinguish proposals, substitute amendments, simple amendments to proposals other than the budget bill, and drafts for incorporation into the budget bill or any amendments thereto.

(2) **BILL JACKETS.** When jacketing drafted proposals for consideration in a special session, the legislative reference bureau shall identify each page of the draft, as well as the bill jacket itself, by the month in which a specific special session begins.

(3) **BILLS AND RESOLUTIONS.** For each special session, the chief clerks shall number the bills, joint resolutions or resolutions in a new sequence, beginning with the number "1" for each type of document.

(4) **JOURNALS.** The daily journals for each special session shall be identified as journals of the legislature meeting in special session, but shall be filed in consecutive order, by date, together with the journals recording the action in regular session throughout the legislative biennium. When the legislature, at different times within a single calendar day, conducts the business of the regular session as well as business under the governor's special session call, the actions may be recorded in a single journal for that day, but actions under the special session shall be clearly identified as actions of the legislature meeting in special session.

(5) **BULLETIN OF PROCEEDINGS.** The history of legislative action on all measures offered in special sessions shall be published in a single chapter for each special session, at the end of the senate and assembly volumes of the bulletin of proceedings. In the subject and author indexes of the index volume, special session legislation shall be indexed, together with regular session legislation, into a single subject- and author-heading sequence.

(6) **WISCONSIN ACTS.** The office of the governor is requested and the chief clerks of the senate and assembly are directed to number all Wisconsin Acts enacted throughout

a single biennial session period, whether enacted in regular or in special session, into a consecutive act number sequence.

During regular sessions, any member or committee of the legislature may offer proposals for introduction. Procedure during a special session differs in that bills can be introduced by committees only. According to Joint Rule 81 (2) (c):

Following the official call of any special or extraordinary session, the joint committee on employment relations or on legislative organization, the committees on organization in each house, and any committee of either house so authorized under the rules thereof, may offer for introduction proposals germane to the call, and such proposals may be numbered, referred to committee and printed in advance of the special or extraordinary session under the customary procedures of each house.

Meeting Days and Length of Special Sessions. Special sessions often meet on the same day as regular session meetings, although a substantial number of these meetings are of the “skeleton” variety, attended by only a few legislators and immediately adjourned to a future date. Over the years, special sessions have varied in length from one day to more than 14 months.

III. EXTRAORDINARY SESSIONS

In contrast to a special session, which is called by the governor, an extraordinary session is initiated by the legislature. The legislature adopted a joint rule in 1977 permitting the call for an extraordinary session during a committee work period or after the expiration of the last scheduled floorperiod. An extraordinary session may meet concurrently with a special session called by the governor. A complete listing of extraordinary sessions appears in Table 4 of the Appendix.

According to Joint Rule 81 (2), an extraordinary session may be called in one of three ways: (1) at the direction of a majority of the members of the committee on organization in each house; (2) by the passage of a joint resolution approved by a majority of the elected membership in each house (not merely those present to vote); or (3) by the joint petition of a majority of the members elected to each house.

The rule states that action in the extraordinary session is limited to the business specified in the call by which it was authorized. Unlike the governor who can only specify subject areas to be covered in a special session, the legislature in calling an extraordinary session may designate specific pieces of legislation for the session agenda.

If the extraordinary session takes place before the conclusion of the final general floorperiod, the legislature is free to introduce new bills or consider previously introduced bills. After the final general business floorperiod ends, new bills may be introduced, but bills previously introduced must first be revived by joint resolution of the houses before they can be considered. Action by either of the two houses on existing bills that are revived carries over. For example, in a June 1994 extraordinary session, called after the last general floorperiod, the leg-

islature passed a joint resolution to take up a constitutional amendment that would have allowed a sports lottery.

The legislature may also supplement the extraordinary session call in order to conduct additional business. As in a special session, the legislature has complete discretion over what legislation, if any, will be enacted in an extraordinary session.

A typical example of expansion of an extraordinary session call occurred during the session convened on April 14, 1992, by the Assembly and Senate Committees on Organization to consider congressional and legislative redistricting. The purpose of the extraordinary session was subsequently expanded twice. On May 18, the organization committees moved to include the ratification of state employe collective bargaining contracts, and on May 20 the call was further extended to juvenile justice issues and the applicability of the open records laws to candidates for certain public offices or positions.

Following the call of an extraordinary session, bills germane to the subject area(s) identified in the call may be introduced by the following committees: the Joint Committee on Employment Relations, the Joint Committee on Legislative Organization, the committee on organization for either house, or any other committee of either house authorized to do so by the rules of that house.

IV. APPENDIX

Table 1: SPECIAL SESSIONS OF THE WISCONSIN LEGISLATURE, 1848-1997

Special Session ¹	Dates	Length of Session		Measures Introduced			Bills Vetoed ⁴		Laws Enacted	
		Calendar Days ²	Meeting Days ³		Bills	Jt. Res.		Bills Vetoed		Over-riden
			Senate	Assembly		Res.	Res.			
1861 May	5/15-5/27	13	11	11	28	24	34	0	0	15
1862 Sept.	9/10-9/26	17	15	15	43	25	37	0	0	17
1878 June	6/4-6/7	4	4	4	6	14	10	0	0	5
1892 June	6/28-7/1	4	4	4	4	7	16	0	0	1
1892 Oct.	10/17-10/27	11	9	9	8	6	14	0	0	2
1896 Feb.	2/18-2/28	11	8	8	3	11	15	0	0	1
1905 Dec.	12/4-12/19	16	12	14	24	15	26	0	0	17
1912 April	4/30-5/6	7	6	6	41	7	6	0	0	22
1916 Oct.	10/10-10/11	2	2	2	2	8	4	0	0	2
1918 Feb.	2/19-3/9	19	14	14	27	22	28	2	0	16
1918 Sept.	9/24-9/25	2	2	2	2	6	9	0	0	2
1919 Sept.	9/4-9/8	5	4	3	7	4	6	0	0	7
1920 May	5/25-6/4	11	7	7	46	10	22	2	0	32
1922 March	3/22-3/28	7	4	4	10	7	12	1	0	4
1926 April	4/15-4/16	2	2	2	1	8	12	0	0	1
1928 Jan.	1/24-2/4	12	9	8	20	35	23	0	0	5
1928 March	3/6-3/13	8	6	6	13	9	17	0	0	2
1931 Nov.	11/24/31-2/5/32	74	48	42	99	93	83	2	0	31
1933 Dec.	12/11/33-2/3/34	55	30	34	45	160	53	0	0	20
1937 Sept.	9/15-10/16	32	23	23	28	18	23	0	0	15
1946 July	7/29-7/30	2	2	2	2	6	14	0	0	2
1948 July	7/19-7/20	2	2	2	0	5	11	0	0	0
1958 June	6/11-6/13	3	3	3	3	7	13	0	0	3
1963 Dec.	12/10-12/12	3	3	3	9	10	10	0	0	3
1969 Sept. ⁵	9/29/69-1/17/70	111	28	18	5	5	8	0	0	1

Table 1: SPECIAL SESSIONS OF THE WISCONSIN LEGISLATURE, 1848-1997 (Continued)

Special Session ¹	Dates	Length of Session			Measures Introduced			Bills Vetoed ⁴		Laws Enacted
		Calendar Days ²	Meeting Days ³		Bills	Jt. Res.	Res.	Bills Vetoed	Over-riden	
			Senate	Assembly						
1970 Dec.	12/22	1	1	1	0	1	5	0	0	0
1972 April	4/19-4/28	10	5	6	9	4	4	0	0	6
1973 Dec.	12/17-12/21	5	5	5	3	2	6	0	0	2
1974 April	4/29-6/13	46	17	21	12	1	4	0	0	6
1974 Nov. ⁶	11/19-11/20	2	2	1	2	0	0	0	0	1
1975 Dec.	12/9-12/11	3	3	3	13	1	2	1	0	7
1976 May	5/18	1	1	1	2	2	3	0	0	1
1976 June ⁶	6/15-6/17	3	3	3	13	4	3	0	0	8
1976 Sept.	9/8	1	1	1	4	1	1	0	0	2
1977 June	6/30	1	1	1	0	1	2	0	0	0
1977 Nov.	11/7-11/11	5	5	5	6	4	2	0	0	5
1978 June ⁶	6/13-6/15	3	3	3	2	5	2	0	0	2
1978 Dec.	12/20	1	1	1	2	4	2	0	0	2
1979 Sept.	9/5	1	1	1	10	3	2	0	0	5
1980 Jan. ⁷	1/22-1/25	4	2	4	8	3	2	0	0	0
1980 June	6/3-7/3	31	13	12	20	14	2	0	0	7
1981 Nov. ⁸	11/4-11/17	14	10	10	6	3	1	0	0	3
1982 April ⁸	4/6-4/30, 5/5-5/20	45	18	21	4	2	2	1	0	1
1982 May ⁸	5/26-5/28	3	3	3	13	7	2	0	0	9
1983 Jan.	1/4-1/6	3	3	1	2	2	1	0	0	2
1983 April	4/12-4/14	3	3	3	1	1	0	0	0	1
1983 July	7/11-7/14	4	4	4	5	3	1	0	0	4
1983 Oct.	10/18-10/28	11	8	7	12	1	0	0	0	11
1984 Feb.	2/2-4/4	63	18	13	2	1	0	0	0	0
1984 May	5/22-5/24	3	3	2	12	5	1	0	0	11
1985 March	3/19-3/21	3	2	2	6	1	0	0	0	3
1985 Sept.	9/24-10/19	26	11	7	21	1	0	0	0	17
1985 Oct.	10/31	1	1	1	1	3	0	0	0	1
1985 Nov.	11/20	1	1	1	24	2	0	0	0	12
1986 Jan.	1/27-5/30	124	34	27	1	4	0	0	0	1
1986 March	3/24-3/26	3	3	3	1	1	0	0	0	1
1986 May	5/20-5/29	10	6	4	44	3	0	0	0	12
1986 July	7/15	1	1	1	3	1	0	0	0	2
1987 Sept.	9/15-9/16	2	2	2	2	1	0	0	0	2
1987 Nov.	11/18/87-6/7/88	203	9	11	19	3	0	3	0	5
1988 June	6/30	1	1	1	5	1	3	0	0	3
1989 Oct.	10/10/89-3/22/90	164	52	50	52	6	0	0	0	7
1990 May	5/15/90	1	1	1	7	1	0	0	0	0
1991 Jan.	1/29/91-4/2/92	430	62	49	16	1	0	0	0	2
1991 Oct.	10/15/91-5/21/92	220	28	44	9	2	0	0	0	1
1992 April ⁶	4/14-6/4	52	19	17	7	1	2	0	0	2
1992 June	6/1	1	1	1	0	2	0	0	0	0
1992 Aug.	8/25-9/15	21	7	6	1	1	0	0	0	1
1994 May	5/18-5/19	2	2	2	6	1	0	0	0	3
1994 June	6/7-6/23	17	8	8	3	4	0	0	0	3
1995 Jan.	1/4	1	1	1	1	1	0	0	0	1
1995 Sept.	9/5-10/10	36	11	11	1	1	0	0	0	1

¹Month listed is month that special session first convened pursuant to governor's call. Since 1861 there have been 72 special sessions. The number of special session calls, which totaled 73, included one called by the governor to convene on June 18, 1962. Because the legislature reconvened on that date in regular session under AJR-147, there was no need to convene a special session.

²Number of calendar days from opening date of the session to final adjournment.

³Number of days on which the senate or assembly met, including skeleton sessions.

⁴Partial vetoes not included.

⁵The senate adjourned the special session 11/15/69; assembly 1/17/70.

⁶Legislature met concurrently in regular session and special session.

⁷Legislature met concurrently in special session and extraordinary session.

⁸Legislature met concurrently in special session and extended floorperiod.

Source: 1997-1998 Wisconsin Blue Book.

Table 2: SPECIAL SESSION CALLS, 1848-1997

Year	No. of Items	Main Purpose	
1861	May	1	Civil War powers.
1862	September	4	Militia organization; Soldiers' right to vote; Indian uprising; Payment to military office employes.
1878	June	2	Revision of general statutes; Tornado damage.
1892	June	1	Legislative apportionment.
1892	October	1	Legislative apportionment.
1896	February	1	Legislative apportionment.
1905	December	11	Railroad regulation; Primary election law.
1912	April	10	Black River Falls flooding.
1916	October	1	Absentee voting by soldiers.
1918	February	19	War economy.
1918	September	2	Reserve officers training facilities.
1919	September	6	Soldiers rehabilitation funds.
1920	May	25	Cost of living; Medical education; Educational standards.
1922	March	5	Income tax administration.
1926	April	1	Indemnities for cattle with tuberculosis.
1928	January	7	Appropriations for state colleges and public welfare.
1928	March	2	Appropriations for charitable and penal institutions.
1931	November	17	Unemployment; Apportionment.
1933	December	5	Prohibition repeal.
	supplementary	2	Operation of banks.
	supplementary	5	Extension of property tax payment deadline; Milwaukee County circuit court; Drainage districts; Reimbursement of Firemen's Association; Student loans.
	supplementary	1	Banking operations.
	supplementary	3	School districts; Public deposits; Delinquent banks.
1937	September	9	Economic emergency relief; Tax revisions; Highway safety.
	supplementary	9	Agricultural marketing; Creation of a Department of Commerce; Old-age assistance; Chain stores; Unfair trade practices; Housing programs.
	supplementary	9	Government reorganization; Milwaukee school tax levy; Employment of minors.
1946	July	3	Rent control; Veterans housing; State personnel salaries and state government operation.
1948	July	1	Veterans housing.
1958	June	4	Unemployment compensation; General relief for poor; State residency; Urban renewal.
1962	June	2	Legislative and congressional apportionment.
1963	December	1	Accelerated construction of state freeway system.
	supplementary	3	Additional courts; State purchase of Menominee Enterprise securities; Constitutional amendment procedure.
1969	September	22	Urban problems; Public welfare; State assistance to Marquette Medical School; Revenues.
1970	December	1	Confirmation of appointments.
1972	April	1	Legislative apportionment.
	supplementary	4	Full train crew law; Ratification of U.S. equal rights amendment; Charge account usury; Revisor's bills.
1973	December	2	Emergency energy regulations; Shared tax distribution.

Table 2: SPECIAL SESSION CALLS, 1848-1997 (Continued)

Year		No. of Items	Main Purpose
1974	April	9	Budget review bill; Merger of the University of Wisconsin and the state universities; Campaign finance reform; Power plant siting; Supplemental retirement benefits for teachers; Youthful offenders program; Reorganization of Department of Transportation; Cable television; Studded tires.
	supplementary	2	Supplemental retirement benefits for teachers.
	November	1	Collective bargaining agreements for state employes.
1975	December	11	Reorganization of Department of Transportation; Presidential primary; Power of condemnation for VTAE districts; Collective bargaining agreements for state employes.
1976	May	1	Unemployment compensation.
	June	10	Open meetings law; Influenza immunization; Recodification of mental health laws; Taxpayer funding of election campaigns.
	supplementary	3	Creation of council on migrant labor; Clean election campaign fund.
	September	1	Collective bargaining agreements for state employes.
	supplementary	1	Agricultural water diversion permits.
1977	June	1	Partial vetoes.
	November	3	State personnel procedures; Driving under the influence of intoxicants.
	supplementary	1	Confirmation of appointments.
1978	June	1	Various changes concerning the courts.
	supplementary	1	Veterans home loan program.
	December	1	Confirmation of appointments.
	supplementary	1	Special election laws.
1979	September	5	Collective bargaining agreements for state employes; Salary adjustments for elected state officials.
	supplementary	1	Open presidential primary.
1980	January	4	Felonies committed with a dangerous weapon; Constitutional amendment to deny release on bail; Mandatory minimum sentences; Restricting probation and parole.
	June	7	Denying bail; Executive branch reorganization; Low and moderate income neighborhood investment and home ownership program.
1981	November	21	Soil and water conservation; School cost controls; Gift and estate taxes; Property tax credit; Veterans trust fund.
	supplementary	1	Usury laws.
1982	April	2	State finances; Constitutional amendment to earmark sales tax for educational property tax relief.
	supplementary	1	Unemployment compensation.
	supplementary	1	Legislative apportionment.
	May	8	Judicial salaries; Relief for needy Indian persons; Early retirement for state employes.
	supplementary	2	Milwaukee prison site.
1983	January	4	Sales and cigarette taxes; Special elections.
	supplementary	1	Extension of budget introduction submission.
	April	4	Unemployment compensation.
	July	2	Legislative apportionment; Tax incremental finance joint review board.
	supplementary	2	Confirmation of appointments; Consideration of vetoes.
	supplementary	1	Nonrepresented classified state employe compensation plan.

Table 2: SPECIAL SESSION CALLS, 1848-1997 (Continued)

Year		No. of Items	Main Purpose
1984	October	11	Wisconsin Housing Finance Authority; Trade office; Permit Information Center; Rulemaking for small businesses; Utility holding companies.
	February	2	State property tax relief; Reducing surtaxes.
	May	6	Group deer hunting; Domestic abuse; Nursing home payroll record inspection.
1985	supplementary	3	Financial assistance for septic systems.
	March	3	Emergency loan processing centers; Animal waste pollution; Wisconsin Housing and Economic Development Authority agricultural production loans.
	September	17	Strategic planning council; Water diversion; Funding for business development; UW tuition and fall start date; Education and employment projects; Utility diversification.
1986	October	1	Alcohol beverage laws.
	November	2	Collective bargaining agreements for state employees; Martin Luther King, Jr. holiday.
	January	2	Appropriations; Homestead Tax Relief.
	March	14	Higher Educational Aids Board; Alcohol fuels; Farm credit mediation and arbitration; Wisconsin Housing and Economic Development Authority agricultural loans; Specialty crop cultivation.
	May	13	Raising legal drinking age to 21; UW-Madison indoor athletic practice facility; Patients compensation fund; Cocaine penalties; Mandatory vehicle insurance; Intoxicated driving penalties.
	July	1	Labor training program.
1987	supplementary	1	Highway improvements.
	September	2	Corporate hostile takeovers.
	supplementary	2	Corporate hostile takeovers.
	November	2	Homestead tax credit and farmland preservation credit; AFDC employment and training programs.
	supplementary	5	Obscenity; Parole and probation for crimes punishable by life imprisonment; Spearfishing law enforcement aids; School tax credit.
	supplementary	1	Wisconsin Retirement System; Local property tax limits; Local government dispute settlement procedure.
	supplementary	1	Wisconsin Retirement System; Limiting property tax levies and state and local expenditures; Local government dispute settlement procedures.
1988	June	3	Drought relief; Water diversion for agricultural purposes.
1989	October	6	Illicit drug use and alcohol abuse.
	supplementary	7	Controlled substances and drug paraphernalia, drug courts, judge substitution in criminal drug violations; Correctional institutions, probation, parole; Alcohol and drug abuse prevention and treatment.
	supplementary	1	Expansion of farmland tax credit.
	supplementary	2	Vaccinations, ratification of union contract.
	supplementary	1	State employe health insurance program, and state employe reimbursement for damaged personal articles.

Table 2: SPECIAL SESSION CALLS, 1848-1997 (Continued)

Year		No. of Items	Main Purpose
	supplementary	13	Controlled substances; Lottery proceeds and school property tax credits; Levy restraint payment to municipalities and counties; Tort reform; Lobbying and the ethics code; Economic development for 18 northern counties and Indian tribes; Mutual aid law enforcement services; Juvenile detention.
	supplementary	12	Business improvement loan guarantee program; Technical assistance and grants to municipalities and tribal governing bodies; Tourism promotion; Spearfishing law enforcement aid.
1990	May	1	Ratification of state employe contracts.
1991	January	8	Crime control: minimum sentences for crimes involving dangerous weapons and controlled substance offenses, gun-free school zones, concealed weapon penalties, drug paraphernalia.
1991	October	8	Education reform: recommendations of the Commission on Schools for the 21st Century, statewide pupil achievement tests and minimum competency program, compliance with state education standards, children-at-risk services, a statewide pupil database.
	supplementary	28	Education reform: extending the school year, staff development, school management restructuring, grants for science and mathematics programs, postsecondary enrollment options program, community service work as part of the high school curriculum, school district consolidation incentives, teacher exchange programs, truancy abatement and suppression, suspension and expulsion, pupil evaluation of teachers, pupil assessment.
1992	April	1	Restricting gambling conducted by the state; Wagering on out-of-state simulcasts at pari-mutuel racetracks; Grants for research on or the treatment of compulsive gambling.
1992	June	1	Consider a constitutional amendment to distinguish the state lottery from prohibited gambling, to limit "lottery", and to prohibit lottery expansion to other games.
1992	August	1	Confirmation of appointments.
	supplementary	2	Refinancing existing public debt.
1994	May	3	Controlled substance violations; Paternity and child support; Civil commitment of sexually violent persons; Sex offender registration and notice of release.
1994	June	2	Testing criminal defendants for HIV infection, and regulation of the telecommunications industry.
	supplementary	1	County and district fair aids.
	supplementary	1	Confirmation of an appointment.
1995	January	1	Ratification of state employe labor contract.
1995	September	1	Local professional baseball park districts.
	supplementary	1	Financing for local professional baseball park districts and sports and entertainment home stadia, and funding for state highway rehabilitation.

Source: Assembly and Senate Journals, Governor's Proclamations and Executive Orders.

Table 3: SELECTED WISCONSIN SUPREME COURT DECISIONS AND ATTORNEY GENERAL OPINIONS ON SPECIAL SESSIONS

Cite	Year	Topic
Supreme Court Cases		
207 Wis. 652	1935	The court ruled that a call's scope may be broadly interpreted by the legislature (<i>State ex rel. Madison v. Industrial Commission</i>).
44 Wis. 2d 300	1969	The governor may call a special session at any time, including when the legislature is meeting in regular session (<i>State ex rel. Groppi v. Leslie</i>).
Opinions of the Attorney General		
7 OAG 49	1918	Governor may amend the call to include new subjects or issue a new call for the same time.
8 OAG 663	1919	Resolutions expressing opinions are not "business" and are permitted during the special session, even though subject is not in the call.
11 OAG 249	1922	Although the call specifies in minute detail the laws which the governor wishes enacted, the legislature retains its legislative independence in carrying out the objectives of the call. Question of germaneness answered.
15 OAG 163	1926	The scope of the call relates to making an emergency appropriation and cannot be extended to amending details of the program's administration.
17 OAG 166	1928	Joint resolution does not have force of law and cannot be substituted for a bill.
17 OAG 171	1928	The legislature is permitted under the scope of the call to adjust the amount of the emergency appropriation requested in the call, but it may not consider the regular appropriation for the fiscal year. It may finance the emergency appropriation through existing and legally available funds or by passing new revenue measures.
17 OAG 181	1928	The scope of the call is for an appropriation of new emergency funding. Transfer of funds already appropriated is not within the call.
20 OAG 1115	1931	If the call is "to amend and revise" a specific statutory section, the legislature may exercise broad authority in dealing with that section.
20 OAG 1241	1931	A bill to postpone the payment of real estate taxes exceeded the scope of the special session call to aid the unemployed because it also provided relief to numerous employed persons.
23 OAG 65	1934	A joint resolution to amend the constitution is legislation, not an expression of opinion, and cannot be considered if not included in the call.
37 OAG 374	1948	The manner of calling special session and form of notice are at governor's discretion. The call may be issued in person, by mail, or by telephone or telegraph.
51 OAG 1	1962	The governor may call a special session while the legislature is between general sessions and not assembled, although the legislature in technical terms is considered "in session" because there has been no <i>sine die</i> adjournment.

Source: Wisconsin Department of Justice, *Index Digest to Opinions of the Attorney General*, 1990; *Opinions of the Attorney General*, various volumes. *Wisconsin Reports*, various volumes.

Table 4: EXTRAORDINARY SESSION CALLS

Legislative Session	Meeting Dates	Principal Subject or Original and Subsequent Calls
1979	January 20-25, 1980	Crime and crime victims; energy conservation; firearms.
1981	December 16-17, 1981; January 20-23, 1982	Redistricting; collective bargaining contracts.
1987	September 29-30 April 18-21 May 17-19	Partial vetoes of budget bill. Budget; retirement; taxes and property tax relief. Collective bargaining contracts; retirement; food assistance; mediation-arbitration.
1989	June 30 May 15	Drought relief; limiting governor's partial veto powers. Collective bargaining contracts; property tax relief; state compensation plan; general relief
1991	April 14-June 4	Congressional and legislative redistricting; collective bargaining contracts; juvenile detention; open records law relating to candidates for public offices or positions.
1993	June 15-23	Sports lottery.

Sources: Bulletin of the Proceedings of the Wisconsin Legislature; Senate and Assembly Journals.