



Special Sessions of the Legislature

Prepared by: Jessica Karls-Ruplinger, Deputy Director

Under the Wisconsin Constitution, the governor may call a special session of the Legislature. A “special session” is the convening of the Legislature by the governor to accomplish a special purpose.¹ The governor defines the purpose of the special session, and, during the special session, the Legislature may only act on legislation that is germane to the call.

This issue brief provides background on special sessions, including an explanation of the constitutional provisions and legislative rules that apply to special sessions. This issue brief also explains the key differences between a special session and extraordinary session.²

BACKGROUND

Each biennial session of the Wisconsin Legislature begins and ends on the first Monday in January of the odd-numbered year, unless the first Monday falls on January 1 or 2. The governor may call a special session at any time during the biennial session, including during the regular session.³

In practice, the governor calls a special session by executive order. For example, the most recent special session related to school security and safety, and it was called by Governor Scott Walker in March 2018.⁴ The governor may amend the call of a special session by issuing a new executive order.

Wisconsin Constitution

The authority of the governor to call a special session is recognized in two provisions of the Wisconsin Constitution. First, art. IV, s. 11, provides:

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.** [Emphasis added.]

Second, art. V, s. 4, provides, in part, that “[t]he governor ... shall have power to convene the legislature on extraordinary occasions.”

As described above, Section 11 requires legislation that is enacted during a special session to be germane to the purpose for which the special session was convened. In *Appeal of Van Dyke*, the Wisconsin Supreme Court considered a constitutional challenge to legislation enacted during the 1931 special session. One of the purposes identified in the governor’s call was the following: “To make provision for the relief of unemployed citizens in co-operation with county and local authorities; such relief preferably to take the form of employment on necessary public works, including forestry, and/or of providing the necessities of life when work cannot be provided.” The challenged legislation provided funding to municipalities. The Court, considering broadly the session’s purpose, held that the legislation was germane to the call because the legislation’s purpose was to provide relief to the unemployed by placing municipalities in a better financial condition to meet the burdens of the Depression.⁵

Legislative Rules

The rules of the Senate and Assembly generally apply to a special session called by the governor. However, Senate Rule 93 and Assembly Rule 93 contain modified rules for a special session. The rules also address the introduction and consideration of proposals, as well as germaneness.

Introduction and Consideration of Proposals

Legislative rules identify which committees introduce or consider proposals in a special session. Joint Rule 81 (2) (c) states:

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 introduce or offer proposals germane to the call, and such proposals may be numbered, referred to committee, and reproduced in advance of the special or extraordinary session under the customary procedures of each house.

Further, the Senate and Assembly rules provide that a proposal may not be considered in a special session unless it is recommended to be introduced, offered, or considered by the Senate Committee on Finance, Assembly Committee on Finance, Committee on Senate Organization, Committee on Assembly Organization, or Assembly Committee on Rules, or by the Joint Committee on Employment Relations, Joint Committee on Finance, or Joint Committee on Legislative Organization.⁶

Germaneness

During a special session, a proposal or amendment may not be considered by the Senate or Assembly unless it is germane to the purpose for which the special session was convened.

However, both the Senate and Assembly rules have an exception to the germaneness requirement. In the Senate, resolutions offering commendations, congratulations, or condolences, memorializing congress or an individual, or affecting Senate or legislative rules or proceedings, and nominations for appointments may be considered during a special session. In the Assembly, a proposal or amendment that pertains to the organization of the Legislature may be considered during a special session.⁷

DIFFERENCES BETWEEN SPECIAL SESSION AND EXTRAORDINARY SESSION

The primary difference between a special session and extraordinary session is who calls the session. A special session is called by the governor. In contrast, an extraordinary session is called by the Legislature, through one of the following methods: (1) at the direction of a majority of the members of the committee on organization in each house; (2) by the adoption of and concurrence in a joint resolution by a majority of the members elected to each house; or (3) by the joint petition of a majority of the members elected to each house.⁸

In addition, as described above, when the Legislature is in a special session called by the governor, the Legislature is limited to business that accomplishes the purpose of the special session. The purpose of a special session is determined by the governor. In contrast, in an extraordinary session, the Legislature determines the purpose of the extraordinary session and can modify its purpose through additional legislative action, without the involvement of the governor.

¹ Joint Rule 99 (84), Senate Rule 99 (84), and Assembly Rule 95 (84).

² For additional information on special sessions, see Legislative Reference Bureau, [Special Sessions of the Wisconsin Legislature](#) (September 2019).

³ s. 13.02 (1), Stats.; *State ex rel. Groppi v. Leslie*, 44 Wis. 2d 282 (1969). At the beginning of each session, both houses of the Legislature adopt a joint resolution that establishes the session schedule. The joint resolution identifies the end of the regular session, which typically occurs in the spring of the even-numbered year in the biennial session.

⁴ See Executive Order #278 (March 15, 2018).

⁵ 217 Wis. 528, 540-543 (1935).

⁶ Senate Rule 93 (1p) and Assembly Rule 93 (2).

⁷ Senate Rule 93 (1) and (1d) and Assembly Rule 93 (1).

⁸ Joint Rule 81 (2) (a).