LEGISLATIVE REFERENCE BUREAU

Special Sessions of the Wisconsin Legislature

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Introduction¹

A "special session" of the Wisconsin Legislature differs from a regular legislative session in its purposes and procedures. A special session is called by the governor and is designed to deal exclusively with one or more matters the governor considers so important that they must be addressed promptly and separately from other legislative business. Since Wisconsin became a state in 1848, the legislature has met in special session 97 times. The most recent was the March 2018 Special Session, called by Governor Scott Walker to consider legislation relating to school security and safety. Table 1 lists all special sessions, along with their duration and the number of proposals introduced and enacted in each.

When it is in regular session, the legislature may act on any policy issue; but in special session, the legislature may consider only the subjects enumerated by the governor in the special session proclamation. All bills that are introduced, along with any amendments to them, must be within the limits of the special session call. In addition, legislative procedures in a special session are modified to speed up the lawmaking process, in recognition of the fact that special session issues may require prompt attention.

In 1963, Assembly Speaker Robert D. Haase discussed how a special session is distinct from any other regular 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 by the legislature meeting in special session, must be placed before the legislature in the proper form of a bill, joint resolution or resolution, introduced in that special session ... [E]ach proposal should be identified by the words "SPECIAL SESSION."

A special session of the Wisconsin Legislature 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.

 \dots [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 and that, upon the completion of its separate business, the special session adjourns sine die without any effect on the regular session.²

Constitutional text

The governor's power to call special sessions derives from two constitutional provisions. Article V, section 4, of the Wisconsin Constitution authorizes the governor to convene the legislature on extraordinary occasions.³ Article IV, section 11, provides that:

^{1.} This publication is an update of an LRB publication on special sessions that was first published in 1958. The LRB updates this publication periodically to provide the most recent and accurate information on special sessions in practice and in law.

^{2.} Wisconsin Assembly Journal (1963), 14-16.

^{3.} A special session is different from an extraordinary session convened by the legislature. Since 1977, the legislature has

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.

The constitution authorizes the governor to call a special session, but it does not prescribe how the session should be conducted. Special session procedures have evolved over time and are now governed by legislative rules and practice. Past legislative practices, attorney general opinions, and supreme court rulings have developed a consensus on the rules for holding a special session. (See table 2 for attorney general opinions that have shaped the rules and procedures governing special sessions.)

The governor's call and supplements to the call

The first formal step in organizing a special session is the issuance of a proclamation by the governor setting forth the day and hour for convening the session and the purpose for which the session is to be held. In this proclamation, which since 1983 has taken the form of an executive order, the governor sets the guidelines for the session.⁴ The legislature usually convenes the special session in a "skeletal session," attended by only a few members. Governor Walker's order for the March 2018 Special Session shows the current format for a call (pp. 18–19). See table 3 for all special session calls from 1848 to 2018.

More than 100 years ago, in an opinion to Governor Emanuel L. Philipp in 1918, Attorney General Spencer Haven indicated that the governor'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.⁵

In 1948, Attorney General Stewart G. Honeck opined further that the governor's call may be issued in person or by mail, telephone, or telegraph.⁶ He also added that failure to

provided through procedural rules for its own extraordinary sessions that are distinct from special sessions. See Joint Rule 81 (2); Senate Rule 93; and Assembly Rule 93. During these sessions, which are called through joint action of the two houses, the legislature may consider only such subjects as are listed in the call. A total of 36 extraordinary sessions have been called in 15 legislative sessions: 1979 (1), 1981 (1), 1987 (5), 1989 (1), 1991 (1), 1993 (1), 1997 (1), 1999 (1), 2003 (7), 2005 (2), 2009 (5), 2011 (2), 2015 (3), 2017 (4), and 2019 (1). The most recent was the February 2019 Extraordinary Session, called solely for the purpose of convening for the Governor's Budget Address.

^{4.} Governor Earl issued the first executive order calling the legislature into special session. See Executive Order 32 (October 17, 1983).

^{5.7}Wis.Op.Att'yGen.49,49-50(1918), https://www.doj.state.wi.us/sites/default/files/dls/ag-opinion-archive/1918/Volume %2007_1918.pdf.

^{6. 37} Wis. Op. Att'y Gen. 374 (1948), <u>https://www.doj.state.wi.us/sites/default/files/dls/ag-opinion-archive/1948/Volume</u> %2037_1948.pdf.

contact individual legislators who are out of the state or unavailable does not invalidate the special session.

The constitution does not permit the governor to dictate the particulars of legislation to be enacted, but the governor's proclamation can enumerate and set forth the purposes of the subjects to be considered. In 1987, at the symposium on the State of the States, conducted by the Eagleton Institute of Politics at Rutgers University, Speaker Thomas Loftus explained the special session powers of the governor and the legislature:

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.⁷

A governor may also supplement the original call by issuing new proclamations and adding topics for the legislature to consider. In 1933, for instance, Governor Albert Schmedeman supplemented his special session call four times after the special session convened. More recently, on January 3, 2011, Governor Walker called the legislature into special session to consider legislation relating to taxes, rule-making authority and procedures, health savings accounts, tort reform, and the creation of the Wisconsin Economic Development Corporation. He supplemented the call four times.

In recent special session calls, the governor has not only issued a call, but has also identified LRB numbers for proposed legislation that are to be considered during the special session. For example, when Governor Walker called the March 2018 Special Session, he listed the LRB numbers of six pairs of companion bills related to school security and safety for the legislature to consider and act upon during the session. It should be noted that the legislature is under no legal obligation to act on any of the proposed bills identified by the governor in the special session call. Instead, the legislature may consider any legislation that is germane to the special session call.

Special session rules

Nineteenth century legislatures met in regular session for only a few months and then adjourned sine die, that is, "without a day" set for reconvening, which effectively abolished the legislature. This meant that every time a special session was called the legislature had to reorganize itself, requiring considerable effort to elect new officers and establish procedural rules.

Today's special session procedures reflect changes in legislative scheduling that oc-

^{7. &}quot;The Ground Rules of a Special Session," LRB Informational Bulletin 89-IB-2 (1989), 4.

curred in the 1960s. Since the 1961 session, the established legislative practice has been to meet for periods throughout the biennium and then to adjourn sine die, if at all, only on the day the succeeding legislature is sworn in. In recent decades, the legislature has not adjourned sine die at all. Continuing legislative activity throughout the biennium was formally permitted by a constitutional amendment, ratified in April 1968, which allows the legislature to meet "at such time as shall be provided by law." This continuous scheduling makes it unnecessary to reorganize the legislature for special sessions.

At its first meeting in January of the odd-numbered year, the legislature organizes itself to conduct business during the biennium through adoption of a joint resolution establishing the session calendar.⁸ The legislative schedule is divided into regular session floorperiods interspersed with periods for committee work.⁹ A special session can be called at any point in the biennium, and there is a continuity of procedural rules for regular sessions and special sessions. All rules in effect at the conclusion of the preceding regular session are carried forward, which means that when a special session is convened, each house already has a body of rules in force.¹⁰ Also, there are specific provisions in each house's rules that govern special sessions.¹¹ Consider, for example, Senate Rule 93, which lists rules in the senate that are unique to extraordinary sessions and special sessions:

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

(1) Except as provided in sub. (1d), a proposal or amendment may not be considered unless it accomplishes the special purposes for which the special session was convened or the business specified in the action authorizing the extraordinary session. Notwithstanding rule 46 (6), any proposal that is adversely and finally disposed of for the biennial session may be revived by specific inclusion in the action authorizing an extraordinary session, provided that the proposal had not failed a vote of concurrence or passage in the senate. Any proposal revived under this subsection is considered to be at the same stage of the proceedings as it had attained upon being adversely and finally disposed of.

(1d) Resolutions offering commendations, congratulations, or condolences, memorializing congress or an individual, or affecting senate or legislative rules or proceedings, and nominations for appointments are declared not to be within the meaning of the term "business" under the constitutional provision limiting the matters to be considered during special sessions to those enumerated in the governor's call for a special session.

^{8.} Wis. Stat § 13.02. See 2019 Senate Joint Resolution 1.

^{9.} Wis. Stat § 13.02 (3); see League of Women Voters of Wisconsin v. Evers, 929 N.W. 2d 209 (2019).

^{10.} Assembly Rule 92; Senate Rule 92.

^{11.} Assembly Rule 93; Senate Rule 93; Joint Rules 79, 81 (2) (c), and 83 (5).

All such matters may be considered during any extraordinary session. All such matters are not subject to sub. (1p).

(1p) A senate proposal may not be considered unless it is recommended to be introduced, offered, or considered by the committee on senate organization, the senate committee on finance, the joint committee on finance, the joint committee on legislative organization, or by the joint committee on employment relations.

(2) A notice of a committee meeting is not required other than posting on the legislative bulletin board.

(3) The daily calendar is in effect immediately upon posting on the legislative bulletin boards. The calendar need not be distributed.

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

(5) A motion may not 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 assembly may be adopted by a majority of those present and voting.

Introduction of proposals in special sessions

During regular sessions, any member or committee of the legislature may offer proposals for introduction. Every proposal must be drafted by staff attorneys at the Legislative Reference Bureau and then presented to the chief clerk of the respective house for introduction. For special sessions, this procedure is the same except the joint rules seem to provide that individual legislators may not introduce bills. 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 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.

For example, the Committee on Assembly Organization introduced March 2018 Special Session Assembly Bill 2, relating to creating an office of school safety in the Department of Justice, whereas the Joint Committee on Finance introduced January 2014 Special Session Assembly Bill 4, relating to the federal historic rehabilitation tax credit.

However, there are rules in each house that differ from Joint Rule 81 (2) (c) over whether bills introduced for special sessions must be offered by committees and not individual legislators. Both Assembly Rule 93 (2) and Senate Rule 93 (1p) provide that in special session it is necessary only that bills be "considered" by the committees identified in Joint Rule 81 (2) (c). This implies that individual members may introduce special session bills so long as they are "considered" by one of the committees, which could include holding a public hearing on a bill, reporting a bill from committee, or scheduling a bill for floor consideration. In fact, in the January 2011 Special Session, Representative Chris Kapenga introduced January 2011 Special Session Assembly Bill 12, which was then referred to the Assembly Committee on Labor and Workforce Development. Thus, the rules adopted in each house on who may introduce bills in special session may supersede the joint rule on prohibiting individual members from introducing bills.

Scope and substance of a special session

The most significant limitation on the powers of the legislature when it is meeting in special session is set forth in article IV, section 11, of the Wisconsin Constitution: "[W]hen [the legislature is] so convened no business shall be transacted except as shall be necessary to accomplish the special purposes for which it was convened." The constitution gives the governor the power to set the scope of a special session by detailing the policies on which the legislature is to act, but the legislature retains the discretion to shape the substance, and thus the results, of a special session. On November 18, 1987, Speaker Loftus wrote to Governor Thompson the following:

[W]hile the governor may recommend for the Legislature's consideration such matters as he may deem expedient, the means by which and the extent to which the Legislature accomplishes the special purposes for which it was convened are policy decisions for the Legislature....

The [Wisconsin Supreme Court's] *Van Dyke* decision of 1935 strongly suggests that the Legislature's power to determine the means by which and the extent to which the general purposes of a Governor's special session call are to be accomplished is quite broad . . . Calling a special session, a Governor can only limit the purpose for which the special session is called. The means by which and the extent to which the general purposes of the call are to be implemented are policy decisions for the Legislature.¹²

This same point was made earlier, during the March 1922 Special Session, when Attorney General William J. Morgan opined that, although a call for a special session of the legislature may specify in minute detail the laws which the governor wishes enacted, the legislature has the constitutional authority to enact any law designed to accomplish objects of legislation suggested in the call.¹³

Germaneness in special sessions

The germaneness requirement in article IV, section 11, of the Wisconsin Constitution has been interpreted by both attorneys general and the courts to give the legislature broad

^{12.} Assembly Speaker Tom Loftus's letter to Governor Tommy Thompson is on file at the Legislative Reference Bureau.

^{13. 11} Wis. Op. Att'y Gen. 249 (1922), <u>https://www.doj.state.wi.us/sites/default/files/dls/ag-opinion-archive/1922/Volume %2011_1922.pdf</u>.

discretion in interpreting the purpose of a special session call and enacting legislation to accomplish the purpose of the call. The most important litigation on this issue occurred in response to the November 1931 Special Session.

With respect to the November 1931 Special Session, Attorney General John W. Reynolds was asked his opinion about the germaneness of a bill relating to the governor's call asking the legislature "to make provisions for the relief of unemployed citizens." The bill generally provided for the postponement for six months of the payment of real estate taxes. He responded that the postponement "unquestionably would be 'relief" of unemployed persons "as this term is generally understood and within the meaning of the governor's call" but that the overall plan was beyond the scope of the call because it would also provide such relief to numerous employed persons as well as the unemployed.¹⁴ Litigation eventually ensued over the matter.

In *State ex rel. Madison v. Industrial Commission*, the Wisconsin Supreme Court affirmed the power of the legislature to broadly interpret the purpose of a governor's special session call: "The language of a statute must be construed with reference to its context and the purposes sought to be accomplished." And, the court continued, "[I]t must be presumed that the legislature of the state, being the supreme law-making body, has made careful investigation of the entire situation."¹⁵ The court found that the legislature, during the November 1931 Special Session, was justified in its broad reading of the unemployment situation it confronted when responding to the special session call:

We may take judicial notice of the fact that commencing late in 1929 and continuing down to the present time depression and unemployment have existed throughout the length and breadth of this land; that during the year 1931 the unemployment situation was particularly acute; that at the time the legislature was in session, the winter of 1931 and 1932 promised no substantial change for the better.¹⁶

A special session during a regular session

The legislature now remains in continuous regular session, but the constitutional power of the governor to "convene the legislature on extraordinary occasions" has not diminished.

Following the constitutional amendment in 1968 permitting the legislature formally to meet in continuous session, the question was raised as to whether the governor would be able to call the legislature into special session when there was no sine die adjournment. In other words, the issue was whether the governor could call the legislature into special

^{14. 20} Wis. Op. Att'y Gen. 1241, 1242 (1931), <u>https://www.doj.state.wi.us/sites/default/files/dls/ag-opinion-archive/1931/</u> Volume%2020_1931.pdf.

^{15.} State ex rel. Madison v. Industrial Commission, N.W. 207 Wis. 652, 660.

^{16.} Madison, N.W. 207 Wis. 652, 658. Also, see Appeal of Van Dyke, 259 N.W. 700, 217 Wis. 528, 542 (1935).

session before adjournment of the regular session. In 1969, the Wisconsin Supreme Court decided in *State ex rel. Groppi v. Leslie*:

The petitioner argues . . . the assembly was not in a valid special session. He bases his argument on the premise that the governor has no power to call a special session of the legislature before the legislature in a general session has adjourned sine die.

... The constitution does not limit the power of the governor to call special sessions only when the legislature is not in session. The purpose of a special session is to accomplish a special purpose for which it has convened. To deny the governor the power to call a special session while the legislature is in general session would in effect deny the governor the right to call the legislature into session to give priority consideration to those items he claims are of immediate statewide concern. This power of the governor is a part of the checks and balances in our tripartite form of government.¹⁷

Hence, a special session may be called at any time during the legislative biennium, even at the time regular session floorperiods are occurring.

Meeting days and length of special sessions

Special sessions often meet on the same day as regular session days, although many are skeletal sessions, attended by only a few legislators and adjourned immediately to a future date. Because the senate and the assembly may meet for a different number of days, it is more informative to count the total number of calendar days contained in a special session. Since the first special session in 1861, the span of special sessions has ranged in calendar days from 1 day to 267 days.¹⁸ The length of individual special sessions are shown in table 1.

The governor has the power to convene a special session but not to adjourn it. The legislature can convene or adjourn a special session either in skeletal session or when the full body is on the floor. The executive order calling the special session specifies the date and time the legislature is to convene to consider the items of business contained in the call, but, outside of the biennial expiration of the legislators' terms, there is no limit on the length of a special session unless the legislature imposes one on itself. The legislature must meet but is not required to act.

Vetoes of special session bills

The governor has the same power to veto special session bills as applies to regular session bills, including partial vetoes of bills containing appropriations. Since the May 1861

^{17.} State ex rel. Groppi v. Leslie, 44 Wis. 2d 282, 300 (1969).

^{18.} The January 2011 Special Session called by Governor Walker spanned 267 days. That special session was supplemented four times and was also the longest in terms of actual meeting days (164).

Special Session, 12 bills have been vetoed in full in seven special sessions. Never has the governor's veto of a special session bill been overridden. The last time a vote was scheduled to override the governor's veto of a special session bill was in 1988.¹⁹

At the outset of each legislative session, Senate Joint Resolution 1 is adopted to set the schedule for the upcoming session and includes the following text: "A special or extraordinary session shall reconvene upon a call of a majority of the members of the Joint Committee on Legislative Organization solely for the consideration of executive vetoes or partial vetoes if an enrolled bill passed by both houses during the special or extraordinary session was vetoed or partially vetoed." When the assembly and the senate adjourn a special session for the final time, they do so pursuant to Senate Joint Resolution 1.

Concluding comments

In its early history, the legislature met for only a few months annually at the beginning of the year (to 1882) or at the beginning of the biennium (after 1883), and then adjourned sine die for the balance of the year or biennium. The special session served as a way to bring lawmakers back to the capitol to address crises such as natural disasters, fiscal emergencies, economic calamities, civil disturbances, and any other matters that could not wait until the next legislature convened. For much of the state's history, the use of special sessions conformed to this pattern. But just as the procedural rules of a special session have evolved, there have also been changes in the frequency and purposes of special sessions.

In recent Wisconsin history, governors have called many special sessions. Between 1861 and 1961, a total of 23 special sessions were held. In the 58 years since 1961, however, 74 special sessions have been held. One explanation for the greater number of special sessions may lie in the stated purposes of the special session calls. While these sessions are sometimes convened to act expeditiously upon urgent matters, it is becoming more common for governors to call the special session for ordinary legislative matters, rather than emergency situations requiring immediate state response. (See table 3.) Because governors can select the time and set the agenda in a call, a special session allows them to highlight policy problems and propose solutions. The legislature must respond by at least convening the special session. In this way, the special session power gives the governor an enhanced role in setting the legislative agenda.

Throughout Wisconsin history, special sessions have been effective in focusing legislative attention and debate on salient issues and pressing policy problems facing the state. Given that the special session power is one of the few tools the governor has to require the legislature to meet and address (or not address) policy issues of the governor's choosing, Wisconsin governors will likely continue to employ this constitutional power.

^{19.} November 1987 Special Session Senate Bill 9.

	Meeting days ³		ng days ³	Measures introduced					
Special session ¹	Dates	Calendar days²	Senate	Assembly	Bills	Joint res.	Res.	Bills vetoed ⁴	Laws enacted
1861 May	5/15-5/27	13	11	11	28	24	34	_	15
1862 Sept	9/10–9/26	17	15	15	43	25	37	_	17
1878 June	6/4–6/7	4	4	4	6	14	10	_	5
1892 June	6/28–7/1	4	4	4	4	7	16	—	1
1892 Oct.	10/17–10/27	11	9	9	8	6	14	—	2
1896 Feb	2/18-2/28	11	8	8	3	11	15	—	1
1905 Dec	12/4–12/19	16	12	14	24	15	26	—	17
1912 April	4/30–5/6	7	6	6	41	7	6	—	22
1916 Oct	10/10-10/11	2	2	2	2	8	4	_	2
1918 Feb	2/19-3/9	19	14	14	27	22	28	2	16
1918 Sept	9/24-9/25	2	2	2	2	6	9	_	2
1919 Sept	9/4–9/8	5	4	3	7	4	6	_	7
1920 May	5/25-6/4	11	7	7	46	10	22	2	32
1922 March	3/22-3/28	7	4	4	10	7	12	1	4
1926 April	4/15-4/16	2	2	2	1	8	12	_	1
1928 Jan	1/24–2/4	12	9	8	20	35	23	_	5
1928 March	3/6-3/13	8	6	6	13	9	17	_	2
1931 Nov	11/24/31-2/5/32	74	48	42	99	93	83	2	31
1933 Dec	12/11/33-2/3/34	55	30	34	45	160	53	_	20
1937 Sept	9/15-10/16	32	23	23	28	18	23	_	15
1946 July	7/29-7/30	2	2	2	2	6	14	_	2
1948 July	7/19–7/20	2	2	2	_	5	11	_	_
1958 June	6/11-6/13	3	3	3	3	7	13	_	3
1963 Dec	12/10-12/12	3	3	3	8	10	10	_	3
1969 Sept⁵	9/29/69-1/17/70	111	28	18	5	5	8	_	1
1970 Dec	12/22	1	1	1	_	1	5	_	_
1972 April	4/19-4/28	10	5	б	9	4	4	_	6
1973 Dec	12/17-12/21	5	5	5	3	2	6	_	2
1974 April	4/29-6/13	46	17	20	12	1	4	_	6
1974 Nov	11/19-11/20	2	2	1	2	_	_	_	1
1975 Dec	12/9-12/11	3	3	3	13	1	2	1	6
1976 May	5/18	1	1	1	2	2	3	_	1
1976 June	6/15-6/17	3	3	3	13	4	3	_	9
1976 Sept	9/8	- 1	1	1	4	1	4	_	2
1977 June	6/30	1	1	1	0	1	2	_	_
1977 Nov	11/7-11/11	5	5	5	6	4	2	_	5
1978 June	6/13-6/15	3	3	3	2	5	2	_	2
1978 Dec	12/20	1	1	1	2	4	2	_	2
1979 Sept	9/5	1	1	1	10	3	2	_	5
1979 Sept 1980 Jan	1/22-1/25	4	2	4	8	3	2		_
1980 June	6/3-7/3	31	13	12	20	14	2		7
1980 June 1981 Nov	0/3-7/3	14	8	7	20 6	3	2	_	3
	4/6-4/30, 5/5-5/20	45			4	2		1	1
1982 April			18	21			2	1	
1982 May	5/26-5/28	3	3	3	13	7	2	_	9
1983 Jan	1/4–1/6	3	3	2	2	2	1		2

Table 1. Special sessions of the Wisconsin Legislature, 1848–2018

			Meeti	ing days ³	Measu	ures intro	duced		
Special session ¹	Dates	Calendar days ²	Senate	Assembly	Bills	Joint res.	Res.	Bills vetoed ⁴	Laws enacted
1983 April	4/12-4/14	3	3	3	1	1		_	1
1983 July	7/11-7/14	4	2	4	5	3	1	_	4
1983 Oct	10/18-10/28	11	8	7	12	1	_	_	11
1984 Feb	2/2-4/4	63	19	13	2	1	_	_	_
1984 May	5/22-5/24	3	3	2	12	5	1	_	11
1985 March	3/19-3/21	3	2	2	6	1	_	—	3
1985 Sept	9/24–10/19	26	11	7	22	1	_	_	17
1985 Oct	10/31	1	1	1	1	3	_	—	1
1985 Nov	11/20	1	1	1	24	2	_	_	12
1986 Jan	1/27-5/30	124	34	27	1	4	_	_	1
1986 March	3/24-3/26	3	3	3	1	1	_	_	1
1986 May	5/20-5/29	10	6	4	44	3	_	_	12
1986 July	7/15	1	1	1	3	1	_	_	2
1987 Sept	9/15-9/16	2	2	2	2	1	_	—	2
1987 Nov	11/18/87–6/7/88	203	44	42	19	3	_	3	5
1988 June	6/30	1	1	1	4	1	3	_	2
1989 Oct	10/10/89–3/22/90	164	52	49	52	6	_	_	7
1990 May	5/15/90	1	1	1	7	1	_	_	_
1991 Jan	1/29–7/4	157	49	52	16	1	_	_	2
1991 Oct	10/15/91-5/21/92	220	50	47	9	2	_	_	1
1992 April	4/14–6/4	52	20	17	7	1	2	_	2
1992 June	6/1	1	1	1	_	2	_	_	_
1992 Aug	8/25-9/15	22	7	7	1	1	_	_	1
1994 May	5/18-5/19	2	2	2	6	1	_	_	3
1994 June	6/7-6/23	17	8	8	3	4	_	_	3
1995 Jan	1/4	1	1	1	1	1	_	_	1
1995 Sept	9/5-10/10	36	12	13	1	1	_	_	1
1998 April	4/21-5/21	31	13	12	13	2	2	_	5
1999 Oct	10/27-11/11	16	7	8	3	1	_	_	1
2000 May	5/4-5/9	8	3	3	2	2	1	_	1
2001 May	5/1-5/3	3	1	2	1	_	_	_	1
2002 Jan	1/22–7/8	168	59	52	1	2	7	—	1
2002 May	5/13-5/15	3	3	2	2	_	_	_	1
2003 Jan	1/30–2/20	22	7	7	1	_	_	—	1
2005 Jan	1/12–1/20	9	4	1	2	_	_	_	1
2006 Feb	2/14-3/7	22	7	6	2	_	_	—	1
2007 Jan	1/11–2/1	22	7	6	2	1	_	_	1
2007 Oct	10/15-10/23	9	5	3	2	_	_	—	
2007 Dec	12/11/07, 1/15–5/14/08	156	38	39	1	1	_	_	_
2008 March	3/12-4/15	65	22	22	1	4	2	—	1
2008 April	4/17-5/15	29	11	11	1	4	2	_	1
2009 June	6/24–6/27	4	4	3	1		_	—	—
2009 Dec	12/16-3/4/10	79	23	24	2	_	-	_	_
2011 Jan	1/4–9/27	267	84	80	27	1	3	_	12
									_

2011 Sept

9/29-12/8

71

22

22

48

Table 1. Special sessions of the Wisconsin Legislature, 1848–2018, continued

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Table 1. Special sessions of the Wisconsin Legislature, 1848–2018, continued	Table 1. S	pecial sessions	of the Wisconsin	Legislature.	. 1848–2018, c	ontinued
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			Meeti	ng days³	Measu	ires intro	duced	_	
Special session ¹	Dates	Calendar days ²	Senate	Assembly	Bills	Joint res.	Res.	Bills vetoed ⁴	Laws enacted
2013 Oct	10/10-11/12	34	10	10	8	_	_	_	4
2013 Dec	12/2-12/19	18	6	7	2	_	_	_	1
2014 Jan	1/23-3/20	57	17	16	4	_	_	_	2
2017 Jan	1/5-6/14	161	47	47	22	_	_		11
2017 Aug	8/1-9/15	46	14	15	2	—	1	_	1
2018 Jan	1/18–2/27	41	12	12	20	_	_		9
2018 March	3/15-3/29	15	6	5	6		—	—	—

Res.-resolution; -represents zero

1. Month listed is month that special session first convened pursuant to governor's call. Since 1861 there have been 97 special sessions. The number of special session calls, which totaled 98, included one called by the governor to convene on 6/18/62. Because the legislature reconvened on that date in regular session under AJR-147, there was no need to convene a special session. 2. Number of calendar days from opening date of the session to final adjournment. 3. Number of days on which the senate and assembly met, including skeletal sessions. 4. Partial vetoes not included. 5. The senate adjourned the special session 11/15/69; assembly 1/17/70.

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

Table 2. Selected attorney general opinions on special sessions

	Year	Торіс
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 emergency appropriation of funds. Transfer of funds already appropriated, rather appropriation of new funds, 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.
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.

Table 3. Special session calls, 1848–2018

Special session	Main purpose
1861 May	Civil War powers.
1862 September	Militia organization; Soldiers' right to vote; Indian uprising; Payment to military office employes.
1878 June	Revision of general statutes; Tornado damage.
1892 June	Legislative apportionment.
1892 October	Legislative apportionment.
1896 February	Legislative apportionment.
1905 December	Railroad regulation; Primary election law.
1912 April	Black River Falls flooding.
1916 October	Absentee voting by soldiers.
1918 February	War economy.
1918 September	Reserve officers training facilities.
1919 September	Soldiers rehabilitation funds.
1920 May	Cost of living; Medical education; Educational standards.
1922 March	Income tax administration.
1926 April	Indemnities for cattle with tuberculosis.
1928 January	Appropriations for state colleges and public welfare.
1928 March	Appropriations for charitable and penal institutions.
1931 November	Unemployment; Apportionment.
1933 December	Prohibition repeal.
supplementary	Operation of banks.
supplementary	Extension of property tax payment deadline; Milwaukee County circuit court; Drainage districts; Reimbursement of Firemen's Association; Student loans.
supplementary	Banking operations.
supplementary	School districts; Public deposits; Delinquent banks.
1937 September	Economic emergency relief; Tax revisions; Highway safety.
supplementary	Agricultural marketing; Creation of a Department of Commerce; Old-age assistance; Chain stores; Unfair trade practices; Housing programs.
supplementary	Government reorganization; Milwaukee school tax levy; Employment of minors.
1946 July	Rent control; Veterans housing; State personnel salaries and state government operation.
1948 July	Veterans housing.
1958 June	Unemployment compensation; General relief for poor; State residency; Urban renewal.
1962 June	Legislative and congressional apportionment.
1963 December	Accelerated construction of state freeway system.
supplementary	Additional courts; State purchase of Menominee Enterprise securities; Constitutional amendment procedure.
1969 September	' Urban problems; Public welfare; State assistance to Marquette Medical School; Revenues.
1970 December	Confirmation of appointments.
1972 April	Legislative apportionment.
supplementary	Full train crew law; Ratification of U.S. equal rights amendment; Charge account usury; Revisor's bills.
1973 December	Emergency energy regulations; Shared tax distribution.
1974 April	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.

Table 3. Special session calls, 1848–2018, continued

Special session	Main purpose
supplementary	Supplemental retirement benefits for teachers.
1974 November	Collective bargaining agreements for state employes.
1975 December	Reorganization of Department of Transportation; Presidential primary; Power of condemnation for VTAE districts; Collective bargaining agreements for state employes.
1976 May	Unemployment compensation.
1976 June	Open meetings law; Influenza immunization; Recodification of mental health laws; Taxpayer funding of election campaigns.
supplementary	Creation of council on migrant labor; Clean election campaign fund.
1976 September	Collective bargaining agreements for state employes.
supplementary	Agricultural water diversion permits.
1977 June	Partial vetoes.
1977 November	State personnel procedures; Driving under the influence of intoxicants.
supplementary	Confirmation of appointments.
1978 June	Various changes concerning the courts.
supplementary	Veterans home loan program.
1978 December	Confirmation of appointments.
supplementary	Special election laws.
1979 September	Collective bargaining agreements for state employes; Salary adjustments for elected state officials.
supplementary	Open presidential primary.
1980 January	Felonies committed with a dangerous weapon; Constitutional amendment to deny release on bail; Mandatory minimum sentences; Restricting probation and parole.
1980 June	Denying bail; Executive branch reorganization; Low and moderate income neighborhood investment and home ownership program.
1981 November	Soil and water conservation; School cost controls; Gift and estate taxes; Property tax credit; Veterans trust fund.
supplementary	Usury laws.
1982 April	State finances; Constitutional amendment to earmark sales tax for educational property tax relief.
supplementary	Unemployment compensation.
supplementary	Legislative apportionment.
1982 May	Judicial salaries; Relief for needy Indian persons; Early retirement for state employes.
supplementary	Milwaukee prison site.
1983 January	Sales and cigarette taxes; Special elections.
supplementary	Extension of budget introduction submission.
1983 April	Unemployment compensation.
1983 July	Legislative apportionment; Tax incremental finance joint review board.
supplementary	Confirmation of appointments; Consideration of vetoes.
supplementary	Nonrepresented classified state employe compensation plan.
1983 October	Wisconsin Housing Finance Authority; Trade office; Permit Information Center; Rulemaking for small businesses; Utility holding companies.
1984 February	State property tax relief; Reducing surtaxes.
1984 May	Group deer hunting; Domestic abuse; Nursing home payroll record inspection.
supplementary	Financial assistance for septic systems.
1985 March	Emergency loan processing centers; Animal waste pollution; Wisconsin Housing and Economic Development Authority agricultural production loans.

Table 3. Special session calls, 1848–2018, continued

Special session	Main purpose
1985 September	Strategic planning council; Water diversion; Funding for business development; UW tuition and fall start date; Education and employment projects; Utility diversification.
1985 October	Alcohol beverage laws.
1985 November	Collective bargaining agreements for state employes; Martin Luther King, Jr. holiday.
1986 January	Appropriations; Homestead Tax Relief.
1986 March	Higher Educational Aids Board; Alcohol fuels; Farm credit mediation and arbitration; Wisconsin Housing and Economic Development Authority agricultural loans; Specialty crop cultivation.
1986 May	Raising legal drinking age to 21; UW-Madison indoor athletic practice facility; Patients compensation fund; Cocaine penalties; Mandatory vehicle insurance; Intoxicated driving penalties.
1986 July	Labor training program.
supplementary	Highway improvements.
1987 September	Corporate hostile takeovers.
supplementary	Corporate hostile takeovers.
1987 November	Homestead tax credit and farmland preservation credit; AFDC employment and training programs.
supplementary	Obscenity; Parole and probation for crimes punishable by life imprisonment; Spearfishing law enforcement aids; School tax credit.
supplementary	Wisconsin Retirement System; Local property tax limits; Local government dispute settlement procedure.
supplementary	Wisconsin Retirement System; Limiting property tax levies and state and local expenditures; Local government dispute settlement procedures.
1988 June	Drought relief; Water diversion for agricultural purposes.
1989 October	Illicit drug use and alcohol abuse.
supplementary	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	Expansion of farmland tax credit.
supplementary	Vaccinations, ratification of union contract.
supplementary	State employe health insurance program, and state employe reimbursement for damaged personal articles.
supplementary	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	Business improvement loan guarantee program; Technical assistance and grants to municipalities and tribal governing bodies; Tourism promotion; Spearfishing law enforcement aid.
1990 May	Ratification of state employe contracts.
1991 January	Crime control: minimum sentences for crimes involving dangerous weapons and controlled substance offenses, gun-free school zones, concealed weapon penalties, drug paraphernalia
1991 October	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	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.

Table 3. Special session calls, 1848–2018, continued

Special session	Main purpose
1992 April	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	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	Confirmation of appointments.
supplementary	Refinancing existing public debt.
1994 May	Controlled substance violations; Paternity and child support; Civil commitment of sexually violent persons; Sex offender registration and notice of release.
1994 June	Testing criminal defendants for HIV infection, and regulation of the telecommunications industry.
supplementary	County and district fair aids.
supplementary	Confirmation of an appointment.
1995 January	Ratification of state employe labor contract.
1995 September	Local professional baseball park districts.
supplementary	Financing for local professional baseball park districts and sports and entertainment home stadia, and funding for state highway rehabilitation.
1998 April	Criminal code and sentences; Milwaukee Public Schools governance and administration; election law.
supplementary	Excluding agricultural transactions from provisions of the Wisconsin Consumer Act; DNR legislation; tax credits for sales paid on fuel and electricity used in manufacturing; food stamps for qualified aliens; changing requirements for organ donation requirements.
supplementary	Additional legislation related to Milwaukee Public Schools.
1999 October	Tax rebate; school property tax credit.
2001 May	Property tax relief.
2002 May	Wetlands water quality.
2002 January	Budget reform legislation to adress economic downturn.
2002 May	Chronic Wasting Disease in Wisconsin deer.
supplementary	Hunting regulations.
2003 January	Decreasing appropriations; lapsing monies from certain program revenue accounts to the general fund; transferring monies from segregated accounts to the general fund; increasing funding for out-of-state inmated contracts and for health care of state prison inmates; increasing funding for Medical Assistance and Badger Care; increasing funding for land acquisition and development under the stewardship program; restricting distribution of funds by the Tobacco Control Board; lapsing or reestimating expenditures from certain general purpose revenue appropriations; exempting legislative actions from the required general fund structural balance and statutory balance.
2005 January	Public debt to finance tax-supported or self-amortizing facilities.
2006 February	Low-income energy assistance.
2007 January	Creating a Government Accountability Board; laws relating to elections, ethics, and lobbying regulations.
2007 October	State finances and appropriations relating to the 2007 budget act.
2007 December	Campaign financing and various election-related laws.
2008 March	State finances and appropriations.
2008 April	Great Lakes-St. Lawrence River Basin water issues.
2009 June	Hospital assessment and medical assistance.
2009 December	General public school district curriculum and administration and governance and administration of Milwaukee Public School District.
2011 January	Creation of Wisconsin Economic Development Corporation; various tax and business development-related matters; administrative rules issues; limiting non-economic damages awards in certain lawsuits; and health savings accounts.

Special session	Main purpose
supplementary	Increasing the amount of credits under the economic development tax credit program.
supplementary	The Budget Repair Bill.
supplementary	Regulation of telecommunications utilities.
supplementary	LRB 2035/3 and LRB 2181/1.
2011 September	Early stage seed and angel investment tax credits and other business, agricultural, and community development and taxation matters; multi-jurisdictional tax incremental financing districits; wetlands, habitat, and navigable waterways matters; Department of Revenue duties; vocational and technical skills education; individual income taxes relating to medical care and mass transit expenses; seasonal vehicle weight limits for transporting agricultural crops and other laws relating to overweight and overlength vehicles; attorney fees; immunity from liability for certain drug and device manufacturers; trespassing, interest rates on judgment in certain civil actions.
2013 October	Property tax relief to certain school districts; municipal tax incremental financing districts; historic preservation tax credits.
2013 December	Delaying effective dates of BadgerCare and the Health Insurance Risk-Sharing Plan.
2014 January	Various employment-related technical training and workforce education.
2017 January	Legislation related to opioid abuse.
2017 August	Promotion of economic development and job retention.
2018 January	Legislation related to welfare reform.
2018 March	Legislation related to school security and safety.

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



EXECUTIVE ORDER #278

Relating to a Special Session of the Legislature on School Security and Safety

WHEREAS, events throughout the country have prompted the State of Wisconsin to reexamine school security and safety; and

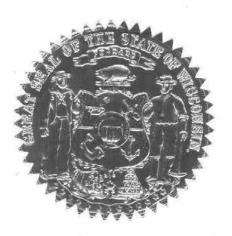
WHEREAS, schools must remain a safe environment, free from fear and the threat of violence; and

WHEREAS, parents should be confident in the knowledge that their children's schools have taken every precaution to protect the students who attend; and

WHEREAS, the State of Wisconsin must act to ensure all school districts are safe and properly secured;

NOW, THEREFORE, I, SCOTT WALKER, Governor of the State of Wisconsin, pursuant to Article IV, Section 11, and Article V, Section 4 of the Wisconsin Constitution, do hereby require the convening of a special session of the Legislature at the Capitol in Madison, to commence at 9:00 AM on March 15, 2018, solely to consider and act upon legislation relating to the following:

- LRB-5595 and 5686, relating to grants to schools for school safety and safety-related upgrades to school buildings, equipment, and facilities; providing an exemption from rule-making procedures; and making an appropriation.
- LRB-5599 and 5685, relating to creating an office of school safety in the Department of Justice and making appropriations.
- 3. LRB-5601 and 5687, relating to mandatory reporting of suspected intent to carry out violence involving a dangerous weapon or explosive in or targeting a school and providing a criminal penalty.
- LRB-5683 and 5688, relating to the Department of Public Instruction's model school policy on bullying by pupils.
- 5. LRB-5684 and 5689, relating to school safety plans.
- LRB-5690 and 5691, relating to allowing a school board to share safety camera footage with law enforcement.



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 fifteenth day of March in the year two thousand eighteen

SCOTT WALKER Governor

By the Governor: melzs T QOUGLAS LA FOLLE Έ

Secretary of State