

Legislative Sessions

Black's Law Dictionary defines "session" as "the sitting of a court, legislature, council, commission, etc., for the transaction of its proper business." There are two main types of legislative sessions—regular and special or extraordinary. (Note: Some states differentiate between "special" and "extraordinary" sessions. In this section of the book, however, the terms are interchanged.)

Regular session. A regular session is the ordinary, general or stated gathering of legislators, for which the starting date (and, sometimes, the length) is set by constitution or statute. Regular sessions occur either annually (when the legislature convenes every year) or biennially (when the legislature meets during only one year of a biennium).

Annual versus Biennial. In the early 1960s, only 19 state legislatures met annually. The remaining 31 held biennial regular sessions, all but three of which (Kentucky, Mississippi and Virginia) were held in the odd-numbered year. By the mid-1970s, the number of states meeting annually grew tremendously—up from 19 to 41. Today, 44 state legislatures meet annually. Kentucky, New Hampshire and Washington were the last states to change from biennial to annual regular sessions—holding their first annual sessions in 2001, 1985 and 1981, respectively. The remaining six states—Arkansas, Montana, Nevada, North Dakota, Oregon and Texas—still convene in regular session each odd-numbered year.

Why do some states hold annual sessions and others biennial? Several basic arguments are used by the proponents for each practice. Political scientists William Keefe and Morris Ogul set out the six reasons supporting annual sessions and five for biennial sessions (see Table 04-2.49).

Session Length. In the early 1960s, 17 states did not place restrictions on the length of their legislative sessions. The limits in another 10 states were indirect, being set by restrictions on legislator compensation, per diem or travel reimbursements. Several states increased their session length—Colorado (from 120 days to 160 days); Georgia (from 80 days to 85 days); Kansas (from 90 days to 120 days); Minnesota (from 90 days to 120 days); and South Dakota (from 60 days to 75 days). Throughout the 1970s, 1980s and early 1990s, session limitations became more defined. Fewer states had unrestricted sessions, and the number of states with indirect session limits fell.

Currently, only 12 states do not place a limit on the length of regular session (see Table 04-2.50). The remaining 38 set limits in a variety of ways. Constitutional provisions establish the limits in 28 states. Indirect limits on legislator compensation, per diem or mileage reimbursement are in effect in three states. Statutory provisions set the restrictions in four states, and another three use chamber rules.

The recent trend is to shorten session lengths. For example, Colorado's session was cut to 120 days in 1988. In 1992, Louisiana changed its constitution to shorten and limit the scope of its even-year session. In 1998, the citizens of Nevada adopted a constitutional amendment that restricts the legislative session to 120 days. In 2002, an amendment to the Louisiana constitution changed the timing of its general and fiscal sessions and adjusted the length of the fiscal session; the changes went into effect in January 2004.

Session length is set in the majority of legislatures, but in 13 states, lawmakers have the ability to extend their regular sessions (see Table 04-2.51). The extensions may be restricted, however—by requiring a supermajority vote, by setting the number of days, or by limiting the frequency of use. In Maine, for example, regular session may be extended twice, for up to five legislative days each time, by a two-thirds vote of the members of each chamber.

The legislatures in 24 states will take extended breaks during regular session—either by tradition or as allowed by constitution (see Table 04-2.52). The breaks commonly coincide with national or state holidays. Some legislatures stop general work to focus on budget hearings—for example, Delaware, Georgia, New Jersey and Pennsylvania. Others—such as Alabama, Kansas and South Dakota—will recess and then return to consider gubernatorial vetoes, if necessary.

Session scope. Session scope refers to the type of issues or legislation that may be considered during a legislative session. In most legislatures, the session scope is general—that is, there is no restriction on the issues or legislation that may be taken up. During a limited scope session, however, legislators may consider only specific issues or types of legislation.

In the 1960s, 10 states limited the scope of issues that could be considered during one of their annual sessions—usually the second year of the biennium—to budgetary and fiscal matters. Today, only six states have limited scope sessions.

Limits on Session Scope

State	Year in Which the Limit Occurs	Subject Limit
Connecticut	Even year/2 nd year of the biennium	Individual legislators may introduce only bills of a fiscal nature, emergency legislation, bills raised by committee
Louisiana	Odd year/2 nd year of the biennium	Fiscal issues
Maine	Even year/2 nd year of the biennium	Budgetary matters, legislation in the governor's call, emergency legislation, legislation referred to committees for study
New Mexico	Even year/2 nd year of the biennium	Budgets, appropriation and revenue bills, bills drawn pursuant to a governor's message, vetoed bills
North Carolina	Even year/2 nd year of the biennium	Budget adjustments and other topics as set out in the adjournment resolution ending the odd-numbered year
Wyoming	Even year/2 nd year of the biennium	Budget bills

The effectiveness of limited scope sessions has received mixed reviews. Often, the subject limits are so broad (or vague) that they have little effect. Session scope limits also may increase the number of special sessions, and, in states where only the governor has the ability to call—and set the agenda for—a special session, a shift in power from the legislature to the governor may occur.

Special session. According to *Black's Law Dictionary*, a "special session" is a meeting held for a special purpose. An extraordinary session is called either by the governor or the legislature. Often, the scope of a special session (that is, the topics that may be taken up) is limited to the issues specified in the notice (or "call") for the special session.

There are no limits on the number of special sessions that may be called. Many factors may influence how many extraordinary gatherings occur in any given year, including:

- Court decisions,
- Federal government actions,
- Length of or scope limits on regular legislative sessions,
- Length or scope limits on special sessions,
- Natural or other disasters,
- Party control of the legislature and governor's office,
- Political culture of the state,
- Redistricting, and
- State economy.

Who may call a special session? The governor in every state and Puerto Rico may convene special session, usually by issuing a proclamation stating the purpose for which the session is convened. In 33 states, an extraordinary session may be called by the legislature as well (see Table 04-2.53). The processes by which legislatures call themselves into session vary (see Table 04-2.54). In five legislatures—Delaware, Florida, Illinois, Ohio and Puerto Rico—the presiding officers from both chambers may call a special session without petition or vote of the legislators. In Wyoming, the presiding officers may jointly call a special session—without input from the members—to resolve a challenge or dispute in the determination of presidential electors; for any other purpose, the written request of a majority of the elected members of each house is required. In all other states, a special session is convened when the governor, secretary of state, presiding officers of the senate and house or another designated officer receive a petition (or other formal notice) signed by a set number of legislators.

Table 04-2.49 Arguments for Annual and Biennial Sessions

For Annual Sessions	For Biennial Sessions
1. The biennial format is unsuitable for dealing with the complex and continuing problems that confront today's legislatures. The responsibilities of a legislature have become so burdensome that they no longer can be discharged on an alternate-year basis.	1. There are enough laws. Biennial sessions constitute a safeguard against precipitate and unseemly legislative action.
2. More frequent meetings may serve to raise the status of the legislature, thereby helping to check the flow of power to the executive branch.	2. Yearly meetings of the legislature will contribute to legislative harassment of the administration and its agencies.
3. Continuing legislative oversight of the administration becomes more feasible with annual sessions, and administrative accountability for the execution of legislative policies is more easily enforced.	3. The interval between sessions may be put to good advantage by individual legislators and interim study commissions, since there is never sufficient time during a session to study proposed legislation.
4. States can respond more rapidly to new federal laws which require state participation.	4. The biennial system affords legislators more time to renew relations with constituents, to mend political fences and to campaign for reelection.
5. The legislature cannot operate effectively in fits and starts. Annual sessions may help make the policy-making process more timely and orderly.	5. Annual sessions inevitably lead to a spiraling of legislative costs, since the legislators and other assembly personnel are brought together twice as often.
6. Annual sessions would serve to diminish the need for special sessions.	

Table 04-2.50 Method by Which Session Length is Limited

Constitution (28 states)	Statute (4 states)	Chamber rule (3 states)	Indirect method (3 states)	No limit (12 states)
Alaska Arkansas Colorado Connecticut Delaware Florida Georgia Hawaii Kansas Kentucky Louisiana Maryland Minnesota Mississippi Missouri Montana Nebraska Nevada New Mexico North Dakota Oklahoma South Dakota Texas Utah Virginia Washington West Virginia Wyoming	Alabama Indiana Maine South Carolina	Arizona California Massachusetts (1)	Iowa New Hampshire Tennessee	Idaho Illinois Michigan New Jersey New York North Carolina Ohio Oregon Pennsylvania Rhode Island Vermont Wisconsin

Notes:

1. Massachusetts. According to the joint rules, formal business must conclude by November 15 of the first session of the biennium (odd-numbered year) and by July 31 of the second session (even-numbered year).

Table 04-2.51 Ability to Extend Regular Session

State (1)	Description
Alaska	Session may be extended once for up to 10 calendar days by a two-thirds vote of the members of each chamber
Arizona	By declaration, the Senate president and speaker of the House may authorize the extension of the session for a period not to exceed seven additional days. Thereafter, session may be extended only by a majority vote of the members of each chamber.
Arkansas	Session may be extended by a two-thirds vote of the members of each chamber; no limit on the number of extensions.
Florida	Session may be extended by a three-fifths vote of the members of both chambers.
Hawaii	Session may be extended for a maximum of 15 days by a petition or two-thirds vote of the members of both chambers.
Kansas	Session may be extended by a two-thirds vote of the members of both chambers; no limit on the number of extensions.
Maine	Session may be extended twice, for up to five legislative days each time, by a two-thirds vote of the members of each chamber.
Maryland	Session may be extended for a maximum of 30 calendar days by a three-fifths vote of the members of both chambers.
Mississippi	Session may be extended in 30-day increments by a two-thirds vote of the members of both chambers; no limit on the number of extensions.
Nebraska	Session may be extended by a four-fifths vote of the members of the Legislature; no limit on the number of extensions.
South Carolina	Session may be extended by a two-thirds vote of the members of both chambers; no limit on the number of extensions unless stated in the concurrent resolution.
Virginia	Session may be extended for up to 30 calendar days by a two-thirds vote of the members in both chambers.
West Virginia	Session may be extended by a two-thirds vote of the members of both chambers; no limit on the number of extensions.

Note:

1. The following chambers did not return a survey: American Samoa Senate and House, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 04-2.52 Extended Breaks During Regular Session

State (1)	No Extended Breaks	Description of Break(s)
Alabama		<p>S: Traditionally, the Legislature takes a one week spring break in late March or early April. The Legislature also takes a 10-day break before the last legislative day, in order to have an opportunity to override governor's vetoes on legislation passed in preceding days.</p> <p>H: Usually, one week for spring break and one week before the last legislative day to prevent pocket vetoes.</p>
Alaska	B	
Arizona	H	
Arkansas	B	<p>H: The House notes that Arkansas Code 10-2-101 authorizes a recess of up to 30 days after convening a regular session "following election of a non-incumbent governor."</p>
California		H: Spring break (10 days), Summer recess (1 month).
Colorado	B	
Connecticut	B	
Delaware		<p>S: Budget, six weeks, February through March. Mark-up, two weeks in May, Easter, one week during the Easter break.</p> <p>H: Six-week recess for budget hearings, two-week spring break, two-week break for budget mark-up.</p>
Florida	H	
Georgia		<p>S: Usually takes the second week of session off for budget hearings.</p> <p>H: Budget, usually one week.</p>
Hawaii		<p>S: Five-day recess</p> <p>H: Per the constitution, there must be not less than five days to encourage the public to review all bills and to give legislators the opportunity to schedule public meetings within their districts.</p>
Idaho	B	
Illinois		<p>S: Each fall of the preceding year, the President of the Senate issues a session calendar that typically provides several breaks during the January through May schedule. These breaks often coincide with Easter/Passover and primary elections.</p> <p>H: One to two weeks for spring break, one to three weeks before the primary election in March.</p>

Table 04-2.52 Extended Breaks During Regular Session, cont'd.

State (1)	No Extended Breaks	Description of Break(s)
Indiana	B	
Iowa	B	
Kansas		S: Two and one-half weeks before vetoes. H: To complete all engrossing, enrolling and governor's action on bills; come back for a veto session but other business is also conducted. After veto session, wait again for all bills to have sine die.
Kentucky	H	S: Odd-year sessions, three weeks. Come in for one week of organization, and then allow three weeks for committee meetings, and then come back for voting days. During that time, committees still meet.
Louisiana	B	
Maine		S: Usually during spring school vacation week to allow committees to complete their work. H: Generally April school vacation during first regular session.
Maryland	B	
Massachusetts	H	S: Per the Constitution, it is possible to take a 30-day recess.
Michigan		S: Spring break, two weeks; summer recess varies, typically one to two months; Thanksgiving, two weeks. H: Spring, two weeks; Thanksgiving, two weeks, summer, four+ weeks.
Minnesota	B	
Mississippi	B	
Missouri		S: One-week spring break tradition. H: Spring break, traditionally four legislative days. Easter break, traditionally one legislative day.
Montana		B: Transmittal (halfway through session)—no set time, usually three to seven days.
Nebraska	S	
Nevada	B	
New Hampshire		S: By tradition, the legislature takes a one-week winter break during the last week of February in both years of the biennium. H: By tradition, one week.

Table 04-2.52 Extended Breaks During Regular Session, cont'd.

State (1)	No Extended Breaks	Description of Break(s)
New Jersey		S: Budget committee work, summer. H: Usually does not meet in April (budget break) or during July and August (summer break). Usually breaks for about two weeks for the December holiday season.
New Mexico	B	
New York		S: President's week, spring break. H: One week, February break; one week, Easter/Passover break.
North Carolina	H	
North Dakota	B	
Ohio		S: By tradition, breaks are taken during the spring (two weeks), after passing the biennial budget (two to three months in the summer) and during major holidays (two weeks in December). These breaks often are to give the members adequate time to do work in their districts after a heavy legislative schedule in the Capitol. H: By tradition, two-week spring break, two- to three-month summer break, two-week December holiday break.
Oklahoma	B	
Oregon	B	
Pennsylvania		S: Elections, holiday weeks, summer break, budget hearings. Lengths vary. H: Three weeks of budget hearings in February and March. The Legislature usually adjourns for the summer in late June or early July and reconvenes in mid-September.
Rhode Island		S: Winter recess, last week of February. Spring recess, second or third week in April. H: Winter and spring break, one week each.
South Carolina	B	
South Dakota		B: For a period of at least 16 days, which forces the governor to sign or veto proposed bills. The Legislature returns to vote on vetoes.
Tennessee	S	H: By tradition, the Legislature takes a recess for two weeks after the organizational session so members can move into their office space.

Table 04-2.52 Extended Breaks During Regular Session, cont'd.

State (1)	No Extended Breaks	Description of Break(s)
Texas	B	
Utah	B	
Vermont		S: One week in March, first Tuesday in March is Town Meeting Day, which would shorten the legislative week. It also is about the mid-point of the session. H: One week at Town Meeting Week in the first part of March.
Virginia	B	
Washington	B	
West Virginia	B	
Wisconsin		B: Periodic committee work periods of various lengths.
Wyoming	B	
Puerto Rico	H	

Key:

B = Both chambers

S = Senate

H = House or Assembly

Note:

1. The following chambers did not return a survey: American Samoa Senate and House, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 04-2.53. Who May Call A Special Session

In the following states, a special session may be called only by the governor.		
Alabama	Michigan	South Carolina
Arkansas	Minnesota	South Dakota
California	Mississippi	Texas
Idaho	Nevada	Utah
Indiana	North Dakota	Vermont
Kentucky	Rhode Island	
The governor or the legislature may call an extraordinary session in the following states.		
Alaska	Louisiana	North Carolina
Arizona	Maine	Ohio
Colorado	Maryland	Oklahoma
Connecticut	Massachusetts	Oregon
Delaware	Missouri	Pennsylvania
Florida	Montana	Tennessee
Georgia	Nebraska	Virginia
Hawaii	New Hampshire	Washington
Illinois	New Jersey	West Virginia
Iowa	New Mexico	Wisconsin
Kansas	New York	Wyoming

Table 04-2.54. How the Legislature Calls a Special Session

State (1)	Description
Alaska	If two-thirds of the membership responds in the affirmative to a poll conducted by the presiding officer of each house.
Arizona	Upon presentation to the governor of a petition signed by not less than two-thirds of the members of each house.
Colorado	By written request of two-thirds of the members of each house to the presiding officer of each house.
Connecticut	1) Upon presentation to the secretary of state of a petition signed by two-thirds of the members of each house or 2) by joint call of the presiding officers of both houses.
Delaware	By mutual call of the presiding officers of both houses.
Florida	1) Upon the filing with the Department of State of a joint proclamation by the president of the Senate and speaker of the House or 2) if three-fifths of the members of both houses respond affirmatively to a poll by the Department of State—the poll being initiated by certificates from 20 percent of the members of the Legislature.
Georgia	Upon presentation to the governor of a petition signed by three-fifths of the members of each house, with a copy to the secretary of state.
Hawaii	By written request of two-thirds of the members of each house to the presiding officer of each house.
Illinois	Upon the filing with the secretary of state of a joint proclamation by the presiding officers of both houses.
Iowa	By written request of two-thirds of the members of each house to the presiding officer of each house.
Kansas	Upon presentation to the governor of a petition signed by at least two-thirds of the members elected to each house.
Louisiana	By written petition of a majority of the members elected to each house to the presiding officers of both houses
Maine	On the call of the president of the Senate and speaker of the House, with the consent of a majority of the members of the Legislature of each political party, all members having been first polled.
Maryland	Upon presentation to the governor of a petition signed by a majority of the members elected to the Senate and to the House of Delegates.
Massachusetts	Upon presentation to the clerk of the respective chamber of written statements of—and subsequent vote of—21 members of the Senate and 81 members of the House of Representatives
Missouri	By joint proclamation of the president pro tem of the Senate and the speaker of the House, upon filing with the secretary of state a petition signed by three-fourths of the members of the Senate and House.

Table 04-2.54. How the Legislature Calls Special Session, cont'd.

State (1)	Description
Montana	At the written request of a majority of the members.
Nebraska	By proclamation of the governor, upon filing with the secretary of state a petition signed by 10 or more members of the Legislature and a subsequent poll by the secretary of state approved by two-thirds or more of the members.
New Hampshire	By a two-thirds vote (or petition) of the qualified members of each branch of the General Court.
New Jersey	By proclamation of the governor, upon petition of a majority of the members of each house.
New Mexico	By proclamation of the governor, upon petition of three-fifths of the members elected to each house.
New York	By petition of two-thirds of the members of each house to the Senate president pro tem and the speaker of the House.
North Carolina	By joint proclamation of the president of the Senate and speaker of the House, upon written request by three-fifths of the members of each house.
Ohio	By joint proclamation of the presiding officers of the General Assembly.
Oklahoma	By joint order of the Senate president pro tem and the speaker of the House, upon written request of two-thirds of the members of each chamber.
Oregon	By the presiding officers of both houses, upon written request of a majority of the members of each chamber.
Pennsylvania	By the governor, upon petition of a majority of the members elected to each house.
Tennessee	By the presiding officers of both houses, upon written request of two-thirds of the members of each chamber.
Virginia	By the governor, upon the application of two-thirds of the members elected to each house.
Washington	By resolution of the Legislature, upon affirmative vote (or poll) of two-thirds of the members elected or appointed thereto.
West Virginia	By proclamation of the governor, upon the application of three-fifths of the members elected to each house.
Wisconsin	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 on the approval 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 submitted to, and using a form approved by, the Senate chief clerk and the Assembly chief clerk.

Table 04-2.54. How the Legislature Calls Special Session, cont'd.

State (1)	Description
Wyoming	1) Upon written request to the presiding officer of each house of the Legislature by a majority of the elected members of each house; or 2) the presiding officers of each house shall also jointly call a special session for the purpose of resolving a challenge or a dispute of any kind in the determination of the presidential electors.
Puerto Rico	By the presiding officers from both chambers.

Note:

1. The following chambers did not return a survey: American Samoa Senate and House, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.

Table 04-2.55 Limit on the Length of A Special Session

The following states do not limit the length of a special session (1).		
Arizona	Michigan	Pennsylvania
Arkansas	Minnesota	Rhode Island
California (2)	Mississippi	South Carolina
Colorado	Montana	South Dakota
Connecticut	Nebraska	Utah
Delaware	New Jersey	Vermont
Illinois	New York	Virginia
Iowa	North Carolina	West Virginia
Kansas	North Dakota	Wisconsin
Kentucky	Ohio	Wyoming (5)
Maine	Oklahoma	
Massachusetts	Oregon	
In the following states, the length of a special session is limited to a specific number of calendar or legislative days.		
Alabama (12 L in 30 C)	Indiana (30 L or 40 C)	Texas (30 C)
Alaska (30 C)	Louisiana (30 C)	Washington (30 C)
Florida (20 C)	Maryland (30 C)	Wyoming (5)
Georgia (40 L)	Missouri (3)	Puerto Rico (20 C)
Hawaii (30 L)	New Mexico (4)	
Idaho (20 C)	Tennessee (30 L)	
In the following states, an indirect limit is placed on the length of a special session—that is, there is a limit only on the number of days for which legislators receive salary, per diem or mileage reimbursements.		
Nevada (20 C)	New Hampshire (15 L)	

Key:

- C = Calendar day
L = Legislative day

Notes:

- The following chambers did not return a survey: American Samoa Senate and House, District of Columbia Council, Guam Senate, Northern Mariana Islands Senate and House, Puerto Rico Senate and Virgin Islands Senate.
- California. All sessions—regular or special—must end by November 30 of even-numbered years.
- Missouri. For a special session called by the governor, the limit is 60 calendar days; if the special session is called by the legislature, the limit is 30 calendar days.
- New Mexico. The length of a special session is limited to 30 calendar days, unless an impeachment trial is pending.
- Wyoming. There is no limit on length of a special session called by governor, but the length of a special session called by the Legislature is limited to 20 legislative days.

