In most Midwestern states, legislatures can initiate special sessions, but it is an authority used sparingly

By Ilene Grossman

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For decades, Nebraska legislators have had the statutory authority to call themselves into special session. They never have, but last year, Sen. Annette Dubas and some of her colleagues started taking steps to make state legislative history.

They wanted a special session to address concerns about the proposed Keystone XL pipeline — and were worried that Gov. Dave Heineman would not call one, leaving issues about the siting of the pipeline unaddressed and constituent demands for action unmet.

“Pressure from the citizens gave him reason to call the special session,” Dubas recalls, “but the fact that there were senators who were working on it, who were talking to their colleagues, I do think that played a small part in the governor’s decision [to call it].”

Lawmakers met for 15 days in November, passed two bills to improve state oversight of Keystone XL and other oil pipelines, and adjourned in time for Thanksgiving.

The session made international news because of its focus on a pipeline to bring more oil from Canada’s oil sands to the United States, but it was also a reminder of the importance of special sessions themselves.

In every Midwestern state, a governor has the authority to call a legislature into special session.

Like Nebraska, too, most legislatures in the region can call themselves into session — with Indiana, Michigan and Minnesota being the lone exceptions. (The Michigan Legislature meets year-round.)

Unlike Nebraska, most legislatures have used this authority, as recently as last year in the cases of South Dakota (to pass redistricting legislation) and Wisconsin (to deal with bills related to unemployment insurance and tax increment financing districts).

“Special sessions called by the legislature should be on the same grounds as a session called by the governor,” Dubas says. “An issue has risen that needs to be addressed immediately, a special circumstance, and we come back in a very focused manner to deal with the issue instead of waiting for the regular session.”

And in cases where the legislative and executive branches don’t agree on the magnitude or
immediacy of the problem, the ability of the legislature to call itself back into session can be an important lever of power.

Six years ago, Iowa legislators met to overturn a veto of eminent domain legislation. Three years ago, Illinois lawmakers convened a special session to deal with unresolved fiscal issues and to consider overriding budget-related gubernatorial vetoes.

The requirements for a legislature to call its own special session vary from state to state. In Illinois and Ohio, the presiding officers have the power to do so; in North Dakota, authority is vested in the bicameral Legislative Management Committee.

Nebraska law stipulates that 10 senators must petition the secretary of state to poll members of the Legislature; two-thirds of the 49-member Unicameral must then agree to the request. Similarly, Iowa, Kansas and South Dakota require two-thirds of the members in both legislative chambers to agree to a special session.

Wisconsin law distinguishes between a special session, called by the governor, and an extraordinary session. The latter requires majority votes in each house or approval by the committees on organization in each chamber. A special session is narrowly defined and limited to specific topics or areas of law, according to the Wisconsin Legislative Reference Bureau. With an extraordinary session, the legislature is able to identify specific bills for consideration.

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