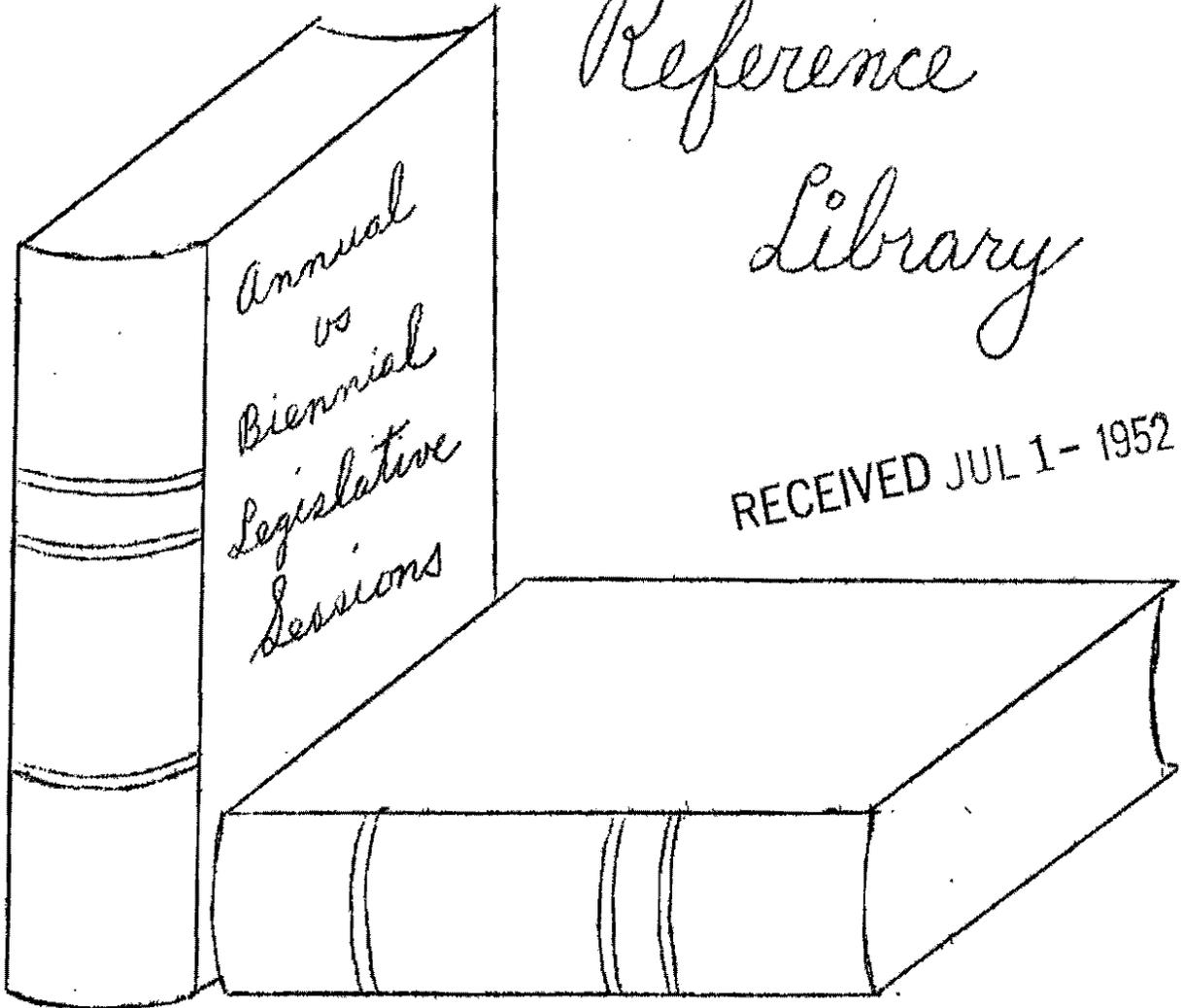


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ANNUAL VERSUS BIENNIAL LEGISLATIVE SESSIONS

HIGHLIGHTS OF THE PROBLEM

1. The problem is whether a biennial legislative session of 2 to 7 months duration is adequate to develop the legislative program under which a modern state may operate effectively for the next 2 years.
2. Current inflationary tendencies have accentuated the problem of establishing a 2-year legislative program by making extended budgetary estimates increasingly difficult.
3. Ten states now hold annual sessions. They are:

Arizona	Michigan
California	New Jersey
Colorado	New York
Maryland	Rhode Island
Massachusetts	South Carolina
4. Four states have had the plan since the beginning of the state, but in 8 states the plan was adopted since 1944. Three states, Arizona, California and Colorado adopted it since 1946. Texas rejected it in 1949 and Nebraska in 1950.
5. In only 3 states, California, Colorado and Maryland is there any limit to the subjects which may be considered at either annual session.
6. The original Wisconsin Constitution provided for annual sessions, but this was abandoned in 1883 when a constitutional amendment was adopted which, among other things, called for biennial sessions.
7. In the past 2 sessions 3 joint resolutions have been proposed to amend the state Constitution to provide for annual sessions.
8. Congress and the legislative bodies of cities, villages, towns, and counties meet far more frequently than does the state legislature.
9. Proposed alternatives include the special session which may be called, generally by the governor, if urgency requires legislative action, and the split or bifurcated or trifurcated session by which the session is divided into 2 or 3 phases.
10. Wisconsin has had 21 special sessions lasting from 2 to 74 days.
11. Since 1943 Wisconsin has used the split session with the subject matter of the postponed portion of the session determined by agreement in advance.

ANNUAL VERSUS BIENNIAL LEGISLATIVE SESSIONS

THE PROBLEM

The problem is whether a biennial legislative session of 2 to 7 months duration is adequate to provide the necessary changes in the law and to effect a well-rounded legislative program. In general the difficulty is that the modern legislature concerns itself with an increasing number of problems, with more complex problems and with problems which, in the opinion of many, are so acute that they must be solved at once. The problem is especially clear in the matter of the budget which is steadily increasing in size, getting more complex and demanding more frequent attention in order to be effective in the present fluctuating economic situation.

Among the questions confronting those who study the problem of frequency of legislative sessions are such basic considerations as:

1. Should state policies be drastically changed to meet every apparent crisis or should state policies be more stable in order to offset drastic change?
2. To what extent should the legislature concern itself with matters of local interest or the details of administration?
3. How would the costs of government, the legislative process, and the caliber of legislators be affected by change?
4. How would the quality of legislation be affected by change? Would more frequent sessions result in careless legislation because errors could be remedied more quickly or would they permit more deliberate action?
5. Will the present unstable price structure continue indefinitely or can we anticipate more stability in the near or even distant future?
6. If a plan for more frequent consideration of the budget were to be the sole consideration, what changes in legislative procedure would be required? What would be the effect upon the activities of the administrative departments in preparing annual estimates?
7. Would an annual budget session result in more realistic budgeting, reduce padding, and discourage last quarter spending?
8. Would an annual budget session have the same advantages in periods of deflation and inflation?

WHAT IS DONE ABOUT THE PROBLEM IN OTHER JURISDICTIONS?

In April, 1951, 10 states had provisions in their constitutions for annual legislative sessions, and 2 states had recently rejected the proposal. Of these 10 states 7 provide merely that annual sessions shall be held and 3 stipulate what may be considered at one or the other of the sessions within a biennium. The rejected Nebraska provision permitted the legislature to establish annual sessions, but provided that if annual sessions were held, every other one must be confined to fiscal matters. In some cases the length of either or both annual sessions within a biennium is limited.

Following is a list of states showing the year of enactment of the constitutional provisions relating to annual terms:

Arizona	- 1950	Michigan	- 1951
California	- 1946	New Jersey	- 1947
Colorado	- 1950	New York	- 1938
Maryland	- 1948	Rhode Island	- 1900
Massachusetts	- 1944	South Carolina	- 1895

It should be noted that in the case of the last 4, the provisions were incorporated in previous constitutions and merely repeated in revisions of date listed.

Following are the provisions of the pertinent sections of the Constitution of those states which have passed upon the question of annual sessions.

Arizona. Article IV, Section 3. Adopted at special election September 12, 1950.

"The sessions of the legislature shall be held annually at the Capitol of the State, and shall commence on the second Monday of January of each year. The Governor may call a special session, whenever in his judgement it is advisable. In calling a special session, the Governor shall specify the subjects to be considered, and at such special session no law shall be enacted except such as relate to the subjects mentioned in the call."

California. Article IV, Section 2. Adopted November 8, 1946, amended November 8, 1949.

"Sec. 2. (a) The sessions of the legislature shall be annual, but the Governor may, at any time, convene the Legislature, by proclamation, in extraordinary session.

All regular sessions in odd-numbered years shall be known as general sessions (and no general session shall exceed one hundred twenty calendar days, exclusive of the recess required to be taken in pursuance of this section, in duration). () portion added in 1949.]

All regular sessions in even-numbered years shall be known as budget sessions, at which the legislature shall consider only the Budget Bill for the succeeding fiscal year, revenue acts necessary therefor, (urgency measures requiring two-thirds vote, acts calling elections, proposed constitutional amendments) ~~[() portion deleted in 1949.]~~, the approval or rejection of charters and charter amendments of cities, counties and cities and counties, and acts necessary to provide for the expenses of the session.

All general sessions shall commence at 12 o'clock m., on the first Monday after the first day of January, and shall continue for a period not exceeding thirty (calendar) days thereafter; whereupon a recess of both houses must be taken for not less than thirty (calendar) days. On the reassembling of the Legislature, no bill shall be introduced in either house without the consent of three-fourths of the members thereof, nor shall more than two bills be introduced by any one member after such reassembly. ~~[() added in 1949.]~~

All budget sessions shall commence at 12.m on the first Monday in March (and no budget session shall exceed thirty calendar days in duration). ~~[() added in 1949.]~~

Colorado. Article V, Section 7. Adopted November 7, 1950.

"The general assembly shall meet in regular session at 10 o'clock a.m. on the first Wednesday after the first Tuesday of January of each year, but at such regular sessions convening in even-numbered years, the general assembly shall not enact any bills except those raising revenue, those making appropriations, and those pertaining to subjects designated in writing by the Governor during the first 10 days of the session. The general assembly shall meet at other times when convened in special session by the Governor..."

Maryland. Article III, Sections 14 and 15 as amended by chapter 497, Acts of 1947, ratified November 3, 1948.

"Section 14. The general assembly shall meet on the first Wednesday of January, 1949 and on the same day in every second year thereafter, and on the first Wednesday in February, 1950, and on the same day in every second year thereafter, and at no other time, unless convened by proclamation of the Governor.

Section 15. The general assembly may continue its session so long as in its judgment the public interest may require, for a period not longer than 90 days in odd years and 30 days in even years;... In any of said 30-day sessions in even years the general assembly shall consider no bills other than (1) bills having to do with budgeting, revenue and financial matters of the state government, (2) legislation dealing with an acute emergency, and (3) legislation in the general public welfare..."

Massachusetts. Article LXIV, Section 3. This was adopted in 1918 by convention and approved by the electors in November, 1918, changed to biennial sessions in November, 1938, and changed back again by a referendum on November 7, 1944.

"The general court shall assemble every year on the first Wednesday of January."

Michigan. Article V, Section 13, Adopted April, 1951.

"The legislature shall meet at the seat of government on the second Wednesday in January of each year and at no other place or time unless as provided in this Constitution; and each such annual regular session shall adjourn without day, at such time or shall be determined by concurrent resolution, at 12 o'clock noon. No motion, bill or resolution pending in one session of any term shall carry over into a later regular session."

Nebraska. Article III, Section 6. Submitted to a vote of the people in November, 1950, but rejected.

"The legislature shall consist of not more than fifty nor less than thirty members. The sessions of the legislature shall be annual or biennial as provided by law. If the sessions are held annually, in even-numbered years the legislature shall not transact any business except to provide appropriations for the expenses of government and to confirm appointments unless specifically requested to do so by message of the Governor."

New Jersey. Article IV, Section 1, Para. 3. Adopted November 4, 1947.

"The senate and general assembly shall meet and organize separately at noon on the second Tuesday in January of each year, at which time the legislative year shall commence."

New York. Article XIII, Para. 9. Renumbered from Article X, para. 6 and amended by constitutional convention in 1938 and approved by the electors, November 8, 1938.

"The political year and legislative term shall begin on the first day of January; and the legislature shall, every year, assemble on the first Wednesday after the first Monday in January."

Rhode Island. Article XI, Section 1 adopted as Article of Amendment, November, 1900.

"Section 1. There shall be a session of the general assembly at Providence commencing on the first Tuesday of January in each year."

South Carolina. Article III, Section 9 of Constitution of 1895.

"... The first session of the general assembly elected under this constitution shall convene in Columbia on the second Tuesday in January, in the year 1897, and thereafter annually at the same time and place."

Texas. Article III, Section 5. Rejected November 8, 1949:

"Two (2) regular sessions of each legislature shall be held; and until otherwise provided by law, the time of the convening of the first regular session shall be at noon on the second Tuesday in January of each odd-numbered year; and of the second regular session at noon on the second Tuesday in January of each even-numbered year.

At other times, when called by the Governor, the legislature shall convene in special session.

Appropriations for monthly recurring expenses and salaries paid by the State shall be made for a period of not more than twelve (12) months.

At the second regular session of each Legislature, only proposals to amend the Constitution and to make appropriations to pay monthly recurring expenses and salaries and such other measures only as four-fifths ($4/5$) of the membership of each house may determine shall be considered."

Model State Constitution. National Municipal League, 1948.

"Section 307. Session. The legislature shall be deemed a continuous body during the biennium for which its members are elected. It shall meet in regular sessions quarterly or at such times as may be prescribed by law. Special sessions may be called by the governor or ~~be~~^{by} a majority of the members of the legislative council."

HAS ANY EFFORT BEEN MADE TO SOLVE THE PROBLEM IN WISCONSIN?

Until 1883 the Wisconsin legislature met annually. Article IV, section 11 of the Constitution, as originally adopted read: "The legislature shall meet at the seat of government, at such time as shall be provided by law, once in each year, and not oftener, unless convened by the governor..." The change to the biennial session was made as a result of a constitutional amendment adopted by referendum in 1882. This amendment, which concerned terms of office as well as legislative sessions was adopted 60,091 to 8,089.

During the 1949 session joint resolution 4, S. was introduced which would have amended Article IV, Section 11 of the Constitution as follows: "The legislature shall meet annually at the seat of government at such time as shall be provided by law, ~~once-in~~

two-years,-and-net-eftener,-unless provided that the legislature may be convened by the Governor..." This resolution was rejected 23-2 in the senate.

Joint resolution 21, A. was introduced in the 1951 session, but it was rejected by the assembly 64-30. It amended the same ~~session~~ as follows: "The legislature shall meet at the seat of government to convene at such time in January each year as shall be provided by law; ~~onee-in-two-years,-and-net-eftener,-unless the legislature in odd-numbered years shall meet for general purposes but the budget adopted by it shall be only for the ensuing fiscal year; the legislature in even-numbered years shall meet only for the purpose of adopting a budget for the ensuing year and to consider such matters as the governor may specify; between such sessions the legislature may be convened by the governor...~~"

Joint resolution 17, S. was also introduced in the 1951 session, but on May 1, 1951, it was still in the judiciary committee of the senate. It provided for a simplified version of the same section as follows: "The legislature shall meet at the seat of government at such time as shall be provided by law, ~~onee-in-two-years,-and-net-eftener;~~ unless convened by the governor..."

The audit reports for the Department of Budget and Accounts by the Department of State Audit has alluded to this problem in the 1947-48, 1948-49 and 1949-50 reports. In 1947-48 and 1948-49 the recommendation was made that "Thought be given to the advisability of annual budget preparation and annual approval of the budget by the legislature...A study of this suggestion should be placed on the agenda of the legislative council." (See page 34 of 1947-48 report and page 29 of 1948-49 report.)

The 1949-50 report, page 28 makes the following statement:

"Annual budget preparation and approval. Our prior report listed nine states which adopt annual budgets. Since that report was issued, two more states have initiated legislation which will permit them to follow like procedure. In our own state, all local units of government operate on annual budgets. Advantages of an annual budget are many and obvious, and it is therefore again suggested that a thorough study of this matter be placed on the agenda of the legislative council."

WHAT ALTERNATIVES EXIST?

Special Sessions. Provision for special sessions, generally at the call of the Governor, are common, but usually they are confined to subjects enumerated in the call. Some states permit the legislature to call a special session. In Wisconsin, as in many states, the special session is dependent upon executive action both as to the call and the subjects to be considered. This dependence of the legislature on the executive is sometimes criticized. Opinions vary as to the urgency of state affairs, and this

is reflected in a wide variation in the number of special sessions held. To date Wisconsin has had 21, 15 of which have been called since 1900. Following is an enumeration of the Wisconsin special sessions:

Year	Dates	Purpose	No. of Calendar Days
1861	May 15-27	Militia, appropriation for	13
1862	Sept. 10-26	Militia, volunteers and voting of troops	17
1878	June 4-7	Statutory revision	4
1892	June 28-July 1	Reapportionment	4
	Oct. 17-26	Reapportionment	10
1896	Feb. 18-28	Reapportionment	11
1905	Dec. 4-15	10 items	11
1912	Apr. 30-May 6	10 items	7
1916	Oct. 10-11	Voting by troops	2
1918	Feb. 19-Mar. 9	19 items	19
1919	Sept. 4-8	Education aid to vets	2
1920	May 25-June 4	25 items	11
1922	March 22-28	Income tax laws	7
1926	April 15-16	Animal indemnification	2
1928	Jan. 24-Feb. 4	7 items	12
	March 6-13	Approp. to Bd. of Control and drivers licenses	8
1931	Nov. 24-Feb. 5	Relief and 16 other items	74
1933	Dec. 11-Feb. 3	Mfg. and sale of intoxicating beverages	55
1937	Sept. 15-Oct. 16	To complete unfinished business of regular session	32
1946	July 29-30	Rent control, vet housing	2
1948	July 19-20	Vet housing	2

Adjourned Or Split Sessions. In at least 4 states efforts have been made to find a solution to the problem by the split session. This may be bifurcated or trifurcated. The theory behind this idea is that the legislature meets to organize and introduce bills, then recesses, and after a period of time returns to take action on the bills introduced. The trifurcated version provides for one period in which to discuss the bills and a third period in which to take action. California, New Mexico and Texas have provision for such action; West Virginia abandoned it after trying it for 4 sessions. Wisconsin by joint rule 18 and 19 secures much the same effect by restricting the period for introduction of bills.

A somewhat similar process has been used in Wisconsin since 1943. It is the adjourned session. By agreement the legislature has adjourned for several months after completing action on all bills to return to act on gubernatorial vetoes, pass a revision bill, and pass on various appointments. By agreement little if any new legislation has been introduced in these adjourned sessions. This same procedure was used in 1856 when the legislature recessed from March to September to permit a special committee

to study the departments. When they reconvened no new legislation could be introduced. In 1858 a 10-day recess was held from March 30 to April 10th.

Following is an enumeration of these sessions:

Year	Regular Session	Reconvened Session
1943	Jan. 13 - Aug. 3	Jan. 12 - Jan. 22, 1944
1945	Jan. 10 - June 20	Sept. 5-6
1947	Jan. 8 - July 9	Sept. 9-11
1949	Jan. 12 - July 9	Sept. 12-13

ARGUMENTS FOR AND AGAINST THE ANNUAL SESSION.

For The Annual Session.

1. The rapid changes in present-day social and economic conditions require frequent legislative sessions to keep pace with these changes.
2. The national government and local units of government recognize this with frequent or virtually continuous sessions of their legislative bodies.
3. The problem of convening a state legislature is far less difficult today than it was during the 19th century.
4. Annual sessions permit closer legislative control of the operations of state government.
5. Annual sessions give greater continuity to the legislature and permit the establishment of a permanent secretariat and research staff.
6. Annual sessions reduce the end of the session rush.
7. Annual sessions permit greater deliberation of the legislation being considered.
8. Special sessions will not solve the problem in many states because they are dependent on a call by the Governor. Annual sessions permit the legislature to maintain its independence from the executive department.
9. Present biennial sessions were generally provided for in 19th century constitutions when the economic and social life of the state moved at a more leisurely pace, but the annual session was common to each of the 13 original states when they were first organized.
10. Present budgetary problems indicate that a more economical administration would result from annual sessions. The budgets could more nearly reflect the actual needs of the departments, and the cushion, which is now frequently used would not be necessary.

Arguments Against Annual Sessions.

1. Annual sessions would constitute a greater drain on the time of the legislators thereby preventing many public-spirited citizens from seeking legislative office.
2. Annual sessions lead to more laws and not necessarily better laws.
3. Annual sessions would increase the costs of government.
4. Annual sessions would result in a reduction of public interest which can only be sustained for a limited period. Biennial sessions bring the legislature into greater public focus.
5. Any real crisis between biennial sessions may be met by a special session.
6. Annual sessions tend to cause the legislature to concern itself more with the minutia of administration while biennial sessions tend to make the legislature concentrate on important matters of policy.
7. Annual sessions may result in failure to act because of the knowledge that issues can be solved next year. Biennial sessions tend to secure results because of the 2-year interval before the problem can be met again.
8. Determination of state fiscal policy on a 2-year basis is a stabilizing factor in state government. Annual adjustments may stimulate runaway expenditures.
9. The opportunity for departments which have lived well within their budgets to have some surplus to expend at the end of the year is not necessarily bad. It does not necessarily follow that the surplus is always spent.
10. Annual sessions would necessitate that at least the major administrative departments assign more personnel to provide liaison with the legislature.
11. Normally there are few state problems which must be solved immediately.

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