

BRIEF NO. 42. THE ADJOURNED LEGISLATIVE SESSION IN WISCONSIN*
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In recent years, the Wisconsin legislature has held adjourned sessions with remarkable frequency and regularity. With only one exception, the legislature has adjourned for a substantial period of time prior to final adjournment during each regular session since 1943. This phenomenon, which we will call the adjourned session, appears to be a new trend in the pattern of legislative organization in Wisconsin, and its development raises many questions. Why have these adjourned sessions occurred? What prevents the disposition of business in the regular session? Do the adjourned sessions meet to consider and act upon unusual or urgent problems? Does the adjourned session in Wisconsin serve the same function as the split or bifurcated sessions in some of the other states? Some of these questions may be answered by examining the adjourned session and its development in Wisconsin.

Background of Legislative Sessions in Wisconsin

Since 1885, after a constitutional amendment was passed abolishing annual sessions, the Wisconsin legislature has met biennially in odd-numbered years.¹ Article IV, Section 11 of the Wisconsin Constitution reads:

The legislature shall meet at the seat of government at such time as shall be provided by law, once every two years, and no oftener, 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 purpose for which it was convened.

Special Sessions vs. Adjourned Sessions

The legislature has met in special session on 19 separate occasions since statehood in 1848. Fourteen of the special sessions took place prior to 1930.² Special sessions differ from adjourned sessions in 3 ways. First, they are called by the Governor while adjourned sessions are provided for by joint action of the houses of the legislature. Second, special sessions are called for a specific defined purpose. Although the adjourned session may also meet for a declared purpose, its object is usually more general in nature and may in fact be to dispose of business left over from the general session. Theoretically its purpose is provided in the joint resolution setting it up, but in some cases these restrictions are ignored. Third, the adjourned session functions as an integral part of the legislative process of the regular session while the special session is an extraordinary meeting completely divorced from the regular session. For example, in 1948 a special session was held to appropriate money for the acquisition, improvement or construction of veterans' housing. In 1933 a special session met to make provisions for the regulation

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¹"The regular session of the legislature shall commence at 12 o'clock M. on the second Wednesday of January in each odd-numbered year", Section 13.02 Wisconsin Statutes, 1953.

²For a list of the special sessions of the legislature see Wisconsin Blue Book, 1954, chart entitled Length of Wisconsin Legislative Sessions, pp. 251-252.

and control of alcoholic beverages due to the repeal of the 18th amendment. The 1931 special session was concerned with providing public relief measures and reducing taxes. In each case the purpose was set forth explicitly by the Governor in his proclamation calling it.

Statutory Split Sessions

In Wisconsin there is no constitutional or statutory provision for the bifurcated session, more commonly known as the split session. Under the split session plan, the legislature recesses for a period of time at some stage of the proceedings during the regular session to study legislation, to hold hearings on legislative measures and to permit the performance of clerical duties involved in preparing bills. New Jersey, for example, recesses from 2 to 4 weeks early in the session so that bills which have been introduced can be examined, printed and distributed.³

Several bills have been introduced into the Wisconsin legislature proposing split sessions but none have been passed. In 1941 Bill No. 95, S. provided that the regular session be divided into 3 parts: the first 5 weeks would be for the introduction of bills. Then the legislature would recess for a period to hold committee hearings on bills and then upon reconvening would act upon the bills.

Characteristics of the Regular Session

Before discussing the adjourned session, several observations might be made of the regular sessions of the legislature. Unlike some states, Wisconsin does not limit the length of the regular session. The longest session of the legislature extended 262 calendar days from January 7 to September 27, 1935. Since 1941 the length of the session has varied from 151 to 214 calendar days. Usually the Wisconsin legislature meets in full session 3 days a week, Tuesday, Wednesday and Thursday until the last few weeks of the session; and holds skeleton sessions on Monday and Friday at which time bills may be introduced and routine matters handled. This permits the legislators time to return home to take care of personal affairs and to talk to their constituents.

What are the Characteristics of Adjourned Sessions?

Prior to 1943 the adjourned session was used only 5 times--1853, 1856, 1858, 1862 and 1897. In 1853 the legislature adjourned to sit as a Court of Impeachment in a case of a circuit judge charged with corruption and malfeasance in office. The 1856 and 1858 legislatures recessed so that joint committees of the legislature could investigate charges of fraud and the conduct of affairs in various state agencies. Adjournment in 1862 was to enable legislative committees to work on reassessment of taxes and in 1897 to consider revisor's bills and executive messages. Except for the adjournment of 1897 these early adjourned sessions were used as devices to permit lengthy considerations

³Report and Recommendations of New Jersey Commission on Legislative Procedure and Research constituted under Assembly Concurrent Resolution No. 4, November 15, 1954. For other general discussions of legislative sessions see: American State Legislatures by the Committee on American Legislatures, American Political Science Association, 1954, pp.89-94; and American State Government by W. Brooke Graves, 1953, pp.219-223.

of particular problems. A summary of the resolutions setting forth the purpose of each adjourned session appears at the end of this study.

Adjourned sessions since 1943 were held for a variety of reasons. These adjournments began in Governor Goodland's administration when there appeared to be a feeling of antagonism between the legislature and the Governor. In an attempt to permit the legislature to review the Governor's actions, the legislature, in a series of joint resolutions, set up a program of specific dates between June 18 and August 3, 1943 on which they would meet, ostensibly for one or two days, for the purpose of receiving executive vetoes and messages. In the August session, the legislature agreed once more to adjourn until January 12, 1944 to consider subjects necessitated by the war emergency. Joint Resolution No. 107, A. declared that if there was a need for the legislature to meet at an earlier date, either the Governor or a special joint committee of the legislature could call the adjourned legislature back into session. It has been alleged that the legislature adjourned until January to prevent the Governor from calling a special session in which case he could determine the subject matter for legislation and thus restrict action of the legislature. It is also interesting to note that in 1943 the Governor vetoed 40 bills of which 21 were overridden by the legislature.

A typical pattern for these legislative recesses is to hold the regular session until early summer and then reconvene for a few days in the fall. In the adjourned sessions from 1945 through 1955, the legislature recessed in June or early July and returned in September, October or November. Consideration of executive vetoes continues to be a declared purpose of these adjourned sessions as well as consideration of revisor's correction bills and confirmation of Governor's appointments. However, in the last 2 sessions, in 1953 and 1955, the agenda included many more items of business. Joint Resolution No. 117, A. of 1955 actually included consideration and action on all bills and resolutions on which action had not been completed. In both these sessions new bills were introduced. The 1953 and 1955 adjourned sessions lasted for 25 and 11 calendar days respectively while the adjourned sessions of 1945, 1947 and 1949 lasted only 2 or 3 days.

There may be a number of reasons other than sheer coincidence for the frequent use of adjourned sessions in recent times. Some explanations are suggested by the chart attached, which illustrates the pattern of legislation in the regular and adjourned sessions. The first section of the chart shows the number of bills introduced and laws enacted by the legislature in the regular session and the number of bills approved and vetoed by the Governor prior to the adjourned session of the legislature. The second section shows the number of bills considered and laws enacted in the adjourned session and the number of vetoes overridden.

In looking at the chart it is apparent that the number of vetoes overridden by the legislature in the adjourned session is generally relatively insignificant. The sessions of 1943 and 1945 are exceptions. In 1953 only 3 out of 33 vetoes were overridden and in 1955 none of the 28 Governor's vetoes were overridden.

Another item indicated by the chart is that far more bills were considered and enacted in the 1953 and 1955 adjourned sessions than in

any of the 4 previous ones. This greater volume of legislation may indicate a tendency to carry over a portion of legislation to the adjourned session. This is especially true of fiscal matters. It is considered more advisable to make final decisions on certain such matters as late as possible in order that the best estimates of revenue may be used and a complete picture of appropriations made. However, there is not sufficient data to clearly indicate a trend.

The chart also shows that there is considerable delay between the passage of the bill by the legislature and the actual signing of the bill by the Governor. Since 1945 only a small proportion of legislative enactments were signed by the Governor before adjournment. Of the 618 bills passed by the legislature in the regular session only 498 were approved by the Governor before the regular session came to a close. The percentage of bills approved by the legislature and signed by the Governor before the adjourned session began were as follows: 81% in 1955, 45% in 1953, 72% in 1949, 67% in 1947 and 66% in 1945.

Perhaps the delay may be caused by the large number of bills rushed through the legislature in the closing days of the regular session and also, by the fact that he does not receive the bills immediately after passage by the legislature, but only after they have been enrolled and printed, a process which is often slow after the legislature adjourns. Even though the Governor must return bills presented to him within 6 days (Wisconsin Constitution, Art. V, Sec. 10), it takes considerable time for him to review each piece of legislation in the stockpile. Thus, the bulk of legislation may be approved long after the regular session is over. Under these circumstances, the adjourned session furnishes the legislature opportunity to review the Governor's action which otherwise, it would not have. It also permits the legislative body to enact revisor's correction bills which would have to wait until the next session if they could not meet when much of the legislation has been put in final form and adopted to the statutes.

QUOTATIONS FROM THE TEXTS OF JOINT RESOLUTIONS PASSED BY THE WISCONSIN LEGISLATURE AND PROVIDING FOR ADJOURNED SESSIONS, 1848-1955

1955, Jt.Res.No. 117, A. Resolved by the assembly, the senate concurring, That when the two houses adjourn on Friday, June 24, 1955, they adjourn until 2 p.m. Monday, October 3, 1955, such adjourned session to be only for consideration and action on measures still pending in bill or resolution form, action on claims against the state which have been referred to the claims commission created by Chapter 98, Laws of 1955, for investigation, pending executive vetoes, governors' appointments and revisor's correction bills;...

1953, Jt.Res.No. 58, S. Resolved by the senate, the assembly concurring, That when the two houses adjourn on Friday, June 12, 1953, they adjourn until 2 p.m. Monday, October 26, 1953, such adjourned session to be only for the consideration of action on matters relating to reapportionment including Bill 472, A., matters relating to state finance, action on claims against the state which have been referred to the claims commission...for investigation, turnpike legislation, pending executive vetoes, governor's appointments and revisor's correction bills;...

- 1949, Jt.Res.No. 64, S. Resolved by the senate, the assembly concurring, That when the two houses adjourn on Saturday, July 9, 1949, they adjourn until 10 a.m. Monday, September 12, 1949, such adjourned session to be only for the consideration of pending executive vetoes, revisor's correction bills and senate action on appointments of the governor....
- 1947, Jt.Res.No. 79, S. Resolved by the senate, the assembly concurring, That when the two houses adjourn on Saturday, July 19, 1947, they adjourn until 10 a.m. Tuesday, September 9, 1947, such adjourned session to be only for the consideration of pending executive vetoes, revisor's correction bills and reports of committees of conference on any bills in connection with which such committees of conference were appointed or requested prior to adjournment on July 19....
- 1945, Jt.Res.No. 93, S. Resolved by the senate, the assembly concurring, That when the two houses adjourn on June 19, 1945 they adjourn until 10 a.m., Wednesday, June 20, 1945, such adjourned session to be only for the purpose of receiving messages from the respective houses, executive messages and other communications, and revisor's corrective bills; that when the two houses adjourn on Wednesday, June 20, 1945, they adjourn until 10 a.m., Wednesday, September 5, 1945, such adjourned session to be only for the consideration of pending executive vetoes and revisor's correction bills....
- 1943, Jt.Res.No. 95, A. Whereas, All bills to be acted upon at this session have been disposed of and a large number of measures that have been passed by the legislature in the closing days of the session remain to be enrolled, printed and acted upon by the governor; and
Whereas, The enrolling and printing of such measures and the consideration thereof by the governor will require a total of at least 3 weeks' time, during which period any necessary correction bills can be prepared by the revisor of statutes for action by the legislature; and
Whereas, It is deemed advisable that this legislature recess for such period as will permit of the printing of all enrolled bills and enable the governor to act and report thereon; and
Whereas, During the recess period the legislature work will be facilitated by holding skeleton sessions for the purpose only of receiving messages from the respective houses, executive messages and other communications; now therefore.... provides for adjournment on June 18 and holding skeleton sessions on June 25, July 2, July 9; and meeting in full session July 13 and succeeding days for the completion of legislative business
- Jt.Res.No. 99, A. Resolved by the assembly, the senate concurring, That when both houses of the legislature adjourn on July 14, 1943 they adjourn until Tuesday, August 3, 1943 at 10 o'clock a.m.
- Jt.Res.No. 107, A. Whereas, In the uncertain and critical times of the present war emergency, it is deemed necessary and advisable that the legislature be held ready at all times to meet promptly and consider such subjects of legislation as may be urgently necessary; and

Whereas, The governor has indicated that supplemental matters will in all probability arise which will require legislative action; now, therefore, be it

Resolved by the assembly, the senate concurring, That when the two houses adjourn on August 3, 1943 they adjourn until the second Wednesday in January, 1944 at 12 o'clock noon or until 12 o'clock noon on such earlier date as may be determined in accordance with this resolution.

- 1897, Jt.Res.No. 76, S. (S.J. p. 881) Resolved by the senate, the assembly concurring, That when the legislature shall have completed its labors for the present session except the matter of revision of the statutes and other matters connected therewith in this resolution mentioned, it shall adjourn or take a recess until the seventeenth day of August, 1897 at 2 o'clock p.m., at which time it shall reconvene for the sole purpose of considering such revision and the matter of supplying the statutes of 1898, when revised, completed and published to public officers, the compensation of the joint committee on revision, and such matters connected with such revision as are herein referred to, and communications from the governor.
- 1862, Jt.Res.No. 40, S. (S.J. p. 659) Resolved by the senate, the assembly concurring, That the two Houses will adjourn on Monday the 7th day of April next at 9½ o'clock and take a recess until Tuesday the 3d day of June next.
(Explanation from the Journal: to enable members of the joint committees to perform their duties without unreasonably prolonging the session. The Committee on Finance of the Senate and the Committee on Ways and Means of the Assembly were preparing figures for the re-assessment of taxes.)
- 1858, Jt.Res.No. 46, A. (A.J. p. 1178) Resolved by the Assembly, the Senate concurring, That the two houses will, on Monday, the 29th day of March inst., at 12 o'clock, M., take a recess until Thursday the 8th day of April next,...
(Explanation from the Journal: Recess called to expedite the investigation of the Joint Select Committee to Investigate into Alleged Frauds and Corruption in the Disposition of the Land Grant for Construction of Railroads by the Legislature of 1856 under the chairmanship of Denison Worthington.)
- 1856, Jt.Res. of March 28, 1856 (S.J. p. 800) Resolved by the Assembly, the Senate concurring, that the two houses will on Monday, the 31st day of March,...take a recess until the first Wed. in Sept.... Resolved, That the joint select committee of the legislature appointed to investigate the affairs of the condition of the treasury, and offices of the secretary of state and school and university land commissioners, be, and they are hereby authorized to prosecute said investigation during the recess and are instructed to make a full and detailed report to the legislature at the meeting thereof on the first Wednesday of September next.
- 1853, Jt.Res. of March 25, 1853 (S.J. p. 601) Resolved that the two Houses, will on Monday the 4th day of April, next at 12 o'clock M., take a recess until the 6th day of June next.

(Explanation from Wisconsin Blue Book, 1929, p. 593:
The legislature adjourned until June 6th so that the Senate might sit as a Court of Impeachment, with the Assembly present, in the trial of Circuit Judge Levi Hubbell who was charged with acts of corruption and malfeasance in office.

THE PROCESS OF LEGISLATION IN THE REGULAR AND ADJOURNED SESSIONS OF THE WISCONSIN LEGISLATURE FOR YEARS WHEN ADJOURNED SESSIONS HAVE OCCURRED 1848-1955

SESSION YEAR	REGULAR SESSION				ADJOURNED SESSION				SUMMARY		
	LENGTH OF SESSION	NO. OF BILLS ¹ Enacted	NO. OF BILLS ² Signed	NO. OF BILLS ² Vetoes	LENGTH OF SESSION	Consid. Enacted	VETOS ³ S ⁴ O ⁵	% OF BILLS ENACTED BY THE REG. SESSION AND BILLS SIGNED	TOTAL BILLS Infr.	TOTAL BILLS Enacted	
1955	Jan. 12 June 24	618	498	28	Oct. 3 Oct. 28	123	78	28 0	498/618 = 81%	1503	696
1953	Jan. 14 June 12	622	284	35	Oct. 26 Nov. 6	92	65	33 3	284/622 = 45%	1593	687
1949	Jan. 12 July 9	639	462	19	Sept. 12 Sept. 13	13	4	16 3	462/639 = 72%	1432	643
1947	Jan. 8 July 19	610	411	11	Sept. 9 Sept. 11	16	5	10 1	411/610 = 67%	1220	615
1945	Jan. 10 June 20	580	358	33	Sept. 5 Sept. 6	31	10	27 6	358/580 = 66%	1156	590
1943	Jan. 13 June 18	340	340	34	June 25 ³		26				
					July 2 3		88				
					July 9 3		57				
					July 13-14		35				
					Aug. 3-4		20				
1897	Jan. 23 Apr. 24	374	352	11	Jan. 12 Jan. 22-19 ⁴⁴	23	11	15 22	340/340 = 100%	1153	577
1862	Jan. 8 Apr. 7	333	327	35	Aug. 17 Aug. 20		7		352/374 = 94%	1077	381
1858	Jan. 13 Mar. 31	184	184	28	June 3 June 17		71	8	333/327 = 98%	1008	404
1856	Jan. 9 Mar. 31	563	563	1	Apr. 10 May 17		252		184/184 = 100%	1364	436
1853	Jan. 12 Apr. 4	404	404	6	Sept. 3 Oct. 14		125	1	563/563 = 100%	1242	688
					June 6 July 13		104		404/404 = 100%	1145	508

1 Bills enacted means bills passed by the legislature and signed by the Governor.
 2 No. of bills signed by the Governor before the close of the regular session.
 3 The legislature held skeleton sessions on these days to receive executive messages regarding pending bills.
 NOTE: Some information for the early sessions was not available.
 4 Sustained.
 5 Overridden.