

Special Sessions of the Minnesota Legislature

The governor may call the legislature into special session on extraordinary occasions

Besides requiring the legislature to meet in *regular* session during a part of each biennium (two-year period), the Minnesota Constitution permits the legislature to meet in *special* session “on extraordinary occasions.”

Some state legislatures are allowed to call themselves into special session. The Minnesota Constitution does not permit this: only the governor can call the legislature into special session. (Statutory law purports to allow the legislature to call itself into special session, but only when the state is under attack by enemies of the United States.)

Statutory law directs the governor to call a special session by means of a proclamation, to notify all legislators of the time of the meeting, and to inform the legislature of the purpose of the session. The governor’s proclamation is filed with the secretary of state and is printed in the journal of each house and in the *Laws of Minnesota* (a compilation of legislative actions published each year).

Special sessions permit legislative action at any time of the year

Special sessions permit legislative action, if necessary, at times when the legislature is not meeting, or allowed by the constitution to meet, in regular session (generally, the summer and autumn months). Typically governors call special sessions for two reasons:

- The legislature has not completed work on vital legislation during the time allowed for the regular session
- Changed circumstances require urgent legislative action after the regular session ends

It is possible for a special session to run concurrently with a regular session—either because a special session continues after the start of a regular session, or because the governor chooses to call a special session during a regular session. This overlapping of special and regular sessions has occurred only once, in 1981.

Special sessions have become more frequent in recent decades

Special sessions once were rare but have become more frequent. According to information compiled by the Legislative Reference Library, governors called three special sessions during the first half century of statehood (1857-1906), ten in the succeeding half century (1907-1956), and 32 since 1957. As many as six special sessions have been called during a single legislative biennium (in 1981-82).

Each special session is discrete

Each special session is a separate, free-standing meeting of the legislature, independent of the regular legislative session and any other special session. All legislation to be considered must be introduced as new bills. The legislature may not act on bills from the regular session or another special session.

The legislature determines the length and scope of a special session

Legislators decide what issues and legislation to consider in a special session and how long to meet. Governors initiate special sessions but have no authority to limit their scope or duration. Nor does the constitution regulate the length of special sessions, as it does regular sessions. Once they are called into a special session, legislators could decide to take up a large agenda and meet for a lengthy period—even, in theory, until legislative terms of office end and a new legislature convenes in regular session, in January of the next odd-numbered year.

Most special sessions are quite concentrated and short

Despite the legislature’s unbridled authority to determine the scope and length of special sessions, long rambling ones are rare. The length of most is best measured in hours or days. Seldom does one extend beyond a single week. The longest in history—by far—occurred in 1971, when a special session convened in late May and did not adjourn finally until the end of October.

Two common practices contribute to the brevity of most special sessions.

First, the governor and legislative leaders seek agreement on the business of the session before the governor calls it. Some agreement on the general scope of the session usually is possible. This is announced publicly before the session and reflected in a general way in the language of the governor’s proclamation. A typical proclamation these days recites the need for essential laws in specified subjects and calls for the prompt conclusion of legislative business, with a limited agenda and as much prior agreement as possible. Besides seeking agreement on the general scope of the session, the leaders also may attempt to reach more detailed agreements about the content of legislation.

Second, the legislature usually uses expedited procedures to pass legislation. During special sessions, the House and the Senate often pass bills shortly after they are introduced. This is accomplished by declaring an “urgency” and suspending both the constitutional requirement that each bill be considered on three different days in each house and the requirement of legislative rules that each bill be referred to a committee when it is introduced. The two-thirds vote required in each house to expedite passage in this way usually is forthcoming, because legislators generally wish to curb the length of the session.

For more information: Contact Mark Shepard at 651-296-5051 or Patrick McCormack at 651-296-5048. Also see the House Research publication *Regular Sessions of the Minnesota Legislature*, July 2010.

The Research Department of the Minnesota House of Representatives is a nonpartisan office providing legislative, legal, and information services to the entire House.