

This is Chris Micheli, with the Sacramento governmental relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering program. This is another podcast on common misconceptions about the California legislative process. This podcast concerns a few misconceptions related to Special Sessions.

Special Sessions, formally called Extraordinary Sessions, are called by the Governor in order to convene the Legislature. It's a unique power that at the federal government does not exist. So what are some of the misconceptions?

The first misconception is that the Governor can call a Special Session for any reason, whatsoever. Actually, under Article IV, Section (3) (b) of the California State Constitution, it is only on extraordinary occasions that the Governor by proclamation can force the Legislature to assemble in a Special Session. That's why we use the term Extraordinary Special and Special Session. The formal title is Extraordinary Session. The informal term is Special Session.

Another misconception is that the Legislature must enact bills when called into Special Session. While the Legislature must convene the Special Session once it has been called by the Governor, there is actually no legal requirement that any legislation be enacted, or even that even bills be voted upon. The state constitution does limit what the Legislature can consider during a Special Session. Specifically, it says it has the power to legislate only on subjects specified in the proclamation, but may provide for expenses and other matters incidental to that Special Session. So as long as they meet, they do get paid.

Another misconception is that Special Sessions continue once called by the Governor. While regular sessions of the Legislature and any Special Sessions not previously adjourned all adjourn *sine die*, at midnight on November 30th of each even-numbered year. While the Governor calls a Special Session, it is actually the Legislature that adjourns the Special Session. Prior to adjournment *sine die*, adjournment requires only a simple majority of both houses to adjourn the special session. So, if the Assembly were to adjourn a Special Session but the Senate does not, or vice versa, then the Special Session remains open.

Thanks for joining me on this podcast.