

Hi. This is Chris Micheli with the Sacramento government relations firm of Aprea & Micheli and an adjunct professor at McGeorge School of Law in its Capital Lawyering program. Today, our podcast concerns regular versus special sessions of the California Legislature.

As you may be aware, the California Legislature can be in regular, or special, or even joint sessions. A session is the designated period of time in which the Legislature meets. There are three types.

A joint session can occur in either a regular or a special session. A joint session is one in which both houses of the Legislature -- that is the Assembly and the Senate -- meet for a specified purpose. Due to its physical size, joint sessions are normally held in the chambers of the State Assembly.

There's a misconception that the Assembly and Senate always meet separately. However, the Assembly and Senate may meet together in these specified joint sessions. The purpose of a joint session is to receive special information, such as the governor's annual state of the state address, or perhaps, to hear from a foreign dignitary.

Our state constitution provides the dates for convening and adjourning the regular session. Other than that, the Legislature has the freedom to set its own calendar for meetings and recesses.

Generally, the Legislature begins meeting in the first week in January of each calendar year and concludes its work for the year either in mid-September during the odd-numbered years, or August 31st, the constitutionally mandated adjournment date in the even-numbered years.

In terms of the period of time in which the legislature meets, they may do so in either regular or special session. A regular session is the one convened in December of the even-numbered year pursuant to Article 4 Section 3A.

That section of our state constitution states, "The Legislature shall convene in regular session at noon on the first Monday in December of each even-numbered year, and each house shall immediately organize. Each session of the Legislature shall adjourn sine die," that is for good, "by operation of the Constitution at midnight on November 30th of the following even-numbered year."

A special session, on the other hand, is one that's convened pursuant to a proclamation that's issued by the governor of the state. Found in Article 4 Section 3B of the state constitution, this section reads, "On extraordinary occasions the Governor by proclamation may cause the Legislature to assemble in special session.

When so assembled, it has power to legislate only on subjects specified in the proclamation, but may provide for expenses and other matters incidental to the session."

Here, a common misconception is that the Governor can call a special session for any reason. However, as noted under Article 4 section 3B, it is only for extraordinary occasions that the Governor by proclamation can require the Legislature to assemble in a special session. This is also the reason why special sessions are formally called extraordinary sessions.

Another common misconception is that the Legislature must enact bills when called into special session. While the Legislature must convene a special session once it has been called by proclamation by the Governor, there is no legal requirement that any legislation actually be enacted, nor even be voted upon.

However, the constitution does limit what the Legislature can consider during these special or extraordinary sessions because it provides that it has the power to legislate only on subjects specified in the Governor's proclamation.

Of course, the Legislature may provide for expenses and other matters that are incidental to that special session. Aside from the fact that a special session is limited to the subject matter for which it was called, there are no significant differences in the legislative process between a regular and a special session.

However, the effective dates for bills enacted during a special session are somewhat different than those from regular session. You may recall that regular session bills, except urgency clause bills that take effect immediately when the governor had signed them, these regular session bills generally take effect on the following January 1st.

On the other hand, special session bills take effect on the 91st day after the adjournment of the special session, unless it's an urgency clause statute.

Finally, note that regular sessions of the Legislature, and any special sessions not previously adjourned, are all adjourned sine die at midnight on November 30th of each even-numbered year. As such, neither a regular nor a special session can continue indefinitely.

Thanks for joining this podcast on regular versus special sessions of the Legislature. I hope you enjoyed it.