Musings on the Beginning of the Legislative Session

By Fredrick Cabell Jr.

When people take classes about writing for fun or profit, the advice is typically, “Write about what you know.” OK, well, here are a few things that I know. First, the title of this column has not been accurate for more than a year now. The Legislative Department has not been “On the Hill.” At least not in the sense that phrase meant prior to March 2020. As soon as the pandemic began to kick in, the Pennsylvania General Assembly was one of the first in the nation to go partially virtual. Legislators have the option of voting from their offices in the district, their office in the Capitol or on the floor in their respective chambers. Most of the legislators I know have done a mix.

I know this is necessary for the public health, but I hope it will end soon. The Capitol has been closed intermittently during the pandemic; it has been closed to the public the past few months. It has been announced that it will reopen “soon,” so my wish seems to be coming true.

I have talked to my lobbyist friends (at least I think they’re my friends) and none of us are fans of virtual lobbying. Lobbying is about many things, including developing and maintaining positive relationships. We all know how difficult it has been to have contact with our family, friends and colleagues this past year. When you apply that difficulty to an essential element of your job, it only heightens the anxiety.

This new legislative session has brought with it a flood of new legislators: 25 new representatives and six new senators. Maintaining relationships virtually and on the phone is difficult. Starting a new relationship, well … I just can’t imagine what online dating is like these days. It’s not so good for lobbyists either.

One thing that has helped, though, is having an urgent reason to reach out to legislators. Busy legislators, like busy professionals in general, are not keen about people calling just to chat. But when you have a reason to call, then it is business. In an odd bit of fortune, we have had a good deal of business to conduct, despite it being so early in the legislative session.

This legislative session has taken off like a rocket! In fact, this is the fastest I have seen a new session start moving on legislation in memory. (Although, since we are talking about my memory, I fear that might not mean much.) I once had the honor of being closely involved in the passage of a bill that was the first one to become law in a new legislative session (Act 1 of 2011, if you are curious). It was a high priority for my employer, and we had the full support of the governor and the legislative leaders. Time was of the essence. It was even bipartisan. It was not signed into law until late April. In comparison, as of early March 2021, four bills have already been signed into law.

Some bills that have not moved very far in the process have had a great deal of legislative activity behind the scenes. For instance, in my last column I discussed the issue of changing the way appellate judges are elected in Pennsylvania — a highly controversial topic. The PBA Legislative Department was very active in opposition to this proposal. The bill was voted out of committee in January, passing by one vote. Usually in January of a new session, legislators are learning where the bathrooms are located, not voting on highly controversial issues. Typically, committees are just being formed in late January, and there rarely is a vote on a bill.

On the topic of that aforementioned bill (House Bill 38), I can report that it will not make the primary ballot. Changing the procedure for how appellate judges are elected requires a constitutional amendment. Under the process, the same exact language for the constitutional amendment must pass in two consecutive sessions. HB 38 represented the second year for the attempt, so the rush was on (behind the scenes) to get it to the people for a vote in May. Because of advertising requirements under the state constitution, the bill needed to pass the House and Senate by late February. Not only was that deadline missed, but it became clear while we were lobbying against the bill that much of the support from last session had eroded, and passage of the bill this session is unlikely. Unlike, but not impossible, so we will not let our guard down!

Moving forward into the rest of the session, I am having a hard time predicting the mood. We are on the verge of a massive federal spending bill that will surely be signed into law and will send
hundreds of billions of dollars to states and local governments. State budget problems solved? Probably, but Gov. Wolf has quite a wish list, and Republicans are in no mood to spend or raise taxes, so we just might have an old-fashioned June, hanging out in the Capitol 24-7 waiting for a budget to pass. And this year I will not mind it at all, even if we have to wear masks. ⚭

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