November is the New June
By Frederick Cabell Jr.

In the 8-3/4 years I have been with the PBA (When you have young children, you start to think in halves and even quarters, e.g., “I am 4-3/4 years old.”), I have written only one column on the state budget (“The Fifth Season,” September/October 2018). In that article, I discussed two concepts: “budget season” and the mythology surrounding the June 30 “constitutional” deadline. I stated how for legislators and those who are involved in the legislative process, budget season typically was the month of June, and June 30 was the “constitutional” deadline, but statutory law, not the constitution, imposes the June 30 deadline.

Like just about everything else in 2020, there is nothing normal, not even the somewhat normally abnormal regular budget season. For many years, the budget mostly passed on time. During Gov. Ed Rendell’s administration, on time became the exception, not the rule. Gov. Tom Corbett was big on punctuality, having the benefit of his party controlling both chambers, so he was always on time. He might have been a day or two late once, but let’s not quibble. Gov. Tom Wolf has a mixed record regarding on-time budgets, likely due in large part to dealing with the opposite party in control of the General Assembly.

Now, thanks to COVID-19, we have a new type of budget and a new budget season: Partial budgets are budgets; November is the new June.

First, some background. In May, the General Assembly passed and the governor signed a budget that focuses primarily on educational funding for the entire fiscal year with no increase from the previous year and some COVID-19-related projects. Everything else needed to run the government was funded through November. Since education funding usually represents a little over a third of the entire budget, there is still much work to be done. Thus, a partial budget.

Why November as the new June? The period after the November election, and before the truly constitutionally mandated end of the legislative session on Nov. 30, is referred to as sine die. (Apparently, no one at the Capitol pronounces that Latin phrase correctly, so feel free to say it however you like.) For at least the last 10 years, there has not been a substantive vote on any legislation during the sine die period. Good government advocates consider it bad form to vote during a period where some of the legislators voting will not have to face the people in another election. It is also the longest period of time before the next election, so there is a sense/hope that the electorate does not have a long memory. In the past, when there were votes during sine die, it often involved great mischief! I remember as a young lobbyist hearing my elders trumpet the refrain about a tough vote: “That will be a good issue for sine die.”

As you are reading this column, it is probably late October or early November. You soon will be overwhelmed with the results of the national election. Apparently, half of the nation will be elated and the other half rending its clothes.

After you celebrate or come out of your deep depression, you might want to tune in to the state budget battle. All indications are that it will be a “Rock ’em Sock ’em”-type year. In addition to an unprecedented budget deficit estimated to be near $5 billion, there is the added factor of a hard deadline of Nov. 30. As I write, no relief from the federal government is in sight. When you consider that the entire budget is around $34 billion, a billion here and a billion there is quite substantial. I don’t think searching under the couch cushions is going to do the trick. (Although I did read once about a man who bought a used couch at the Goodwill store and found $43,000 stuffed in the ottoman cushion. True!) Deep cuts and tax increases will be on the table.

Can the deadline be extended? Sort of, at least in my opinion. Even though the legislative session ends on Nov. 30, the new session, with the newly-elected members, can begin Dec. 1 (Article 3, Section 2). We always think of the new legislative session beginning on the first Tuesday of January because the constitution requires that the General Assembly meet on that day, but when you couple the fact that the new members begin their service on Dec. 1 with the fact that the governor can call a special session (Article 3, Section 4), it seems like it is possible for the new General Assembly to pick-up the work of the just-ended legislative session. I have never seen that happen. I am sure the freshmen legislators will be thrilled to have their
first votes be one of the toughest of their careers as they wave goodbye to the retiring legislators in the rearview mirror!

PBA will be working on three priorities during this year’s November budget season: sufficient funding for the court system, sufficient funding for legal aid and no sales tax on legal services. If they are looking through the seat cushions, we cannot be too careful.

As always, I hope you contribute to the PABAR-PAC. And, if you get an email from us asking for your grassroots support, please contact your legislators. We only contact you when it is very important.

I extend my gratitude to Neal R. Lesher, majority communications and policy director for the House Appropriations Committee, for providing me with background information on the current budget situation.

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