Most people, being of sound mind and properly informed, believe that there are four seasons. Au contraire. Now before you get your underwear in a bunch, please know that this column is not about global warming or climatology or anything of the sort. Like many of you, I went to law school to avoid math and the hard sciences. The season I speak of, the fifth season, is known primarily to those creatures that lurk in the habitat known as the Capitol. It is called budget season.

Unlike other seasons of the year, there are no fixed starting and ending dates. (There used to be an ending date, but that is a complaint I will not indulge in at this time.) The approximate starting date is “soon after Memorial Day.” As for ending dates, this year the season ended on June 25. In the distant past, one could pretty much bet the family vacation on the fact that the season would end on June 30. One recent year, the season ended in mid-March of the following year! (I am still not indulging. These are facts, not complaints.)

As a lawyer, my ears perk up when I hear the phrase “constitutional duty.” During budget season, this phrase is thrown around with zeal. The context for this verbiage regards when budget season should end. Legislators and commentators, as is their wont to do during budget season, loudly proclaim, “The General Assembly should do its constitutional duty and pass a budget by June 30.” Hmm.

It is my wont to know where constitutional duties are found in the Constitution of the Commonwealth of Pennsylvania. I am a stickler. So, I did a little research. I cannot find it. What, no constitutional duty to pass a budget by June 30? It gets worse. I cannot find anything in the constitution about the end of budget season.

I think it is fair to say that the constitution assumes there will be a fiscal year. It also assumes there will be an “operating” budget bill. Article VIII, Section 13 (a). I am sure that is good news to the commonwealth’s citizens and its creditors. The magical date of June 30, however, appears nowhere in the constitution. I am guessing, because I am too lazy to do the research, that a statute sets the date for the beginning and end of the fiscal year. (Actually, I did the research. Act 175 of 1929, Section 617.) So, dear reader, that is how we get to the idea of a constitutional/statutory duty to pass a budget by June 30.

This is all very interesting — at least to me — but pointless. There is no way to force the governor and the General Assembly to pass a budget “on time.” Ideas have been bandied about, ranging from the mild to the brutal. Here’s one: No one in the Capitol gets paid until a deal is finalized. Here’s another one: The governor and legislative leaders have to conduct mandatory daily negotiations in a sauna and no towels are allowed. Eek! Heaven forbid!

I happen to embrace budget season and I don’t even mind if it extends a little bit past June 30. A little bit. I have mentioned to my lobbyist friends that we like to grumble in June, but it is just for fun and to pass the time. Although the year the budget lasted until March of the following year and I was in the Capitol on December 23 for a session day and received notice that the General Assembly was returning the next week for several days of session, I was grumbling for real.

Why do I embrace budget season? Glad you asked. It is a time of great legislative productivity. Not necessarily for the budget and related legislation, but for everything else.

This year the PBA scored two major victories during budget season. No doubt you read about this in the July 16, 2018, edition of the Pennsylvania Bar News or read about it on the PBA homepage or in the Legislative News section of the PBA website. Here’s a brief recap. For years, the PBA sought enactment of the Revised Uniform Arbitration Act. Negotiations dragged on between the PBA, the Pennsylvania Association for Justice and, later, the Insurance Federation of Pennsylvania. It was the rockiest rock and the hardest of hard places.
Then, suddenly, a beam of light broke through the clouds and agreement was reached. But time was running out (June 30 loomed, and this year they meant it), so some legislative sleight of hand was necessary. We sped up the process by amending the RUAA into another PBA priority, the Pennsylvania Collaborative Law Act, which had already advanced far along in the legislative process. Bingo — a twofer! Now both have been signed into law as Act 55 of 2018.

Now you know why budget season is such a glorious time of year for me. ⚖️

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What’s the lawyer story you most love to tell when you bend an elbow with friends after hours?

Every lawyer has a favorite “war story” — a tale of a hard-won legal battle, a story with a hilarious twist, an account of an incredible escapade. Pick your best can’t-top-this adventure with a judge, jury, client or colleague and write about it for us in 400 words or less. We’ll choose the best of the best to share with our readers in an upcoming issue of The Pennsylvania Lawyer magazine.

Email your “war story” to us at editor@pabar.org or mail it to Pennsylvania Bar Association, Attn. Editor, The Pennsylvania Lawyer, P.O. Box 186, Harrisburg, Pa. 17108-0186.

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