



Humphrey: A rush to sunset

By Tom Humphrey
Sunday, May 18, 2008

A recurring complaint from legislators in the waning days of their annual sessions - voiced more loudly than usual this year, with some justification - is that they wind up rushing to enact late-developing legislation without enough time for deliberation and debate.

Much more quietly, there are some complaints - with considerable justification - about two legislative committees that could not get their job done despite having lots of time. As in years.

They are the Government Operations committees of both the House and Senate, usually rated rather low in legislative panel prestige rankings. The committees have important, though often boring, work.

They are charged with oversight of all state government boards, agencies and departments. A big part of that oversight is to review the performance of each agency, using audits conducted by the state comptroller's staff, and periodically recommend whether the entity should continue in existence.

State law requires that the Legislature vote every so often - typically four to six years - to renew any given entity. Otherwise, the entity will automatically cease to exist, or "sunset," with one year granted to close out its affairs, or wind down.

The full Legislature relies on the Government Operations committees to do the reviewing and make the recommendations, which then go to the floor of the House and Senate for a vote. In most cases, the panel recommendations are adopted routinely.

This session, the committees did not get around to reviewing and making a specific recommendation on 54 entities that are scheduled to die on July 1, 2008 - or, more properly, go into "wind down" and cease to exist on July 1, 2009. They range from the Department of Revenue and the Department of Correction to the Dairy Promotion Committee.

Now, the state could perhaps survive without the Dairy Promotion Committee. But collecting taxes and guarding prisoners are pretty important functions of government.

At any rate, it was decided by the leaders of Legislatorland that all 54 of these entities be lumped together in one "omnibus sunset" bill that grants each of them one more year of life.

This would give the committees another year to do their job of reviewing each entity and, hopefully, have individual sunset bills that could be passed next year without sending the entities into wind down.

Alas, one of the 54 entities is the Judicial Selection Commission, which also had its own separate sunset bill. Basically, it is a bunch of lawyers empowered to decide who can be appointed as a state judge. The governor can pick only from a list the JSC gives him.

Gov. Phil Bredesen wants the JSC to meet in public. The JSC wants to meet in secret. Lt. Gov. Ron Ramsey wants different people as JSC members, not just those designated by various lawyer interest groups, as is now the case. House Speaker Jimmy Naifeh favors the status quo.

So the omnibus sunset bill was stalled in the state Senate, along with the separate JSC bill. Thus, it would seem that a political squabble entangled 53 other entities and all now face shutting down.

Actually, the problem is deeper. It is, frankly, the inept functioning of the two legislative committees.

Now, if you're into watching legislators for entertainment, both the House and Senate Government Op committees are recommended. The Senate panel has a Republican majority with Sen. Thelma Harper, D-Nashville, as chairman. The House panel has a bare 8-7 Democrat majority with Rep. Mike Kernell, D-Memphis, as chairman.

The chairmen are, uh, not the most adept parliamentary practitioners in Legislatorland,

There is joshing, grandstanding, confusion and confrontation. The speakers of both chambers have voiced some unhappiness with the situation. Both have also said they expect the committees, now that they have a deadline for action to avoid shutting down a big chunk of state government, to rush into action.

Any month now.

Tom Humphrey, chief of the News Sentinel's Nashville bureau, may be reached at 615-242-7782 or tomhumphrey3@aol.com.



© 2008 Knoxville News Sentinel