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Closure of Tennessee agencies threatened

Judicial debate entangles renewal of Health, Safety departments

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Dozens of state agencies that perform the most basic government tasks, from patrolling highways to collecting taxes to immunizing children, have become entangled in Lt. Gov. Ron Ramsey's efforts to change how state judges are selected.

Six state senators abstained en masse Tuesday from a committee vote on a bill that allows about 60 state departments, boards and commissions to stay in existence past June 30. Included are the state's Safety, Revenue and Health departments.

The most dramatic outcome, albeit unlikely, would be that those agencies, boards and commissions would have to shut down.

Ramsey said he doesn't think that will happen. But he's using the bill to leverage an overhaul of the state Judicial Selection Commission — one that would give the lieutenant governor, and the state House speaker, more say in how judges are nominated and appointed.

"I'm determined to make these changes, because I think it's the right thing," Ramsey said.

Gov. Phil Bredesen, a Democrat, has also said he's dissatisfied with the current system for selecting judges.

Thousands of state employees work at the affected agencies, including about 1,700 at the Department of Safety alone, which includes the Tennessee Highway Patrol. The Revenue Department oversees the state's tax collections to keep government services funded, and the Health Department licenses doctors and immunizes children, among other tasks.

If the legislature — which is running out of days to conduct its business for the year — doesn't approve the bill, those agencies would go into a one-year "wind down" period before closing up shop.

State Sen. Thelma Harper said the move to hitch judicial selection to the threat of closing down those agencies puts Tennesseans at risk.

"I think it's irresponsible to operate like that," the Nashville Democrat said. "There should be a coming together of the minds, and we should be doing the people's business. We should not be holding them hostage."

Panel's makeup at issue

At issue is the state's 17-member Judicial Selection Commission, the people who are tasked with sorting through lists of judge candidates and sending a short list of finalists to the governor.

The makeup of the commission itself is under scrutiny. Under the current system, various

organizations present lists of commission candidates to the House and Senate speakers, who then choose the new commissioners from those lists.

When there's a vacancy on a trial or appellate court, such as the state Supreme Court, the commission agrees on three nominees from which the governor must choose. In the case of appellate court judges, the governor can reject the entire list and get three new names.

Two years ago, Bredesen feuded with the commission over the process. When he rejected one slate of candidates, the commission returned with a new slate that included a nominee he'd previously rejected. He wound up suing the commission.

Under Ramsey's newest proposal, the speakers of the two legislative chambers would have more leeway in who served on the commission. Organizations could submit lists of potential appointees, but the speakers could also appoint people who weren't on the lists.

Terms for commissioners would be shorter, and the commission would choose four possible candidates for the governor to select.

Ramsey said that as he was researching changes to the selection commission, he was startled to learn that so many crucial state agencies still hadn't received their needed, regular blessing from the legislature just to stay in business.

Rebellion staged

The battle over the judicial selection revamp is coming in the form of what folks on the Hill call the "sweeper bill." It's an otherwise humdrum piece of legislation that would extend the life of about 60 state entities for a year.

Things came to a head Tuesday when the bill was being discussed in the Senate Government Operations Committee. Six committee members — five Republicans and the Senate's only independent— voted merely as "present," which is similar to abstaining. The three Democrats voted for it.

The vote means the bill remains parked in the committee, and those agencies are parked in limbo. The legislative session is almost over for the year.

The rebellion was intended, Sen. Bo Watson said, to force the committee to catch up on a backlog of its year-round work.

Watson, a Chattanooga Republican, said in recent years the legislature has compensated for the committee's inefficiency by delaying so-called "sunset" reviews of agencies by a year. Each year, the bottleneck remains, slowing the work of the legislature.

He said the vote was not an attempt to shut down state government; rather, it was taking a stand to force the committee to do its work, saying that "members cannot have the luxury of having the summer and fall off."

"We're just saying that's not efficient, that's not effective, and we don't need to do that," he said.

Harper defended the committee's work, saying the committee is getting its work done outside of the session, in between conferences and election campaigns.

"You look at what we do in the summertime and what we do while we're here. It's every agency of government," she said, adding a moment later, "I think you'll see that's substantial."

Ramsey said he saw the committee's backlog as a way to advance his judicial selection proposal, saying that unless it's approved, "the sweeper amendment's not going to pass."

"That is the hammer that I have. I'll admit that. If it wasn't for" the sweeper bill, he said, "I wouldn't even be able to talk about reforming the Judicial Selection Commission."
