

Picking judges likely to change

Proposal to renew Judicial Selection apparently dead

By Tom Humphrey
Wednesday, May 14, 2008

NASHVILLE - Tempers flared Tuesday as the Senate Government Operations Committee closed for the 2008 session, leaving legislation to renew the life of the Judicial Selection Commission - and 53 other state entities - apparently dead.

Former Lt. Gov. John Wilder, D-Somerville, pleaded at length for Republicans on the panel to grant the Judicial Selection Commission a new lease on life.

"I don't want you to kill it," said Wilder, 86, who has characterized his role in creating Tennessee's system for selecting judges as his greatest accomplishment in 44 years service as a senator.

The selection commission is the centerpiece of that system, charged with recommending nominees to the governor to fill vacant judicial slots. The governor must pick from those nominees.

"I'll put whatever amendments you want on it. I'll do whatever you want to do," Wilder said. "I wish you'd do what's right. ... I'm telling you: You shouldn't do this. This is the most important bill we've got here this year."

The nine-member committee has five Republican members who lined up with Lt. Gov. Ron Ramsey in opposition to renewing the selection commission's life without an overhaul of the commission's makeup.

Wilder said he would accept Ramsey's amendments to the renewal legislation, also known as a "sunset" bill. Under state law, every state board, commission or agency must be periodically renewed by the Legislature or it will "sunset," or cease to exist.

But Sen. Dewayne Bunch, R-Cleveland, said Republicans believed that House Speaker Jimmy Naifeh and other Democrats, working with lawyer organizations, were not negotiating "in good faith" to resolve a dispute over the selection commission.

The Democrat-dominated House approved the selection commission renewal bill 64-34 on Tuesday, without any of the changes Ramsey wants.

Because of the situation, Bunch said, Republicans did not want to even attach the Ramsey amendment to the selection commission sunset bill sponsored by Wilder, and preferred to kill the measure outright, unamended, to "send a message."

Wilder's pleas were ignored by the mostly silent Republicans. At one point, Sen. Bo Watson, R-Hixson, moved to call an immediate vote on the bill.

"Is there any way we can take a vote and not kill it?" Wilder asked. "I know five of you want to kill it."

Under Senate rules, if the five Republicans - a majority of the committee - voted against the bill, it would be dead for the session and could not be resurrected.

Committee Chairman Thelma Harper, D-Nashville, ignored Watson's motion and declared, "I don't know if we have learned how to treat senior members of our society."

The senators, she said, should show "courtesy to Sen. Wilder."

Wilder then said he saw no choice but to drop attempts at passing the bill.

Harper declared the committee closed for the 2008 session.

Ramsey wants to end the terms of all current selection commission members, and he and Naifeh can select whomever they wish as replacements. As things stand now, the House and Senate speakers must select from a list submitted by various lawyer organizations. Naifeh said he prefers the current system.

The Ramsey plan would also require the selection commission to meet in public, a proposal that Gov. Phil Bredesen also is pushing.

A week earlier, the squabble spilled over into an omnibus sunset bill that would renew the life of 54 different state entities for one year, including the selection commission. The five committee Republicans, joined by independent Sen. Mike Williams of Maynardville, abstained when the measure came to a vote.

That effectively left the bill, SB3187, stalled in the committee. When the panel adjourned Tuesday, it was thus left dead, too.

Under state law, when the Legislature fails to pass a renewal bill, an agency goes into a one-year "wind down" to wrap up its affairs before ceasing to exist. The selection commission, slated to expire on July 1, will now go into the wind-down status on that date.

The other 53 entities also had July 1 renewal dates and will also go into wind down, slated to cease to exist July 1, 2009.

The other 53 entities include seven entire state government departments - Agriculture, Children's Services, Correction, Health, Revenue, Safety and Tourist Development.

Tom Humphrey may be reached at 615-242-7782.



© 2008 Knoxville News Sentinel