

HOUSE JOINT RESOLUTION 741

By Weaver

A RESOLUTION to affirm the constitutional duty and exclusive authority and power of the Tennessee General Assembly to appropriate public moneys and balance the state budget.

WHEREAS, in 2009, Governor Phil Bredesen signed House Joint Resolution 108, affirming Tennessee's sovereignty under the Tenth Amendment of the United States Constitution and specifically that "the United States Supreme Court has ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the states"; and

WHEREAS, House Joint Resolution 108 further demanded that the federal government "halt and reverse its practice of assuming powers and of imposing mandates upon the states for purposes not enumerated by the Constitution of the United States"; and

WHEREAS, in 2014, Governor Bill Haslam signed into law Public Chapter 662, affirming the exclusive authority of the Tennessee General Assembly to appropriate the expenditure of public money; and

WHEREAS, in 2016, with overwhelming support in the House and the Senate, the Tennessee General Assembly passed Senate Joint Resolution 467, objecting to the coerced expenditure of state public money for a federal program, namely, the federal refugee assistance spending program; and

WHEREAS, Senate Joint Resolution 467 asserted that the coerced expenditure of state funds is in violation of Article II, Section 24, of the Tennessee Constitution, which prohibits the expenditure of public money except pursuant to appropriations made by law; and

WHEREAS, to protect its institutional authority and power to appropriate public money and balance the state budget, the Tennessee General Assembly filed suit in federal court, which

is on-going, to challenge the federal refugee assistance spending program for violating the Tenth Amendment and the Tennessee General Assembly's constitutional duty and exclusive authority to appropriate public money; and

WHEREAS, the lawsuit alleges that the State of Tennessee withdrew from the federal refugee resettlement program in 2007 but nevertheless is forced to pay costs associated with the federal program that have been shifted by the federal government to the state without its consent in flagrant violation of *National Federation of Independent Business v. Sebelius*, 567 U.S. 519 (2012); and

WHEREAS, various federal reports have acknowledged the involuntary transfer of federal program costs to states due to reductions in federal spending for refugee assistance; and

WHEREAS, the coerced expenditure of public money created by the shifting of federal costs without the consent of the Tennessee General Assembly nullifies the constitutional duty and exclusive authority of the state legislature to expend public money and balance the state budget, except pursuant to appropriations made by law; and

WHEREAS, Governor Bill Lee's letter dated December 18, 2019, to U.S. Secretary of State Mike Pompeo providing consent "per the terms of Executive Order 13888," issued by President Donald Trump on September 26, 2019, would obligate public money in violation of the Tennessee General Assembly's constitutional duty and exclusive authority and power to expend public money pursuant to appropriations made by law no different than the initiative sought by Governor Haslam in 2014 but halted by the passage of Public Chapter 662; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED ELEVENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we object to Governor Bill Lee's action, the effect of which nullifies and violates the constitutional duty and exclusive institutional authority and power of the General Assembly to expend public money pursuant to appropriations made by law.

BE IT FURTHER RESOLVED, that no action should be taken by Governor Lee related to the federal refugee resettlement program that interferes with the authority and power of the

General Assembly to expend public money unless authorized by a joint resolution of the  
General Assembly.