

JEFFERSON COUNTY, TENNESSEE
BOARD OF COMMISSIONERS

RESOLUTION 2023-47

A RESOLUTION REQUESTING THAT THE GOVERNOR OF THE STATE OF TENNESSEE REFRAIN FROM IMPOSING MANDATES BY EXECUTIVE ORDER RELATIVE TO T.C.A. § 58-2-107 THAT ARE IN CONFLICT WITH ARTICLE 2, SECTIONS 1-2 OF THE TENNESSEE CONSTITUTION

AND

THAT THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE IS URGED TO REPEAL T.C.A. § 58-2-107, EMERGENCY POWERS OF THE GOVERNOR

Prime Sponsor, Commissioner Janet Norton

Commission Co-Sponsors: Marcus Reed, Joe Coleman, Rob Blevins, Austin Brooks, Terry Dockery, Paul Lowe, Ronny Coleman, Ransom Douglas, Jimmy Dale Patterson, Jimmy Carmichael, Jim Snodgrass, Tim Seals, AJ Walker

WHEREAS, The Tennessee Constitution states as follows: *ARTICLE II., Distribution of Powers., Section 1. "The powers of the government shall be divided into three distinct departments: legislative, executive, and judicial. Section 2. No person or persons belonging to one of these departments shall exercise any of the powers properly belonging to either of the others, except in the cases herein directed or permitted"* and

WHEREAS, suspending of laws or the making of laws, or the making of rules and regulations having the force and effect of law is the business of the legislative department; and

WHEREAS, the authority of the Governor of Tennessee is limited to the executive department of government by the **Tennessee Constitution**; and

WHEREAS, the **Tennessee Constitution** has no provision for the legislature to delegate its authority to the governor; and

WHEREAS, the citizens, public schools, and businesses of the state of Tennessee have had to endure: mask mandates, school closures, business closures, limitations on their right to peaceably assemble in public places and hold private functions, business entities being determined as essential or non-essential, imposition of

bureaucratic rules and regulations having the effect of law, suspension of certain laws, and other unconstitutional limitations of freedom as a result of executive orders by the Governor of Tennessee.

NOW, THEREFORE, BE IT RESOLVED by the Jefferson County, Tennessee Board of Commissioners meeting this 16th day of October 2023 as follows:

SECTION 1, That the Governor of Tennessee is urged to refrain from issuing executive orders that fall outside the constitutional authority of the executive department of Tennessee government that are based on so-called “emergency powers” under T.C.A. § 58-2-107, more specifically any orders that purport to impose any of the following: mask mandates, school closures, business closures, limitations on citizen’s right to peaceably assemble in public places, hold church services and other private functions, making determinations that business entities are determined as essential or non-essential, imposition of bureaucratic rules and regulations having the effect of law, suspension of certain laws, and creating other unconstitutional limitations of freedom, or “delegation” of authority of the same to any political subdivision.

SECTION 2, that the General Assembly is urged to repeal T.C.A. § 58-2-107 for the purpose of protecting individual freedom, preventing the attempted unconstitutional delegation of legislative authority by the legislature to the Governor of Tennessee, and to uphold all provisions of the Tennessee Constitution, including Article II, separation of powers.

SECTION 3, That upon approval and signing of this resolution, the Jefferson County Clerk is requested to transmit a copy of this resolution to the governor of the state of Tennessee, the state representatives and state senator that represent Jefferson County, Tennessee, the speaker of the Tennessee House of Representatives, and the Lieutenant Governor of Tennessee.

Date of Adoption by County Commission: 10/16/23



Date Received by County Mayor: _____

Votes: 19 1 0 1
Yes No Abstain Absent

Approved: [Signature] Date: 10/20/23
James E. Carmichael – Chairman, County Commission

Attest: [Signature] Date: 10/18/23
Frank C. Herndon – County Clerk



Approved: [Signature] Date: 10/20/23
Mark Potts – County Mayor

Vetoed: _____ Date: _____
Mark Potts – County Mayor

Veto Override Votes: _____
Yes No Abstain Absent

Veto Override: _____ Date: _____
James E. Carmichael – Chairman, County Commission