

SENATE RESOLUTION NO.22

Senators Theis, Barrett, Victory, Daley, Bumstead, Bizon, Zorn, MacDonald, Runestad, Horn, Shirkey, VanderWall, LaSata, Lauwers, Nesbitt, Outman, McBroom, Johnson and Schmidt offered the following resolution:

1 A resolution to firmly affirm support for the preservation of
2 the Second Amendment and to express the sense of the Senate
3 regarding federal laws that infringe on the right to bear arms.

4 Whereas, The Michigan Senate is firmly resolved to support and
5 defend the *Constitution of the United States* against every
6 aggression, either foreign or domestic. The Michigan Senate is
7 duty-bound to watch over and oppose every infraction of those
8 principles which constitute the basis of the union of the states
9 because only a faithful observance of these principles can secure
10 the nation's existence and the public happiness; and

1 Whereas, Acting through the *Constitution of the United States*,
2 the people of the states created the federal government to be their
3 agent in the exercise of a few defined powers, while reserving to
4 the state governments the power to legislate on matters which
5 concern the lives, liberties, and properties of citizens in the
6 ordinary course of affairs; and

7 Whereas, The limitation of the federal government's power is
8 affirmed under the Tenth Amendment to the *Constitution of the*
9 *United States*, which defines the total scope of federal power as
10 being that which has been delegated by the people of the states to
11 the federal government, and all power not delegated to the federal
12 government in the *Constitution of the United States* is reserved to
13 the states respectively, or to the people themselves; and

14 Whereas, Federal laws that restrict or prohibit the
15 manufacture, ownership, and use of firearms, firearm accessories,
16 or ammunition exclusively within the borders of Michigan exceed the
17 powers granted to the federal government, except to the extent that
18 they are necessary and proper for the government and regulation of
19 the land and naval forces of the United States or for organizing,
20 arming, and disciplining militia forces actively employed in the
21 service of the United States Armed Forces; and

22 Whereas, Article I, Section 8 of the *Constitution of the*
23 *United States* provides the federal government with the power to
24 regulate commerce. However, this provision only empowers the
25 government to regulate commerce between states and cannot be used
26 to impose regulations on firearms beyond this scope or that are at
27 cross-purposes with the Second Amendment; and

28 Whereas, The people of the states have also given Congress the
29 "Power To lay and collect Taxes, Duties, Imposts, and Excises, to

1 pay the Debts, and provide for the common Defence and general
2 Welfare of the United States" and "to make all Laws which shall be
3 necessary and proper for carrying into Execution the foregoing
4 Powers, and all other Powers vested by This Constitution in the
5 Government of the United States, or in any Department or Officer
6 thereof." These constitutional provisions merely identify the means
7 by which the federal government may execute its limited powers and
8 should not be construed to give unlimited powers. Doing so would
9 destroy the balance of power between the federal government and the
10 state governments. We deny any claim that the taxing and spending
11 powers of Congress can be used to diminish in any way the people's
12 right to keep and bear arms; and

13 Whereas, The people of Michigan have vested the Michigan
14 Legislature with the authority to regulate the manufacture,
15 possession, exchange, and use of firearms within this state's
16 borders, subject only to the limits imposed by the Second Amendment
17 to the *Constitution of the United States* and the *Constitution of*
18 *the State of Michigan of 1963*; now therefore be it

19 Resolved by the Senate, That we firmly affirm our support for
20 the preservation of the Second Amendment; and be it further

21 Resolved, That we express the sense of the Senate that all
22 federal acts, laws, orders, rules, and regulations, whether past,
23 present, or future, which infringe on the people's right to keep
24 and bear arms as guaranteed by the Second Amendment to the
25 *Constitution of the United States* and Article I, Section 6 of the
26 *Constitution of the State of Michigan of 1963* are specifically
27 rejected by this legislative body, should be considered invalid in
28 this state, should not be recognized by this state, and should be
29 considered null and void and of no effect in this state; and be it

1 further

2 Resolved, That such federal acts, laws, orders, rules, and
3 regulations include, but are not limited to, the provisions of the
4 federal Gun Control Act of 1934; the federal Gun Control Act of
5 1968; any tax, levy, fee, or stamp imposed on firearms, firearm
6 accessories, or ammunition not common to all other goods and
7 services which impose undue burdens on the purchase or ownership of
8 those items by law-abiding citizens; any registering or tracking of
9 firearms, firearm accessories, or ammunition which could suppress
10 the purchase or ownership of those items by law-abiding citizens;
11 any registering or tracking of the owners of firearms, firearm
12 accessories, or ammunition which could discourage the purchase or
13 ownership of those items by law-abiding citizens; any act
14 forbidding the possession, ownership, or use or transfer of any
15 type of firearm, firearm accessory, or ammunition by law-abiding
16 citizens; any act ordering the confiscation of firearms, firearm
17 accessories, or ammunition from law-abiding citizens; and be it
18 further

19 Resolved, That we express the sense of the Senate that it is
20 the duty of the courts and law enforcement agencies of this state
21 to protect the rights of law-abiding citizens to keep and bear arms
22 within the borders of this state from infringements on the right to
23 bear arms.