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:

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

Whereas, The Michigan Senate is firmly resolved to support and defend the Constitution of the United States against every aggression, either foreign or domestic. The Michigan Senate is duty-bound to watch over and oppose every infraction of those principles which constitute the basis of the union of the states because only a faithful observance of these principles can secure the nation's existence and the public happiness; and
Whereas, Acting through the Constitution of the United States, the people of the states created the federal government to be their agent in the exercise of a few defined powers, while reserving to the state governments the power to legislate on matters which concern the lives, liberties, and properties of citizens in the ordinary course of affairs; and

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

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

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

Whereas, The people of the states have also given Congress the "Power To lay and collect Taxes, Duties, Imposts, and Excises, to
pay the Debts, and provide for the common Defence and general Welfare of the United States" and "to make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by This Constitution in the Government of the United States, or in any Department or Officer thereof." These constitutional provisions merely identify the means by which the federal government may execute its limited powers and should not be construed to give unlimited powers. Doing so would destroy the balance of power between the federal government and the state governments. We deny any claim that the taxing and spending powers of Congress can be used to diminish in any way the people's right to keep and bear arms; and

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

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

Resolved, That we express the sense of the Senate that all federal acts, laws, orders, rules, and regulations, whether past, present, or future, which infringe on the people's right to keep and bear arms as guaranteed by the Second Amendment to the Constitution of the United States and Article I, Section 6 of the Constitution of the State of Michigan of 1963 are specifically rejected by this legislative body, should be considered invalid in this state, should not be recognized by this state, and should be considered null and void and of no effect in this state; and be it
Resolved, That such federal acts, laws, orders, rules, and regulations include, but are not limited to, the provisions of the federal Gun Control Act of 1934; the federal Gun Control Act of 1968; any tax, levy, fee, or stamp imposed on firearms, firearm accessories, or ammunition not common to all other goods and services which impose undue burdens on the purchase or ownership of those items by law-abiding citizens; any registering or tracking of firearms, firearm accessories, or ammunition which could suppress the purchase or ownership of those items by law-abiding citizens; any registering or tracking of the owners of firearms, firearm accessories, or ammunition which could discourage the purchase or ownership of those items by law-abiding citizens; any act forbidding the possession, ownership, or use or transfer of any type of firearm, firearm accessory, or ammunition by law-abiding citizens; any act ordering the confiscation of firearms, firearm accessories, or ammunition from law-abiding citizens; and be it further

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