

SCR4, As Adopted by Senate, September 17, 2009

Senators Patterson, Richardville, Brown, Cropsey and Sanborn offered the following concurrent resolution:

Senate Concurrent Resolution No. 4.

A concurrent resolution to affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated and granted to the federal government.

Whereas, The Tenth Amendment provides that powers not granted to the federal government nor prohibited to the states are reserved to the states and to the people. The Tenth Amendment limits the scope of federal power and prescribes that the federal government was created by the states specifically to be an agent of the states. Currently, the states are treated as agents of the federal government; and

Whereas, Many federal mandates are directly in violation of the Tenth Amendment. The United States Supreme Court has ruled that the United States Congress may not commandeer the legislative and regulatory processes of the states. By this resolution Michigan claims sovereignty under the Tenth Amendment over all powers not granted to the federal government under the United States Constitution; and

Whereas, All government agencies and their agents and employees operating within the geographic boundaries of the state of Michigan, or whose actions have an effect on the inhabitants, lands, or water of Michigan, shall operate within the confines of the original intent of the Constitution of the United States or be subject to penalty of law as provided for now or in the future within the Constitution of the state of Michigan, the Michigan statutes, or the common law. This resolution serves as notice and demand to the federal government, as Michigan's agent, to cease and desist immediately all mandates that are beyond the scope of the federal government's constitutionally delegated powers; now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That we affirm Michigan's sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not enumerated and granted to the federal government; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.