

HOUSE RESOLUTION NO.55

Reps. Fink, Steven Johnson, Damoose, LaFave, Filler, Green, Huizenga, Outman, Maddock, Beeler, Carra, Markkanen, Meerman, Brann and Yaroch 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 House of
3 Representatives regarding federal laws that infringe on the right
4 to bear arms.

5 Whereas, The Michigan House of Representatives is firmly
6 resolved to support and defend the *Constitution of the United*
7 *States*; and

8 Whereas, Acting through the *Constitution of the United States*,
9 the people of the United States created the federal government to
10 be their agent in the exercise of defined powers, while reserving
11 to the state governments the power to legislate on matters which

1 concern the lives, liberties, and properties of citizens in the
2 ordinary course of affairs; and

3 Whereas, The Ninth Amendment to the *Constitution of the United*
4 *States* recognizes that the rights enumerated in the *Constitution of*
5 *the United States* are not exclusive, as the people possess other
6 natural rights which predate any codification; and

7 Whereas, The limitation of the federal government's power is
8 expressed in the Tenth Amendment to the *Constitution of the United*
9 *States*, which declares that all powers not delegated to the United
10 States in the *Constitution of the United States* are reserved to the
11 states respectively, or to the people themselves; and

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

20 Whereas, Article I, Section 8 of the *Constitution of the*
21 *United States* provides the federal government with the power to
22 regulate interstate commerce, but does not grant the United States
23 general police powers or any authority to adopt legislation which
24 infringes on the rights guaranteed in the Second Amendment; and

25 Whereas, Neither can the federal government's power to tax be
26 legitimately used in order to diminish in any way the people's
27 right to keep and bear arms; and

28 Whereas, The people of Michigan have vested the Michigan
29 Legislature with the authority to regulate the manufacture,

1 possession, exchange, and use of firearms within this state's
2 borders, subject only to the limits imposed by the *Constitution of*
3 *the United States* and the *Constitution of the State of Michigan of*
4 *1963*; now, therefore be it

5 Resolved by the House of Representatives, That we affirm our
6 support for the preservation of the civil rights protected by the
7 *Constitution of the United States*, including those safeguarded by
8 the Second Amendment; and be it further

9 Resolved, That we express the sense of the House of
10 Representatives that all federal acts, laws, orders, rules, and
11 regulations, whether past, present, or future, which infringe on
12 the people's right to keep and bear arms as guaranteed by the
13 Second Amendment to the *Constitution of the United States* are a
14 violation of the civil rights of the people of this state, and
15 should be repealed as inconsistent with the *Constitution of the*
16 *United States* and deemed unenforceable in any court proceeding; and
17 be it further

18 Resolved, That such federal acts, laws, orders, rules, and
19 regulations include, but are not limited to, provisions of the
20 federal National Firearms Act of 1934; the federal Gun Control Act
21 of 1968; any tax, levy, fee, or stamp imposed on firearms, firearm
22 accessories, or ammunition not common to all other goods which
23 impose undue burdens on the purchase or ownership of those items by
24 law-abiding citizens; any registering or tracking of firearms,
25 firearm accessories, or ammunition which could suppress the
26 purchase or ownership of those items by law-abiding citizens; any
27 registering or tracking of the owners of firearms, firearm
28 accessories, or ammunition which could discourage the purchase or
29 ownership of those items by law-abiding citizens; any act

1 forbidding the possession, ownership, or use or transfer of any
2 type of firearm, firearm accessory, or ammunition by law-abiding
3 citizens; or any act ordering the confiscation of firearms, firearm
4 accessories, or ammunition from law-abiding citizens; and be it
5 further

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