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GOVERNMENT VS. THE PEOPLE

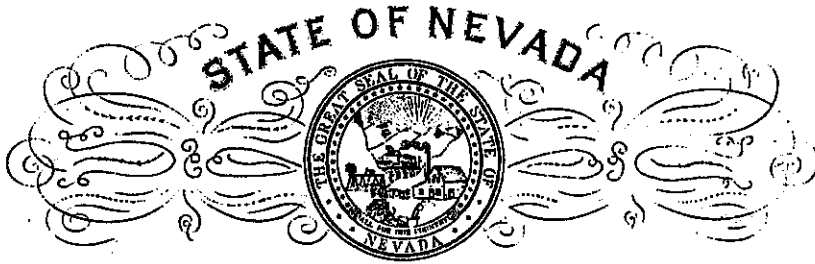


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EXHIBIT F Senate Committee on Judiciary

Date: 4-7-03 Page 1 of 6



Senate Joint Resolution No. 1

Introduced by Senators Rhoads, O'Connell, James, McGinness, Lowden and Regan

WHEREAS, The 10th Amendment to the Constitution of the United States states that the "powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The 10th Amendment confirms that the scope of power of the Federal Government is no more than that which is specifically enumerated and delegated to the Federal Government by the Constitution of the United States; and

WHEREAS, The power of the states, as stated in the 10th Amendment, indicates that the Federal Government was created by the several states specifically to act as an agent of the states; and

WHEREAS, By requiring the various states to carry out certain federal mandates, the Federal Government is demonstrably treating the states as agents of the Federal Government; and

WHEREAS, Many federal mandates may be in direct violation of the Constitution of the United States, and may, therefore, infringe upon the powers reserved to the states or to the people by the 10th Amendment; and

WHEREAS, In the case of *New York v. United States*, 112 S.Ct. 2408 (1992), the Supreme Court of the United States stated that the Congress of the United States may not simply commandeer the legislative and regulatory processes of the states, and that Congress exercises its conferred powers subject to the limitations contained in the Constitution; and

WHEREAS, Numerous proposals from previous presidential administrations and some now proposed by the current presidential administration and Congress may further violate the 10th Amendment and other provisions of the Constitution of the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the State of Nevada hereby claims sovereignty pursuant to the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and delegated to the Federal Government by the Constitution of the United States; and be it further

RESOLVED, That this resolution serve as a notice and demand to the Federal Government, as the agent of the State of Nevada, to cease and desist immediately the enactment and enforcement of mandates which are beyond the scope of the enumerated powers delegated to the Federal Government by the Constitution of the United States; and be it further

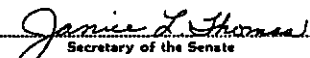
RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage and approval.

ADOPTED BY THE SENATE

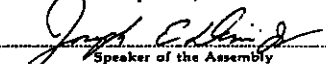
March 1, 1995

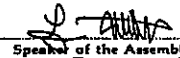

President of the Senate


Secretary of the Senate

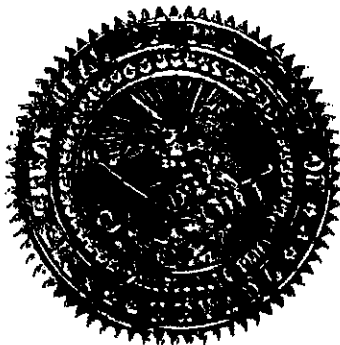
ADOPTED BY THE ASSEMBLY

April 28, 1995


Speaker of the Assembly


Speaker of the Assembly


Chief Clerk of the Assembly



SENATE BILL NO. 2--COMMITTEE ON JUDICIARY

JANUARY 18, 1993

Referred to Committee on Judiciary

SUMMARY--Provides United States marshal and his deputies certain authority to arrest persons without warrant. (BDR 14-167)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

EXPLANATION--Matter in italics is new; matter in brackets [] is material to be omitted.

AN ACT relating to criminal procedure; providing the United States marshal and his deputies the same authority to arrest persons without a warrant as provided an agent of the Federal Bureau of Investigation or the Secret Service; and providing other matters properly relating thereto.

**THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:**

- 1 Section 1. NRS 171.1245 is hereby amended to read as follows:
2 171.1245 An agent of the Federal Bureau of Investigation [or], *an agent*
3 *of the Secret Service and a United States marshal and his deputies* may,
4 without a warrant, arrest a person:
5 1. For a public offense committed or attempted in his presence.
6 2. When a person arrested has committed a felony or gross misdemeanor,
7 although not in his presence.
8 3. When a felony or gross misdemeanor has in fact been committed, and
9 he has reasonable cause for believing the person arrested to have committed
10 it.
11 4. On a charge made, upon a reasonable cause, of the commission of a
12 felony or gross misdemeanor by the person arrested.
13 5. When a warrant has in fact been issued in this state for the arrest of a
14 named or described person for a public offense, and he has reasonable cause
15 to believe that the person arrested is the person so named or described.

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DETAIL LISTING
FROM FIRST TO LAST STEP

TODAY'S DATE: Apr. 5, 1994
TIME : 2:08 pm
LEG. DAY: 93 Regular
PAGE : 1 OF 1

N E L I S

1993

SB 2 By Judiciary MARSHALS

Provides United States marshal and his deputies certain authority to arrest persons without warrant. (BDR 14-167)

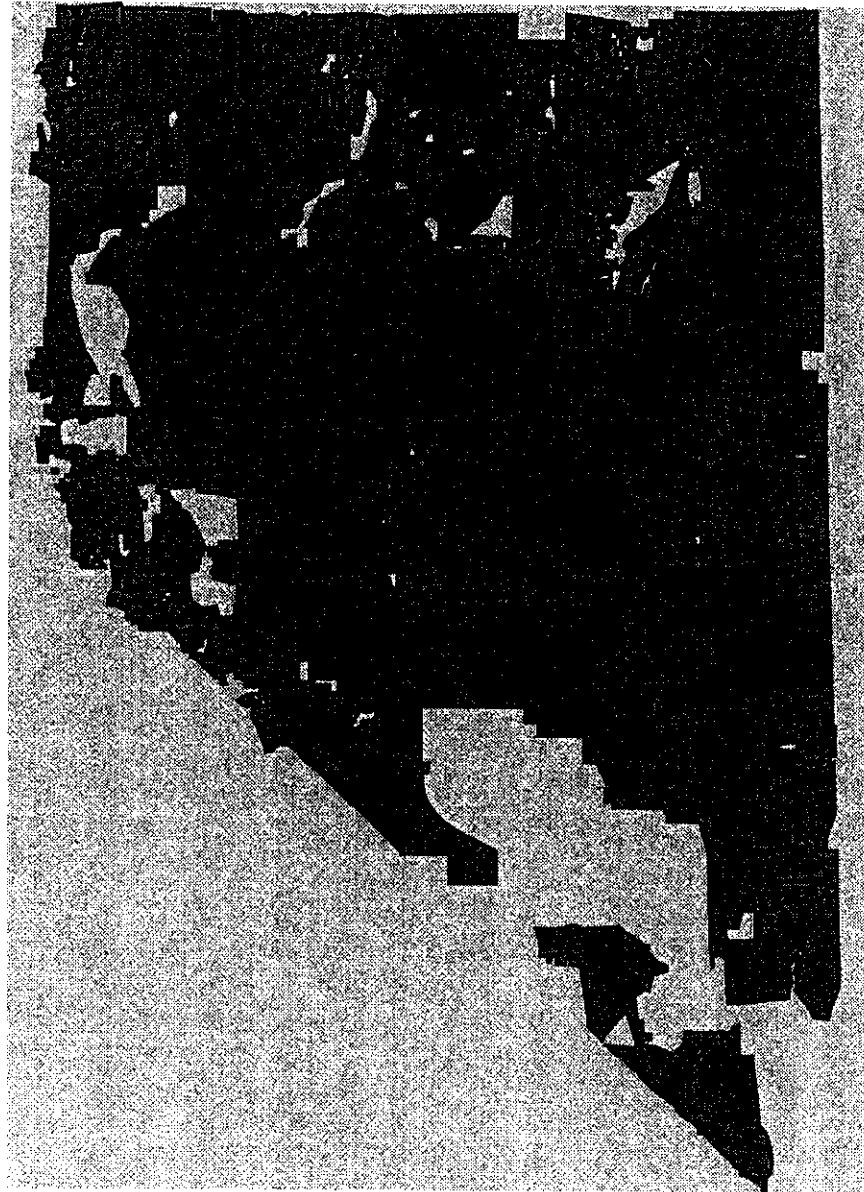
Fiscal Note: Effect on Local Government: No. Effect on the State or on Industrial Insurance: No.

- 01/18 1 Read first time. Referred to Committee on Judiciary. To printer.
01/19 2 From printer. To committee.
01/19 2 Dates discussed in Committee: 2/1, 2/3 (DP)
02/04 14 From committee: Do pass.
02/05 15 Read second time. To engrossment.
02/05 15 Engrossed.
02/22 16 Taken from General File. Placed on General File for next legislative day.
02/23✓ 17 Read third time. Passed. Title approved. (15 Yeas, 6 Nays, 0 Absent, 0 Excused, 0 Not Voting.) To Assembly.
02/24 18 In Assembly✓
02/24 18 Read first time. Referred to Committee on Judiciary. To committee.
02/24 18 Dates discussed in committee: 3/10, 3/25, 3/26 (IP)
03/26 38 Indefinitely postponed in committee.
(* = instrument from prior session)

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NEVADA GRAZING ALLOTMENTS



Grazing Allotments

Source: *Nevada Grazing Statistics Report and Economic Analysis for Federal lands in Nevada*, State of Nevada Department of Agriculture, 2001.

A "fee simple title" is a **merchantable title** or one not subject to such reasonable doubt as would create a just apprehension and is such a title as would be regarded as merchantable so that **persons of reasonable prudence and intelligence would be willing to take it and pay the fair value of the land.** *Bragg v Chilcote*, 176 Ill.App 371

PUBLIC LAND

Public lands comprise the general public domain; unappropriated lands; the lands not held back or reserved for any special governmental or public purpose. *U. S. v. Garetson*, 42 4. 22, 24.

The words "public lands" are used to describe such as are subject to sale or other disposal under general laws. *Southern Pac. R. Co. v. Ambler Grain & Million Co.*, D.C. Cal., 57 F.2d 536, 539.

It is well settled that all land to which any claims or rights of others have attached does not fall within the designation of public land. *Bardon v. Northern Pac. R. Co.*, 12 S.Ct. 856, 145 U.S. 535, 538, 36 L.Ed. 806.

"Public lands" are lands open to sale or other disposition under general laws, lands to which no claims or right of others have attached... *Northern Pac. Ry Co. v. Wismer*, C.C.A. Wash., 230 F 591, 593.

Having various meanings under different statutes and circumstances, the term "public lands" generally refers to government lands that are open to public sale or other disposition under general laws and that are not held back or reserved for a governmental or public purpose. The phrase "public lands" is synonymous with "public domain." *Kindred v Union P.R. Co.*, 225 US 582, 56 L ed 1216, 32 S Ct 780; *Humboldt County v United States* (CA 9 Nev) 684 F 2d 1276; *Columbia Basin Land Protection Assoc. v Schlesinger* (CA 9 Wash)

Title to lands in territory that is ceded to the United States passes to the federal government, which takes proprietary title **only** to the lands that the ceding government held in the proprietary capacity. *United States v Gardner* (DC Nev) 903 F Supp 1394, (CA 9 Nev)

Property rights that vested prior to the cession of the land will be protected, . . . because a treaty of cession usually protects complete title in real property existing at the time of cession by a foreign government and such title generally need not be presented for confirmation. *Carino v Insular Government of Philippine Islands*, 212 US 449, 54 L Ed 594, 29 S Ct 334; *United States v Coronado Beach Co.*, 255 US 472, 65 L Ed 736, 41 S Ct 3781; *Tyler v Magwire*, 84 US 253, 17 Wall 253, 21 L Ed 576.

STATE JURISDICTION

The Courts of a state must determine the validity of title to land within the state, even if the title emanates from the United States or if the controversy involves the construction of federal statutes; *Garland v Wynn*, 61 US 6, 20 How 6, 15 L Ed 801