

Bill would aid states' rights

Attorney General Edwin Meese III, Interior Secretary Don Hodel and Agriculture Secretary Richard E. Lyng said recently that the administration has joined with the states in supporting legislation to remove impediments to the right of states to sue the federal government to resolve disputes over land ownership.

Separate Senate and House committees approved a legislative proposal which embodies the agreement reached between the administration and the states.

"After months of complex negotiations, the administration has reached agreement with the representatives of the National Association of Attorneys General on a bill which will substantially enlarge the ability of a state to have the courts decide the validity of its claims to ownership of public lands," Meese said.

"I hope the Congress promptly will pass this important legislation which is aimed at restoring a proper balance in federal/state relations, and I applaud the efforts of the two committees which have moved this legislation," he said in a statement released by the Bureau of Land Management in Alaska.

The proposed legislation would amend the Quiet Title Act which, as interpreted in a 1983 Supreme Court decision, requires that states must sue the federal government on state claims to land — known as "suits to quiet title" — within 12 years after they should have known the federal government claimed title to the land.

In many instances, there is uncertainty over the exact boundaries between federal lands in the West and state-owned lands because of the interspersed or checkerboard pattern of ownership.

Often, the states are not able, or have had no particular reason, to monitor the activities on the vast amounts of federally held lands which would give notice of federal ownership claims.

Under the agreed proposal, the states are provided enhanced opportunities to resolve claims to lands under rivers and other water — technically termed tide or submerged land under current federal laws.

States also would have enhanced opportunities to advance claims regarding other types of land, subject to certain specified safeguards for critical interests of the United States, such as defense facilities.