

STATUS OF MAJOR LITIGATION

Assistant Attorney General Jan Stevens reported on the following:

1. California v. Nevada W 503,885

The U.S. Supreme Court ruled that the long acquiesced boundary is the correct boundary between the states. All that remains is for California to join the oblique and 120th Meridian lines within Lake Tahoe. Mr. Stevens stated meetings are taking place at this time and no controversy is expected. He expressed appreciation to F. D. Uzes, Supervising Boundary Determination Officer, and his staff for their work on this case.

2. Sagebrush Rebellion

Mr. Stevens reported that Nevada is planning to file suit in the U.S. Supreme Court this summer seeking to clarify the general relationship of the states and the Federal Government with respect to the public lands (Federal) in California and the other western states. Nevada will be asking the Court to declare when the nature and magnitude of federal public land ownership is so great as to impair essential state functions, there is a constitutional dislocation and a remedy available in Federal District Court. Nevada has asked other states to join in the threshold question that the matter is of sufficient concern to other western states and that the Supreme Court should retain original jurisdiction and take the case. A majority of states are expected to join. Since the Commission has the primary responsibility among State agencies in California, Mr. Stevens asked for its guidance. In response to Chairman Cory's question as to whether or not California should join, Mr. Stevens stated that since there are issues which are in need of clarification, it would be valuable for the Supreme Court to retain the case and make some rulings. He pointed out the suit would only involve unappropriated and unreserved lands.

Assemblyman Robert Hayes appeared and spoke briefly on his bill, AB 2302.

At the conclusion of Mr. Steven's explanation, the Commission authorized the Attorney General to join with the other states in filing an amicus curiae suit in this matter. However, Chairman Cory stressed California's sovereignty and in that line stated California should keep an independent posture so it will not be compromised by positions of other states which might be contradictory. Mr. Stevens advised

that by joining an amicus brief, not only is the cost of litigation shared, but it avoids California from being bound by other states positions thereby avoiding this possibility.

The staff and the Attorney General were instructed to return to the Commission if problems arise.