Records 

**Administrative History**

When Nevada was given statehood in 1864, it began receiving the usual grants of federal lands that Congress had been donating to incoming states. The lands were to be sold by the state to finance various activities: 500,000 acres for internal improvements (Nevada was able to use this grant for education instead); the 16th and 36th section of every township for public schools; 12,800 acres for public buildings; 12,800 for a prison; 46,080 acres for a state university. Also, in 1866, Congress extended to Nevada the benefits of the Morrill Act, which, to establish a college of agriculture and mechanic arts, gave every state 30,000 acres for each senator and representative in Congress, to be sold; under this formula, Nevada was entitled to 90,000 acres.

The Nevada State Constitution created the elective office of Surveyor General. The first state legislative session in 1865 spelled out the powers and duties of the office. When "required by law" he was to survey the boundaries of the state and "make an accurate map of the state." The statute also named the Surveyor General as the Chief Engineer and Commissioner of Internal Improvements. He was to submit reports to the Governor, describing the progress of his surveys and mapping, and to making plans and suggestions for the construction and improvements of internal improvements (for example, roads, turnpikes, railroads, canals).

The Surveyor General was also to give estimates of: the "aggregate quantity of land belonging to the state, and the best information he may be able to obtain as to the character of the same"; the "quality of all lands used for or adapted to tillage and grazing," with descriptions of the locations of such lands; quantities of livestock and crops; quantity of mineral lands and the annual value of minerals produced. To assist him in meeting these responsibilities, he was authorized to obtain quarterly reports from the county assessors and surveyors, as well as the field notes and plats of the latter. Early Surveyors General complained of the failure of county surveyor and assessors to submit the reports and of the incompleteness of those reports that were submitted. In 1923 the Legislature did away with the requirement.

The 1865 Legislature also provided for the initial disposition of the school lands. They were to be sold in tracts of 40 to 160 acres, at $5 per acre. Persons intending to purchase land were to file notice with the Surveyor General, who was to keep a book recording all such notices. The

Surveyor General was to issue to the Board of Land Commissioners (the Governor, Controller, and Superintendent of Public Instruction) a quarterly report containing the amount of land located, the locations, and the names of the locators. An 1866 amendment to the act required the State Treasurer to sell school land warrants and to submit to the Surveyor General reports giving descriptions of the lands sold and the names of the purchasers. The Treasurer was to deliver the warrants to the purchasers, and the moneys were to go to the school fund. Purchasers were permitted to contract to buy at one-fifth down, and to pay the remainder in four installments at 10 per cent simple interest. In 1885 the time period was extended to 25 years and the interest lowered to 6 per cent yearly; a 1909 law allowed a 50-year purchase period, also at 6 per cent.

To expedite the selection and disposal of the federal land donations, the 1867 Legislature created a State Land Office and made the Surveyor General ex officio the new agency's Register. The duties of the Register quickly became the Surveyor General's primary workload. The law made him responsible for obtaining copies of township plats from the United States Land Office in Nevada, supplying copies of plats to county surveyors, compiling maps, providing information that would assist the Board of Regents in selecting federal lands to which the state was entitled, preparing lists of the tracts selected by the Board, keeping "tract books" into which he was to enter all lands that the state had acquired or had been set apart for of the state, and also all applications for purchasing the lands. Those proposing to purchase the lands were to do so by submitting sealed bids. The act established a minimum purchase price of $1.25 per acre (reduced from $5.00 and later 2.50, as set by earlier legislation). Tracts could be purchased outright or in installments; timber lands had to be paid for in full. Actual settlers on the school lands who had made improvements had the right to purchase at the minimum price.

In 1868 Congress permitted Nevada to select lands from even-numbered sections within the Central Pacific Railroad grant. A proviso required that such lands be sold at a $2.50 an acre minimum. The state was charged two acres for each acre selected.

The Legislature adopted an act in 1871 that refined and expanded the provisions for selecting and selling the state lands, and otherwise improving on the 1867 act. The law also set a maximum of 320 acres that anyone could buy from the state. Enactments of 1873 and 1879 further clarified procedures for the state's acquisition and disposal of lands. Also passed in 1879 was the "Notification and Forfeiture Act," which required persons delinquent in payments of installments and interest to forfeit their land.

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Early reports of the Surveyor General urged the state to establish a college of agriculture and mechanic arts before reaching the deadline set for compliance with the Morrill Act; otherwise, the Morrill Act lands selected by the state reverted to the federal government. The Legislature, in 1873, designated Elko as the site for the state university, and ordered the selection and sale of the 46,080 acres to which Nevada was entitled through the Congressional university grant. Fearing that the Elko facility did not meet Morrill Act requirements the school was moved to Reno and the state made an effort to make it a viable institution, which satisfied the federal standards.

By 1880 Nevada had chosen most of the lands allowed under the various grants. Sales of the school lands, however, had been slow. Many of the 16th and 36th sections were in areas that were unfit for cultivation or otherwise undesirable. So Nevada, in 1880, negotiated a unique arrangement whereby it relinquished the unsold 16th and 36th sections in return for two million acres to be selected by the state anywhere in Nevada.

In 1881 the minimum price per acre for state lands, whether in or out of the Central Pacific grant, was fixed at $1.25. Also, these lands could be offered in 640-acre tracts, even if the applicant had already obtained 320 acres of state land. Two years later the lands within the railroad grant were designated "double minimum" lands, which meant that the price per acre went back to $2.50.

The last major piece of congressional land legislation in the nineteenth century was the Carey Act of 1894. The act proposed to grant to each of ten so-called arid states up to one million acres of desert lands, provided that the states agreed to promote and supervise the irrigation, settlement, and cultivation of them. The law stipulated that the states had to sell or otherwise dispose of the lands to actual settlers in tracts no larger than 160 acres.

Nevada formally accepted the Carey Act's provisions and conditions on March 20, 1895. Legislation of 1897 and 1901 provided for the implementation of the act within the state. Nevada lacked the economic resources to make the Carey Act workable, and much of the land suitable for irrigation was already in private hands. The State Land Register began receiving

applications for land, but by 1904, when the Carey Act expired, the GLO had given its approval to none of the state's selections.

The Secretary of the Interior extended the time limit for state compliance, and additional state and federal laws were passed to keep the project alive. By the end of 1910 Nevada had identified almost all of the one million acres allotted to it by the terms of the act, and applications for tracts from individuals and corporations were pouring into the Land Register's office. A statute of 1911 established the Department of Carey Act Lands, to be headed by the Register. The 1911 statute attempted to prevent speculators from acquiring land meant for actual settlers. That year Nevada received authorization for an additional one million acres of Carey Act land.

Despite these efforts the Carey Act was less than successful. The 1921-1922 report of the Surveyor General concluded that "practically all [Carey Act] projects have been relinquished and abandoned" because of the "many complex and difficult problems," chiefly insufficient capital.

By 1907 Nevada had selected virtually all of the federal land to which it was entitled. Soon almost all of this acreage was taken up by purchases from the state. Also, nearly a million acres had by then reverted to the state, principally because of nonpayment of interest; forfeited lands became the principal source of state land sales.

In 1925, Nevada and federal legislation provided for the exchange of state land for equal acreage of federal land, to be used by the state for recreational sites, scenic areas, and game refuges. The Recreation and Purposes Act of 1926 allowed all states to effect such exchanges as well as to purchase or lease federal lands for recreational uses.

The Clarke-McNary Act (1924) offered states federal aid for the prevention and suppression of forest fires. In response, the 1931 Legislature authorized the Surveyor General to negotiate agreements with the U. S. Forest Service, county and local officials, and private landholders "for the purpose of securing cooperation in the protection of the forest and watershed areas of Nevada from fire." In 1945 the Legislature named the Surveyor General ex officio the State Forester-Fire Warden.

By this time the routine work of the State Land Office consisted largely of answering letters

concerning the availability of state and federal lands, agricultural and mining possibilities, and information about the state generally. Other activities included providing township plats and preparing abstracts of lands granted to the state by the federal government. A 1941 law required maintenance of a record of lands that had escheated to the state, and allowed the Surveyor General to receive bids from those intending to purchase them.

In 1937 the Governor pointed out that the State Permanent School Fund had been financing the administrative costs for the office of the Surveyor General, which by then amounted to about one-third of the revenues collected by the Surveyor General. He recommended that the Legislature consider abolishing the position.

There were, however, developments that justified the continuation of the office of Surveyor General. The passage of the Taylor Grazing Act (1934) withdrew from entry almost all of the federal lands in Nevada, and made a rancher's ability to graze stock on the public domain dependent in part on the amount of land he owned. Consequently, the number of applications to buy state lands rose. At first the state land office had thousands of acres to sell because of the high rate of forfeiture in the depression years. The construction of Hoover Dam, however, and the outbreak of World War II brought a large number of new residents into Nevada. Many of them purchased state lands and available acreage diminished considerably.

Activity in the State Land Office in this period also included the preparation of land status reports for air bases and other wartime federal properties.

The Nevada Forest Practice Act of 1955 gave the Forester-Fire Warden responsibility for administration of the act. That year he became a member of a new body, the State Board of Fire Control.

A Legislative Counsel Bureau (LCB) report of 1948 described Surveyor General as "today the least important of the major constitutional officers," and found "entirely feasible" the suggestion to do away with the office and transfer its duties to the State Engineer. Two years later a separate LCB report considered it "unwise" to place the office within the proposed "Department of Conservation, Agriculture, and Economic Development."

A scandal involving at least two Surveyors General came to light in 1956 as a result of an

Ormsby County grand jury report. It alleged that state land had been sold to favored legislators, officials, and their relatives. Much of it was potentially valuable acreage in the Las Vegas area, which the purchasers acquired at the bargain rate of $1.25 per acre. The report concluded by recommending the impeachment of Surveyor General Louis Ferrari.

A 1954 amendment to the constitution eliminated the Surveyor General as a constitutional officer. In 1957 the Legislature abolished the position. The Department of Conservation and Natural Resources was created; State Lands became a division within the new agency. The Director of the Department became ex officio Land Register and was given charge of the Division of State Lands.

Another act of 1957, apparently passed in reaction to the disclosures of the 1956 grand jury, required the Land Register to sell land at public auction or to solicit sealed bids. The minimum bid was not to be lower than the appraised value; in no case could it be less than three dollars per acre. All sales were to be in the best interest of the state. To carry out these provisions, an amendment of 1959 created the State Land Register Appraisal and Publication Revolving Fund. Purchasers had 25 years in which to make full payment and acquire title. The Land Register was authorized to withhold from sale any lands that might be required for use by state agencies, departments, or institutions. The act also required the Land Register to keep an "Index of Deeds and Evidence of Title of Properties Owned by State Agencies."

Growing dissatisfaction with federal policies in the public land states induced Congress, in 1965, to establish the Public Land Law Review Commission. That year Nevada created its own State Committee on Federal Land Laws. This group's purpose was "to represent and enunciate [Nevada's] position on public lands with other Western States" before the federal commission. A 1971 amendment changed the wording to "study, advise and recommend the State of Nevada's position regarding federal legislation relating to the Federal Land Law Review Commission's recommendations." The Director of the Department of Conservation of Natural Resources chaired (until 1971) the state committee, which provided the federal commission with specific information on Nevada.

In 1965 the Legislature imposed a moratorium on the sale, lease, and exchange of state lands. It remained in effect until 1989.

A law of 1975 provided for an Administrator of the Division to be appointed by the Director of the Department. The Administrator became ex officio the State Land Registrar.

In 1976 Congress passed the Federal Land Policy and Management Act. Since then many of the laws and resolutions of the Nevada Legislature regarding the state lands reflect the "Sagebrush Rebellion," a movement that swept the public lands states of the West. The "rebellion" was a series of attempts to get the unappropriated public domain out of the hands of the federal government and into those of the states. Nevada, for example, passed a 1979 statute creating a Board of Review, to be chaired by the chairman of the State Environmental Commission, with the Director of the Department of Conservation and Natural Resources as a member. The Board was given the power to approve or disapprove of the regulations and decisions of the Land Registrar. Challenging federal authority more directly, the law stated that any person carrying out an act affecting the "use, management or disposal" of the state's public lands had to have the approval of the Registrar if the action was "under color of any statute, ordinance, regulation, custom or usage of the United States."

Meanwhile, it was still possible to secure federal land through the Carey Act. In 1970, however, the Land Register noted that up to that time the Carey Act had not been a success in Nevada. Nevertheless, his office continued to receive many inquiries regarding the acquisition of lands under the terms of the act. Legislation of 1977 and 1979 created the Carey Act Commission and the Carey Act Fund. To date, only a few of the applications have gone to patent.

Other major activities of the Division of State Lands in this era were:

- Processing applications for lands under the federal Recreation and Public Purposes Act of 1926.
- Issuing easements and rights-of-way across state-owned land.
- Maintaining records of state land applications, contracts, and patents.
- Responding to inquiries regarding land matters.
- Maintaining the index of properties owned by state agencies.
- Selling excess lands.
- Negotiating lease agreements.
- Providing technical assistance to local governments and the Legislature.
- Acquiring additional lands by purchase or condemnation.
- Arranging transfers of land between the state, the federal government, and private owners.
- Conveying land to state agencies and local governments.
- Inventorying and studying public lands.
- Supporting the Sagebrush Rebellion.

Concern about growing population and environmental problems induced the 1973 Legislature to designate the Division of State Lands as the State Land Use Planning Agency (SLUPA), and made the Director of the Department of Conservation and Natural Resources, acting through the Agency, responsible for developing and implementing a statewide, comprehensive program of land use.

By 1990 the Division consisted of the following sections: Land Records and Management, Sagebrush Rebellion, Negotiations and Acquisitions, Lands Under Navigable Waters, Rights of Way, Carey Act, SLUPA, and the Tahoe Bond Program. The last named came about after the Nevada voters, in 1986, approved a bond issue to finance the purchase by the state of environmentally sensitive lands in the Lake Tahoe Basin.

An act of 1983 empowered the Division to obtain and hold lands "for any public purpose, including the production of revenue," and allowed the Land Registrar to lease lands for private development.

At this writing (1998) the Division of State Lands defines its purpose as: " . . . acquires, holds and disposes of all state lands and interests in lands; provides technical land use planning assistance, training, and information to local units of governments or other agencies; develops policies and plans for the use of lands under federal management, and represents the State in its dealings with the federal land management agencies."

Three major programs operate within the Division. The purposes of the State Land Office Program are defined as the "acquisition, holding, and disposition of all state lands and interests in lands, except lands of the University of Nevada System, the Nevada State Legislature and Department of Transportation." The Land Use Planning Assistance Program "provides technical assistance to local governments and other agencies. Staff develops and distributes information needed for land use planning and offers education and training in land use planning." Since 1993 staff of this program has been assigned responsibilities for the Nevada Tahoe Regional Planning Agency, created in 1973. The Federal Lands Program "represents the State with federal land management agencies, reviews and comments on policies and plans for the use of lands under federal management and coordinates the transfer of federal lands to other ownership and uses."

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