

APPENDIX
TO
Journals of Senate and Assembly
OF THE
TWENTY-EIGHTH SESSION
OF THE
LEGISLATURE OF THE STATE OF NEVADA
1917

VOLUME I



CARSON CITY, NEVADA
STATE PRINTING OFFICE . . . JOE FARNSWORTH, SUPERINTENDENT
1917

STATE OF NEVADA

MESSAGE

OF

GOV. EMMET D. BOYLE

TO THE LEGISLATURE OF 1917

(Twenty-eighth Session)



CARSON CITY, NEVADA

STATE PRINTING OFFICE : : : JOE FARNSWORTH, SUPERINTENDENT

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GOVERNOR'S MESSAGE

STATE OF NEVADA,
EXECUTIVE DEPARTMENT,
CARSON CITY, January 15, 1917.

To the Senate and the Assembly:

In accordance with the mandate of the Constitution I have the honor to submit herewith a report of the condition of the State, together with certain recommendations regarding action on such measures as to me appear expedient.

The legislative session of two years ago occurred at a time when business throughout the State and the Nation was temporarily arrested in its progress by the stupendous events which had, but a few months before, involved nearly one-half of the Old World in war. The consequent sharp readjustments in the financial and industrial life of the belligerent nations, with which much of the commerce of our own country is normally conducted, did not fail to affect us here. With our leading mines closed or operated on part time as a result of low metal prices; with the Sparks shops closed because of the paralysis of industry and consequently of railroad transportation throughout the country; with the farmers' produce selling at prices below the normal average, and with business generally suffering from the uncertainty of an unprecedented situation, real grounds existed for apprehension as to the material prosperity of Nevada in the then immediate future.

Happily, this depression did not long continue and these fears were not realized, for the general prosperity of the Nation ushered in by the year 1915 has been reflected here. The high prices of copper, silver, tungsten, zinc, and lead have served to stimulate mining to an unusual degree. Quietly, and without sensational production from any single mine or group of mines, the value of our mineral output reached the high figure of nearly forty million dollars in the year just

closed, and it is interesting to note that this clean wealth came from nearly a thousand productive properties. Our agricultural and its allied development has been marked and apparently permanent, and the general prosperity in these basic industries has been reflected in the healthy advance of all of our enterprises.

With every confidence, however, in our continued prosperity and growth, it were well for us to bear in mind that further readjustments will occur at the close of the European struggle.

The Nevada public, always ready to support ungrudgingly any governmental activity in line with progress elsewhere, expects a sane appraisal by its representatives of its own power to carry in normal times the burden necessarily imposed by every governmental assumption of increased and costly forms of public service. I trust, therefore, that neither the legislative nor the executive departments will interpret a full public treasury as an invitation to advance more rapidly in providing such service than the real and well-considered demands of the people require.

STATE FINANCES

A most gratifying condition in the State's finances is indicated by the reports of the State Controller for the past two years. It will be noted that, because of needed and scientific revision of our statistical and financial records, much matter heretofore necessarily included in the Governor's message appears in easily digested form in the reports of the Controller and hence need not be duplicated here.

Partly as a result of the generally prosperous condition of the State, but largely because of the more practical and acceptable method of securing state revenue effected by the reorganization of the Tax Commission and the State Board of Equalization, the condition of all funds in the State Treasury has improved even beyond our expectations.

It is a matter of gratification further that the normal

current operating expense of the State Government has shown a substantial reduction in the last two years, and that, by the reinvestment of portions of our school funds, an increased return on the trust funds dedicated to educational purposes has been effected.

STATE INVESTMENT BOARD

The Constitution has been, since the last legislative session, amended in two particulars: the borrowing power of the State has been extended and the enumerated list of securities in which the educational trust funds may be invested has been made to include approved farm mortgages. Supplemental legislation will be required on the second proposition referred to. Enlarged powers and facilities must be provided for the State Investment Board which henceforth must be equipped to assume intelligently some of the functions of a rural credit department.

In the interest of economy in county management, it is also suggested that legislation empowering the counties to issue, subject to proper restrictions, short-term bonds in lieu of the notes now employed to secure credit in emergencies, will permit the investment of the state school funds at reasonable rates of interest in these bonds—a procedure calculated to benefit both the State and the counties.

It is further recommended that by legislative act, the State be given the preferential option to purchase the bonds of any of its counties at par, before such bonds are offered for sale elsewhere.

OFFICIAL BONDS

Certain state and county officers are required by law to give official bonds in varying amounts for the faithful performance of their respective duties. There are good reasons why these bonds should be supplied by surety companies rather than by individuals. It is undesirable that public officials be under such obligations as are created by the securing of individual sureties. In the occasional instances when,

in the past, it became necessary to collect on the individual bonds of public officers in Nevada nothing has resulted but vexatious and fruitless litigation.

The State should require surety bonds and should appropriate the money necessary to secure them.

THE CAPITOL BUILDING AND GROUNDS

The work incident to the construction of the wings to the Capitol, which were completed just prior to the meeting of the last session of the Legislature, served to destroy a large area of the lawns and to leave the drives, walks, and curbs in the Capitol grounds in much worse than bad repair.

It was noticeable also that the original plan of these grounds no longer suited the enlarged building and that the trees, planted with the idea of removing many of them later, had become so thick as to menace any lawn which might be planted as well as many of the desirable trees themselves.

The Board of Capitol Commissioners proceeded with the lay-out of a plan of landscape gardening designed by the landscape gardener of the University; with the leveling and regrading of the entire grounds and with the removal of practically half of the trees in the square. New curbing was cut and laid by convicts, who performed also the large amount of work necessary to rehabilitate the premises.

After the adjournment of the Legislature all of the state departments, theretofore housed outside of the Capitol found quarters in it, which necessitated the furnishing of numerous offices.

A modern fire-protection system was installed by the Insurance Commissioner, which resulted in substantial reductions in the rates of insurance carried on the building and its contents.

Minor mechanical changes were made in the heating system designed to effect economy of operation. The defective acoustics in the Senate and the Assembly Chambers, much complained of by the members of the preceding ses-

sion, were corrected, as far as it was possible to do so, with the authority of a majority of the members of your body, all of whom were communicated with on this subject shortly after the election in November last. A deficiency was created to care for the last-named improvement and you are asked to provide funds to care for it at an early date.

With the feeling that the flooring in the lower corridors is hardly in keeping with the dignity of a State Capitol and with the desire to avoid the incurring of expense in relaying floor covering not permanent in character, the Board of Capitol Commissioners took no steps to cover the corridor floors in the new wings, in the hope that you might see fit to provide during this session a suitable and appropriate pavement for the entire corridor. It is earnestly recommended that some such provision be made. The Capitol is visited every year by many hundreds of people both from within and without the State and there is ample evidence in the comments of these visitors that state pride demands a more pretentious treatment of the state-house corridors.

TEACHERS' PENSIONS

At its last session the Legislature provided for the pensioning of retired public-school teachers who had given a certain term of service to the State, the funds for this purpose to be supplied by a small millage tax on the property of the State and by an assessment of the teachers themselves. The framers of the law evidently attempted so to fix the levy and the assessment that an equal sum would be derived from each of the two sources of revenue, thus equitably distributing the burden of caring for the retired teacher between the State and the profession.

Notwithstanding some criticism directed at the cost to the fund of administering the Act and some complaint from teachers that only a very insignificant number of their guild ever receives any benefits from the plan, I think that the people of the State are well pleased to know that the unselfish service of the men and women who devote their active lives

to public-school work is recognized to the extent that these public servants—who by the very nature of their employment are restricted in their opportunities to acquire competencies—have had some provision made for their declining years.

The absolute absence of data gained from experience with the Act over any considerable period makes me feel, however, that we are proceeding very blindly in our scheme of finance for this particular department. It is reasonably certain that we are collecting either too much or too little money to take care of future requirement. If the figures in mortality tables can be applied to a hypothetical case here where only one-half of one per cent of those now engaged in teaching are assumed to finally retire and obtain retirement salaries for the number of years which, as an average, they may be expected to live after retirement, the present revenues will prove to be inadequate and the unfortunate experience of New York and Illinois, where the teachers' pension funds are found to be actuarially insolvent, may be duplicated here.

As I see it, the State is morally bound to a continuance of the plan and is equally committed to the proposition that the fund be safeguarded by an intelligent plan of current finance which will leave it always intact and equal to the demands to be made upon it.

A teachers' pension is nothing more or less than an annuity the cost of which is influenced by factors which include the percentage of withdrawals and deaths among prospective beneficiaries and the average life expectancy of those who qualify by a term of service.

It is probable that the State could purchase such annuities under a plan whereby the cost would be borne equally by the State and the teacher while the latter was in service and wholly by the latter, if it were so desired, when not in service. If this plan proves practical, it will remove much of the cause of complaint against the present system. If it does not, on further investigation, prove practical, the administration of the department should be delegated to the Nevada

Industrial Insurance Commission with provision for the payment by the State of the cost of this service, or to an unpaid commission made up of active teachers with perhaps one state officer acting *ex officio*.

Since the complaints regarding the Act originate from the educators themselves—the beneficiaries of the Act—it is my desire, and I presume it will be your desire, to see them given as large a voice as possible both in the adoption of a scientific plan and in its subsequent administration.

THE NEVADA INDUSTRIAL COMMISSION

This department has been so conducted during the past two years as to meet very general approbation both from the social elements affected by it within the State and from students of the practical operation of so-called workmen's compensation legislation elsewhere. Your attention is particularly called to the very detailed report of the Commission.

It is believed that because of the continuous and careful analysis of accident and financial experience under the Act and by consequent readjustment of current rates, this State has, with substantial accuracy, provided for the settlement of all claims which current accidents may ever lodge against the Industrial Insurance Fund, and that the unfortunate experience of similar commissions in other States where, because of improper estimations of rates and liabilities, serious impairment of the insurance funds has occurred, has been properly guarded against.

The last session of the Legislature made a progressive step in providing for "first aid" or medical attention, at the expense of the industry, to victims of industrial accidents, thus removing one of the principal objections to the original measure. This medical attention appears to have been cared for satisfactorily, in the main, by the larger industrial organizations, but some just complaint has come from the individual small employer on whom compliance with the law in cases of very severe injury may prove so burdensome as

to exhaust his financial resources. It is recommended that the Act be amended to permit the assumption by the state fund of the employer's obligation to provide first aid in all cases where the employer elects to pay an additional rate compensatory for the average service performed, thus equalizing the burden on the small industries, the individual members of which cannot stand the shock of the expense incidental to unusual accidents.

Likewise your serious attention is directed to the need for amendments to the Act more clearly defining the responsibility upon the employer who does not reject the Act, yet fails or refuses to pay his contributions into the State Insurance Fund.

In line with the legislation needed to correct such defects as experience has developed in the Industrial Act itself, a recommendation is hereby made that by special Act you make it unlawful for any employer not electing to accept the benefits of the Nevada Industrial Insurance Act, to assess the cost of the liability thereby created either in whole or in part against the employee.

Finally, it is recommended that the period during which compensation is paid in cases of permanent total disability be extended to the life of the injured person. Simple humanity and justice demand that the man who is, as the expression implies, permanently and totally disabled, should not at the end of any brief period within his life be left a helpless charge on society.

SOCIAL INSURANCE

Within an incredibly brief period a complete change in public sentiment in this country has overturned certain of the common-law doctrines of the obligations created by employment in the case of industrial injuries. The practical result of this change is the workman's compensation legislation now more or less generally adopted throughout the country and accepted everywhere as sound and scientific in principle. Yet this principle and its practical application

was old in Europe before its introduction here. There is ample evidence of a rapidly crystallizing sentiment in the United States for a further assumption by the State of greatly extended powers to insure the public against sickness, unemployment, and old age. Like workman's compensation, these progressive reforms have passed through more than the pioneer period in Europe, and the agitation for their adoption in America is no longer confined to any radical group of our own citizens. Forward-looking men are impressed with the fact that within no very extended period this agitation will have created a popular demand for social insurance under state control that must be met by scientific legislation.

In brief, the situation at this time as regards social insurance is not essentially different from the situation which existed just prior to the initial period of workman's compensation in America. It were well to view predictions regarding the advent of the former as no more Utopian than would have been a prediction made a decade ago that industrial insurance was then inevitable.

Because of the complexity of the subject, because conditions here are peculiar to this State, and because the evidence points to the adoption of social insurance in other States even at this time, it appears that we can and should avoid costly errors by preparing statistical data here which will guide us in such policy as the State may later adopt.

An investigation of this subject by state officials is recommended. This investigation, if delegated to the properly equipped departments of the government, can be conducted at trifling cost and will produce dependable data on which future Legislatures may predicate intelligent action.

MILITIA

Following the Columbus raid, the President of the United States made a call upon the Governors of the States for certain portions of the organized militia for service at the Mexican border.

Nevada being without organized militia, a tender was promptly made of a volunteer force, but this offer was declined and a subsequent effort was made to organize the two companies of cavalry designated in the President's call as Nevada's quota. Full details of the correspondence between the State and the War Department is contained in the report of the Adjutant-General, to which you are respectfully referred.

Briefly summarizing, the most diligent efforts of the State failed to secure, before the order to discontinue recruiting was received, an adequate and satisfactory militia organization to meet the Federal requirements, although the general patriotism of our people and the willingness of our young men to serve the country in any crisis which might arise was demonstrated by the very large number of enlistments for volunteer service. Our experience in the effort to organize even this comparatively small detachment made it plain that a deep-seated objection to enlistment in the militia exists and that this objection in no wise indicates a lack of national patriotism, but arises solely from the reluctance of our citizens to affiliate with any organization which may be called out for service in industrial and other internal disputes.

National defense is recognized as a high patriotic duty, but the preservation of law and order under the ordinary exercise of police powers by other than paid police departments is held in discredit both by civil and military students of the system.

The State maintains a constabulary, an arm of the government adequately equipped and prepared to preserve order in the rare cases where local officers neglect or find themselves unable to do so. The requirement that a citizen soldiery have this unpleasant and oftentimes unnatural duty forced upon them cannot but result in the deprivation of a considerable proportion of our young men of healthful and serviceable training for such emergencies as may arise in the affairs of

any nation, however committed that nation may be to the principles of peace.

It is urgently recommended that an amendment to the Constitution exempting the militia from strike service be initiated by the proper resolution of your joint bodies at this session.

GOOD ROADS

The measure known as the "Federal Aid Road Bill" enacted by the Sixty-fourth Session of Congress and the ratification at the last general election of the amendment to the State Constitution extending the borrowing power of the State have served to give a practical impetus to the movements for good roads.

The State now finds itself in a position to borrow money to the extent of nearly one and one-half million dollars for the purpose of financing various governmental activities, and it seems probable that you will be asked to make unusually liberal provisions for road building and that a substantial bond issue be authorized to provide immediate funds for this work.

Permit me to say that I am in every way sympathetic with the good-roads movement and that you may be assured of my hearty cooperation in any practical plan which may be devised to produce the best roads which the people of Nevada can afford to construct and maintain. Further, I am convinced that the various good-roads measures to be introduced during this session will bear evidence of careful and intelligent study by many representative citizens who have had this question under consideration.

I have no specific recommendations to make at this time regarding the plan which you may in your wisdom adopt, but I do feel it incumbent on me to call to your attention some of the fundamental factors in our road problem.

The State Engineer reports to this office that there are 12,189.2 miles of public roads in Nevada. The Postmaster-General of the United States on June 30, 1916, certified

2,935 miles of such roads as, at that date, subject to the provisions of the Federal Aid Road Act. The State has for the past two years made no direct appropriation for roads with the exception of an appropriation made in 1915 expendable only in coopération with the Lincoln Highway Association, which did not avail itself of the benefits of the Act. There are, however, two sources of state revenue for road work other than by direct legislative appropriation, these being (1) receipts from the operations of the State Racing Association, which in 1915-1916 produced \$24,210.36, and (2) the receipts from the Automobile License Act, which during the same period netted \$25,199.86.

The law requires that the money derived from these sources be apportioned to the counties. The records of the Secretary of State indicate that licenses were issued during the year 1916 for 4,672 automobiles, aggregating 124,320 horsepower and 199 motor cycles with an aggregate horsepower of 1,367.

With this slight state assistance the counties have built and maintained our public roads. The exact amount expended during the past two years for this purpose is not available, but county road-and-bridge budget estimates for 1915-1916 aggregated \$478,263.

Perhaps your first official duty in connection with highway legislation will be to decide on the assent of the State to the acceptance of the Federal Aid Road Act. If your decision be favorable, you will commit the State to an expenditure of certain sums of money annually. A close approximation of the amount apportioned or to be apportioned to this State for each year under the original appropriation follows:

1917.....	\$64,398.30
1918.....	128,796.60
1919.....	193,194.90
1920.....	257,593.20
1921.....	321,991.50

To obtain the full benefits of this Federal aid the State

will be required to establish a State Highway Department and to appropriate for each year an amount equivalent to the Federal appropriation for the same year plus a sufficient sum to maintain in a manner satisfactory to the Federal Government such cooperative roads as may already have been constructed. It is obvious, therefore, that if your road-building program include no more than the construction of cooperative roads under the Federal Act referred to, the present and succeeding Legislatures will be required within the next five years to appropriate for road building and maintenance something in excess of one million dollars. Further, if this cooperative plan proves successful, it is a reasonable presumption that continued and perhaps increasing sums will be available each year from the National Government to be met by equally increased state appropriations.

Since the taxpayer each succeeding year will have a growing burden to bear in taking care of current requirements, it seems to me that no cooperative project under the Federal Act should be financed by a bond issue. It is interesting to note that in 1921 the State will have to provide—if we enter partnership with the National Government in this matter—a sum of money for roads alone equivalent to practically one-half of the amount now raised by taxation for all state governmental purposes. Our citizens five years hence should not be asked to bear any of the burden which properly belongs to the present.

The foregoing applies strictly to the financing of cooperative projects conducted in conformity with the provisions of the Federal Act. Road bonds would be justifiable for other road construction if such construction were in every way substantial and permanent in character, and not otherwise. For every dollar made available for direct expenditure on a bond issue of the usual form in Nevada the people of the State must pay an additional dollar in interest. We would all regret to see the taxpayers, ten, fifteen, or twenty years

hence, taxing themselves to meet bond interest and to redeem obligations incurred by us if there were no tangible assets in the form of existing good roads as the result of these obligations.

It is my hope, therefore, that you will give unusual care to the adoption of your highway program. The limited funds at our disposal make it imperative that road building at state expense cannot be conducted on any but the most useful and permanent highways and that no costly experimenting with untrained supervision can be tolerated. A highway engineer of training and experience will be a prime requisite to any system which you may adopt, and I believe that such measures as you may pass here should prescribe the qualifications of the engineer and require the approval of his appointment by the Director of the Federal Department of Public Roads and Rural Engineering.

In conclusion on this subject I urge a patriotic and public-spirited consideration of what I am confident will prove to be a vexatious and controversial phase of this problem; namely, the location of such highways as the State may build. Sectionalism will doubtless manifest itself in your deliberations, but, since we cannot possibly finance all of the road projects which may be presented and cannot possibly gridiron with good roads a State of our small population and large area, as have done some wealthier and more populous neighboring Commonwealths, it becomes our duty to see that no mistakes are made either in the selection of routes or in the spreading out of our limited resources to the extent that permanent construction anywhere will be impossible.

THE PRIMARY AND GENERAL ELECTION LAWS

The Legislature, in 1909, in recognition of a popular demand for the abolition of the convention system for the nomination of party candidates, went to the direct primary and, during the six years following, tried three direct primary laws, none of which proved entirely satisfactory. The

last of these laws, enacted in 1913, met with very general criticism on the grounds that: (1) the expense to the taxpayers and the candidate was excessive; (2) that candidates of a party seeking nomination by that party were committed to no set of principles excepting such a platform as they themselves might adopt after their nomination; (3) that the plan lent itself admirably to political machinations designed to permit an improper interference with the selection of the candidates of a particular political party by persons not affiliated with such party; (4) that no provision was made for the bringing out of candidates who might be reluctant to enter the public service without urging, thus leaving the electorate a choice between only such men as, because of political ambition, saw fit to enter the primary contest, and (5) that, in such a free field as the system offered, primary candidates who were not the choice of a majority of the party might still receive the party nomination. Some of the defects complained of are perhaps inherent to any primary law, while others are subject to correction.

The Legislature, in 1915, passed an indirect primary law by which delegates to a convention were selected at a primary election, and it was hoped that the plan would put into effect the good, while eliminating the bad, features of both systems. A single trial of this compromise measure has indicated that it is neither practical nor popular. Serious study of the convention and primary systems of other States and of the defects which resulted in the repeal of our own experimental laws here have been made by a number of public-spirited citizens at a series of conferences initiated and conducted by members of your own body. It is hoped that from these conferences will grow the draft of a law which will eliminate the features not found satisfactory in the earlier Nevada statutes. In the belief that our people demand a return to the primary system, you are respectfully urged to provide again for direct nominations on the ballot, and I am confident that you can at this session enact legislation on this subject to which few reasonable objections may be urged if the

matter receives the careful consideration at your hands to which it is entitled.

The general election law, while fundamentally correct, is likewise subject to criticism, mainly because of the expenses entailed in its administration. To Hon. W. A. Fogg, County Clerk of Washoe County, the Legislature and Executive Department are indebted for a set of most helpful suggestions which come as the outgrowth of many years of practical experience with the administration of the election laws. Favorable action on these suggestions, which will be transmitted to you through proper channels, cannot but result in the saving of many thousands of dollars in each election to the people of the State, and amendments to bring about this economy are respectfully recommended.

RABIES

Before the close of the legislative session in 1915 a petition was filed by certain residents of northern Humboldt County asking for state aid to check the depredations of rabid and predatory animals. Nevada, prior to that time, had been free from evidence of this dread disease and, notwithstanding reference to the impending danger of rabies here, contained in the report of the Director of the State Hygienic Laboratory—who in 1912 called attention to the fact that the disease was prevalent in Oregon and California—the gravity of the situation was not recognized, for within a very few months it became apparent that Nevada was threatened with an outbreak of such proportions as to seriously menace public health, the livestock industry, and our commerce with other Commonwealths, which in alarm were threatening rigid quarantines against our livestock exports.

On the invitation of the State Quarantine Officer and those in charge of the Public-Service Division of the University, the United States Biological Survey sent a limited force of hunters into the affected area, and the counties in which the disease appeared provided for additional scalp bounties

on coyotes and for the control of other rabies-bearing animals, but these measures appeared inadequate to meet the situation.

Having become convinced that the spread of the disease could be checked only by the concerted action of all of the counties of the State acting in conjunction with the State and the Federal authorities, I called a conference of the representatives of the county governments, the officials having to do with the administration of the public health and the livestock control departments, the representatives of similar departments in adjoining States, and the representatives of the United States Biological Survey. This conference was held in Winnemucca in January, 1916, and was well attended. From it resulted a general agreement for a uniform county bounty and for financing of a cooperative campaign looking to the extermination of the coyote and the control of dogs and other rabies carriers in the infected areas. In order that general state supervision of the campaign might be intelligently directed, a committee styled "The Nevada Rabies Commission" was appointed and empowered to conduct such negotiations and take such steps as might appear expedient. Following the conference arrangements were made with the Sheep and Livestock Commissions whereby these departments contributed liberally to the cooperative campaign fund, and with the State Board of Examiners looking to the creation of a deficiency to permit the State to participate.

With the funds thus made available an agreement was entered into with the United States Biological Survey under which that organization assumed charge of the campaign.

Three reports of the Federal department referred to will be transmitted to you giving the entire details of the work done.

The State Hygienic Laboratory, during the two-year period, has administered the Pasteur treatment at the expense of the State to 91 people who were attacked and

injured by rabid animals. The same department has made 337 tests on animals suspected of rabies, the great majority of which showed positive results.

It is gratifying to note that, while the disease appears to be spreading slowly southward in spite of our best efforts to enforce effective quarantine regulations calculated to confine it, the work of control has shown results as satisfactory as could have been expected when the difficulty of the problem which had to be met is considered.

In my opinion the State should proceed in this matter in cooperation with the Federal Government; should make adequate provision for the financing of a war of extermination against the coyote and possibly against the other animal pests which the coyote normally destroys. Rabies, difficult to eradicate when the carriers of the disease are the easily controlled domestic animals, will continue as a scourge here, jeopardizing and destroying both life and property, while the coyote is allowed to exist and propagate.

There is ample justification for a bond issue to finance such a state-wide campaign as I have recommended, for the benefits to flow from the expenditure of such money as you may provide to care for this emergency will confer perhaps greater benefits on the future than on the present.

The Biological Survey has been invited to send a representative here during the session, prepared to confer with you on this matter, if it is your desire that such a conference be held.

THE UNIVERSITY OF NEVADA

During the past two years the University has shown at least outward evidence of healthy growth and development. During this period, however, its administration has been continuously subjected to attack. The public criticism of the institution and its management has not been free from personal, factional, and, at times, political elements. For the first time in the history of the State the personnel of the University faculty was made an issue in a political campaign when in the fall election of last year candidates for Regent

in both parties were openly supported or opposed because of their known attitude toward the president of the college, making them in effect "University Presidential Electors," and thus involving the administration of the institution in politics quite as effectively as though it had gone directly upon the ballot. It is needless to say that the very scheme of organization devised by the founders of this or any other department of higher education is presumed to guard against any such situation. The University has no part in politics, but should remain, as intended by its founders, an institution intent solely upon the highest educational ideals and free from such entanglements as might in any manner swerve its administration from these ideals to meet factional or political demands.

A majority of the Board of Regents as now constituted supplanted members of the old board which, on retiring, asked for a full investigation by the Legislature. The present board, after demanding the resignation of the President of the University, made a statement welcoming an investigation of the University by your body and, after a declaration that specific charges preferred against the president had not been investigated or considered by the said board, continued with the following significant paragraph:

We do find that the financial condition of the University and the condition of the books in the Comptroller's office, for which the preceding board and President Hendrick and the past and present Comptroller are all responsible, is deplorable.

With the people confused by the incriminations and recriminations growing out of the factional discord existing for the past two years and now left in doubt by the foregoing statement as to the manner in which our stewardship of public moneys in the University funds, made up in part of benefactions from loyal friends of the institution and from the Federal Government which holds the State to a strict accountability, public confidence, so essential to the welfare of the school, must of necessity be affected. A situation has

been created fraught with grave possibilities of disaster to the institution itself, and this situation will exist until the public may turn to some authority for an unbiased statement of the essential facts upon which it can predicate intelligent conclusions.

It is not my purpose to prejudge the merits of any controversy to justify or condemn the acts of any official or set of officials connected with the University which to prosper must have, not only proper management internally, but the confidence of the people both within and without the State. However, it is my earnest recommendation that you address yourselves patriotically, and without bias, political or otherwise, to such an investigation of this institution as will clear up finally the vexatious questions underlying the present controversy. If the administration of the institution has been misinterpreted, the fact should be divulged. If evils exist, the people should know of them from an authoritative source and, with this full knowledge, look to their correction.

Whatever your decision regarding the investigation may be, the institution is entitled to the most liberal support, moral and financial, which the people and their representatives can possibly accord it.

STATE POLICE

The last session of the Legislature consolidated the offices of the Superintendent of State Police and the Warden of the State Prison. In November, 1915, the headquarters of the department of the State Police were moved to the penitentiary and the Criminal Identification Bureau established there. Following the procedure in other States, a large part of the work in this bureau, heretofore performed by the police force, is now done in a satisfactory manner by convicts working under the direction of a sergeant trained in this work, who devotes practically his exclusive time to its supervision.

A certain number of men on the inactive State Police

reserve are employed as guards at the Prison. We have thus retained a nucleus of an organization which can be rapidly extended in case of need into an effective field force. A very substantial economy in the operation of this department has resulted from this reorganization. Your attention is called to the detailed report of the department.

SOCIAL REFORMS

The "initiative" provision in our Constitution and supplementary laws have been employed to bring before you a measure designed to prohibit the manufacture, consumption, and sale of intoxicating liquors.

This measure under the law must have preferential consideration at your hands and must be adopted or rejected without change. Committed as we all must be to the theory that the public has a right to define its own policy in regard to the ethical questions upon which it naturally divides, and since favorable action by the Legislature on this important measure, while not necessarily depriving the people of a direct voice in its adoption or rejection later, will at least operate to adjudicate a matter in advance of the final and definite settlement of this question by the people themselves which will be brought about automatically by your unfavorable action on this bill, therefore, however inevitable and desirable prohibition may appear, it is suggested that you expeditiously take the steps necessary to place the question of its adoption or rejection on the ballot, both for the reasons given in the foregoing and because of the probable impairment of legislative efficiency which may be expected to result from an extended consideration by your body of so controversial a subject.

It must be apparent to you that a general demand for the abatement of gambling in all of its forms exists throughout the State and, further, that there are practical obstacles in the way of a settlement of this question by the referendum.

It is therefore earnestly recommended that a comprehen-

sive antigambling law providing enforceable penalties for noncompliance and free from any ambiguity or uncertainty be enacted by this session of your body.

It is hoped that the ethical questions which may arise for determination by your body will not be permitted to subordinate and prevent, as they have done in previous sessions, the full consideration of other and at least equally important questions requiring your attention.

RAILROAD AND PUBLIC SERVICE COMMISSIONS

The intermountain cases affecting rates on west-bound transcontinental freights have, during the past two years, occupied much of the time of the Railroad Commission. The efforts of that department to have the so-called back-haul charges to all Nevada points removed have resulted in the reduction of these differentials in a most substantial manner. Where the original back-haul charges made rates to Nevada 75 per cent higher than the rates to Coast points, these differentials have been reduced to something less than 25 per cent.

During the past year the Commission has made two complete supplemental cases before the Interstate Commerce Commission on this question. From the first case resulted a portion of the reduction above referred to, and it is hoped that the second case will effect the removal of all of the discrimination which has so militated against the industrial and commercial development of the State.

The Public Service Commission is officered by the same personnel as the Railroad Commission. The Act creating it may be considered merely as extending the powers of the Railroad Commission to include jurisdiction over public utilities other than the railroads. In its activities as a Public Service Commission this consolidated department should be given additional powers by amendments to the Railroad Commission and Public Service Commission Acts.

I specifically submit for your consideration the desira-

bility of authorizing this department to issue a "Certificate of Public Convenience," after proper hearing and investigation, as a condition antecedent to the admission of any railroad or utility to territory already adequately served on the basis of just and reasonable rates. The principles of unlimited competition cannot be applied, except with injury to the public, to any industry over which the public retains complete control and power of regulation. Where a community is already served by a public utility properly regulated and the investments of which have been made in good faith, a duplication of the physical plants of such utilities means simply the burdening of the public with rates to produce returns upon an unnecessarily increased investment.

Before passing from the discussion of this department I desire to bring to your attention knowledge of a movement calculated to effect an almost complete usurpation by Federal authorities of the regulatory and taxing powers now and heretofore enjoyed by the States over internal interstate railroad and utility commerce. The placing of this right of regulation and taxation in the exclusive hands of Congress and the subordinate Federal bureaus means the serious impairment of state authority and dignity, and may easily result in subordinating the just interests of our local industrial and commercial centers to the will of the large manufacturing and distributing centers without the confines of the State. Again, this will centralize in the hands of Congress the power of exemption either in whole or in part of this class of property from taxation.

While desirous of promoting the interests of our railroads in every just and lawful manner, we cannot afford to do so at the expense of the State itself. I therefore submit for your consideration the expediency of memorializing the Joint Congressional Committees on Interstate Commerce now conducting hearings on this question, and our representatives in Congress, in protest again the usurpation by the Federal Government of the power of the State to regu-

late, tax, and control its own internal commerce and the facilities used in connection therewith.

LABOR COMMISSION

The 1915 session of the Legislature created the office of Labor Commissioner.

This department, although hampered by the obstacles incident to the launching of any new governmental activity and by an insufficient appropriation, has plainly indicated its utility not only to the very large portion of our population within the wage-earning class and which, prior to 1915, had no official representation in the state executive department, but to the general industry of the State without regard to class as well.

The Labor Commission by the collection and publication of the statistics of our industries can bring about just contractual relations between employer and employee by the sheer force of educated public opinion. It is the logical agency to prevent the defrauding of workmen by unscrupulous employers through any of the devices now discredited by the fair and intelligent elements in all classes, and it can, and doubtless will, in the future as in the past, serve as a department of mediation prepared to harmonize and adjust the majority of the discords and disputes incident to all industrial relations, thus promoting social comity and contributing to the peace and prosperity of the State.

Enlarged powers and an adequate appropriation for this department are respectfully urged.

THE STATE ENGINEER'S OFFICE

In my preceding message the attention of the Legislature was called to the importance of the work conducted by the State Engineer's office and to the need for amendments to the Act of 1913 under which the department then operated.

The constitutionality of this measure had been attacked and the opinion of the Supreme Court was unfavorable to

the contention that the State Engineer could legally proceed under the Act. Certain amendments were added in 1915 calculated to correct the defects in the original law. The amended Act was promptly again brought to a test in the Federal Court. It is confidently expected that a decision upon which we may predicate necessary action will be handed down before the close of the session. Pending the return of this decision no recommendations regarding the law will be made by me.

It is interesting to note that, notwithstanding the handicap under which the State Engineer has operated in consequence of the continuous legal attack on his department, his field work has proceeded in a gratifying manner. He reports that the major part of the administrative procedure incident to the determination of the rights to the use of water from the Humboldt River system is complete.

IRRIGATION DISTRICT LAW

To meet the practical needs of certain of our agricultural communities considering cooperative agreements with the Federal Government and to correct such defects in the present irrigation district law as have been made apparent in the practical operation of this Act, certain amendments will be proposed during this session which should receive your favorable consideration.

IMMIGRATION DEPARTMENT

While the State has expended considerable sums of money in the preparation and circulation of literature couched in general terms, advertising the resources of the State, and has created an immigration department within the department of the State Engineer, it has done little to equip any branch of the government to answer inquiries regarding specific opportunities open to the settler here.

It is recommended that provision be made for the listing by the Immigration Department of lands and property subject to sale or disposal to prospective settlers, and the

investigation of such land or property by the field force of the Engineer's department.

It is believed that a nominal appropriation for this purpose will permit us to enlist the interest of many home-seekers who require something more definite to attract them here than has yet been published by the State.

TAX COMMISSION

The original Tax Commission, brought into existence in 1913 to meet an insistent demand for needed tax reforms, at once found the problem confronting it seriously complicated by the impending depletion of the State Treasury as the result of the inadequate revenues provided under the old State Board of Assessors Act. The emergency was met by the raising of assessments, mildly in 1913, but necessarily sharply in the following year.

The opposition to the Commission, from the first apparent, assumed after its 1914 equalizing session such proportions as to make it evident that the board as constituted could proceed only with limited effectiveness in the face of the existing sentiment. To meet the objections to the original Act, the Commission was consolidated with the Railroad Commission and its powers were in part conferred upon a State Board of Equalization consisting of the County Assessors and the members of the Commission. As a former member of both the old and the new Commissions, I have no hesitancy in saying that the change was not only expedient, but that it was fundamentally sound in principle.

From the operations of the new system over the past two years the nearest approach to real equalization ever effected here has resulted. The relations of the state and county officers having to do with the joint revenues of both have been immeasurably improved and, without shock or injustice to any one, the state revenues have been made to meet not only current requirements, but to replace the large deficit which existed in the State Treasury in 1915 and preceding years.

It is needless to predict that, without such centralized

control of state revenues as the Tax Commission provides, the State will soon find itself in the unhappy situation financially into which it had fallen before this Commission was created.

It is believed that the Tax Commission has justified its creation and its continuance. The present Act expires by limitation within a few months. You are asked to make it a permanent state department.

BOARD OF CONTROL AND STATE AUDITOR

Notwithstanding the present satisfactory condition of the State Treasury, this administration, like its predecessors, has been confronted with the problem of making insufficient public funds meet current expenses. Very little study of our system of regulating expenditures will convince you that no machinery is at the command of the Executive Department to compel—as must be done at times by any organization whether private or public—the reduction in disbursements necessary to bring them within the limits fixed by income.

In recognition of the fact that real efficiency and intelligent economy in the conduct of state business can be brought about only by the centralization of certain authority over departmental expenditures, modern sumptuary legislation in the progressive States has tended to vest in a board, ex officio or otherwise, the power to generally supervise and hold in check certain or all expenditures by state institutions and departments.

By the investment of an ex officio state board, preferably the Board of Examiners, with the power to approve in advance the extraordinary expenditures of all departments, to supervise the purchase of supplies through a central purchasing agent, and to require the curtailment of general expense whenever it appeared that the legislative budget income estimates have been upset by unforeseen conditions, a substantial business reform will be effected.

It is important likewise that a uniform and well-designed

system of accounts be installed in all state and county offices and institutions. By providing for a State Auditor to install and check both state and county accounts you can bring about a substantial reduction of the expense now incurred in this work, while making it of real service to the people.

COOPERATIVE STATE AND COUNTY ENTERPRISES

Financial aid is now provided for certain public enterprises, mainly experimental farms and special departments of education which confer benefits only on the localities in which they exist.

Cases where state money is expended in the support of such institutions are few, but it is reasonable to presume that from time to time increasing demands will be made on the State Treasury for the creation and maintenance of similar institutions in other portions of the State. It is not my opinion that the State should refuse to subsidize local activities of apparent worth, but I suggest for your consideration that a generic statute providing for cooperative state and county financial arrangements looking to the support of all such local enterprises be enacted.

THE SHORT BALLOT

The recommendation made in my inaugural message favoring the reorganization of the State Government by constitutional amendment to conform with the short-ballot principle is hereby renewed.

In the event that you consider this reform in its entirety inexpedient or undesirable, you are respectfully urged to at least initiate the steps necessary to make the Attorney-General an appointee of the Governor.

The relations of my department with that of the Attorney-General are cordial in the extreme, but within the memory of many of those present the Chief Executive of this State, held responsible for the conduct of the government to an extent not justified by the limitation of the powers conferred

upon him, has been entirely deprived of legal counsel from a department sympathetic with the aims and purposes of his administration. It is interesting to note that the present Attorney-General concurs in this recommendation.

EDUCATIONAL SURVEY COMMISSION

In pursuance of an Act passed by the last session of the Legislature creating a commission to survey the educational agencies of the State, the members of this Commission were duly appointed and have proceeded with the duties required of them under the Act.

A report of the Commission will reach you through the proper channels and your careful consideration of this report is requested.

UNIFORM EXTRADITION

There will be presented to you during this session a draft of a uniform Act relating to the extradition of fugitives from justice. This measure is advocated by the Commission on Uniform State Laws and you are reminded that its adoption will simplify the procedure entailed in the requisition of persons charged with offense, but without the jurisdiction of the authorities qualified to try and commit them.

EXPOSITIONS

The State, with credit to itself and for the first time in its experience as a participator in expositions of this character without incurring a deficiency, took part as provided by law in the Panama-Pacific and Panama-California Expositions.

The report of the board of directors having the administration of the State's activities in connection with these two memorable fairs will reach you in due course. The recommendations made in the report are concurred in by me.

GENERAL

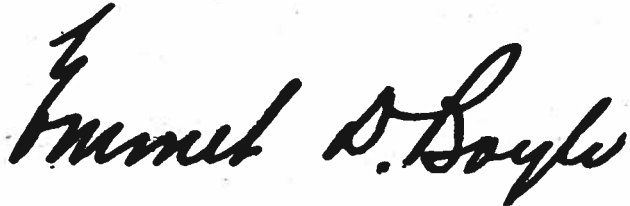
No mention has been made of many state departments and institutions the reports of which will be in your hands during the session.

I reserve the right to communicate with you from time to

time regarding matters not touched upon in the foregoing as well as to supplement the recommendations herein made.

CONCLUSION

In conclusion, permit me to express the hope and expectation that we will be able to work together throughout the session in the performance of the duties which our separate offices impose upon us, and to wish you a pleasant and harmonious session.

A handwritten signature in cursive script, reading "Emmet D. Boyle". The signature is written in dark ink and is positioned above the printed name of the Governor.

Governor of Nevada.