

THE SECOND DAY

CARSON CITY (Tuesday), January 19, 1943.

Assembly called to order at 11 a. m.

Mr. Speaker in the Chair.

Roll called.

All present.

Prayer by the Chaplain, Reverend J. L. Harvey.

Mr. Kelly moved that the reading of the Journal be dispensed with, and Mr. Speaker and the Chief Clerk be authorized to make the necessary corrections and additions.

Remarks by Mr. Boak.

Carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your committee appointed to secure committee room space begs leave to report:

Room No. 43—Education Department—Ways and Means Committee.

Room No. 57—Judiciary Committee.

Rooms Nos. 56 and 54—Enrollment, Journal Clerks, and Engrossment.

Room No. 32—General Committee Room.

State Printing Office—Mailing Room.

WARREN L. MONROE, *Chairman.*

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 1, which was declared an emergency measure and passed by the Senate this day by the following vote: Yeas, 16; absent, 1.

BETTY MILLS,

Assistant Secretary of the Senate.

INTRODUCTION AND FIRST READING

Senate Bill No. 1.

On motion of Mr. Kelly, duly seconded, all rules were suspended, reading so far had considered first reading, rules further suspended, declared an emergency measure under the Constitution, and placed on third reading and final passage.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Roll called.

YEAS—Allen, Bastian, Berney, Boak, Capurro, Carlson, Covington, Crawford, Donnelly, Duffin, Fisher, Floathe, Grant, Hall, Henrichs, Jepson, Johnson, Kelly, Kleppe, Mack, McElroy, Monroe, Moore, Munk, Murphy, Phillips, Ruedy, Ryan, Sharp, Smith, Sowers, Stark, Strosnider, Taber, Tandy, Tavelle, White, Woods, and Mr. Speaker—39.

NAYS—None.

Not voting—Burke.

Senate Bill No. 1 having received a constitutional majority, Mr. Speaker declared it passed.

MOTIONS, RESOLUTIONS, AND NOTICES

By Mr. Kelly:

Assembly Resolution No. 3:

Resolved by the Assembly of the State of Nevada, That the sum to be allowed each member of the Assembly for periodicals, stamps, and stationery, as provided by law, be the sum of sixty (\$60) dollars, and the same be certified by the Speaker and Chief Clerk to the Controller; and be it further

Resolved, That the Chief Clerk shall have supervision of the mailing department, levy necessary assessments on members from time to time to pay necessary postage for their personal mailing lists, collect said assessments, and purchase necessary stamps and deliver same to mailing clerk; and be it further

Resolved, That all bills shall be mailed out daily.

Mr. Kelly moved the adoption of the resolution.

Resolution adopted.

The Assembly recessed at 11:26 a. m.

HOUSE IN SESSION

At 11:45 a. m.

Mr. Speaker in the Chair.

Quorum present.

Assembly recessed at 11:47 a. m.

HOUSE IN SESSION

At 1:50 p. m.

Mr. Speaker in the Chair.

Quorum present.

Mr. Speaker appointed Messrs. Monroe and Berney to invite the Senate to meet in Joint Session with the Assembly to hear the Governor's Message.

Mr. Speaker appointed Messrs. Kelly and Tandy to escort the President of the Senate, Lieutenant Governor Vail M. Pittman, to the rostrum.

The Sergeant-at-Arms announced that the President of the Senate and members of the Senate were at the bar of the Assembly.

Messrs. Kelly and Tandy escorted the President of the Senate to the Speaker's rostrum.

IN JOINT SESSION

At 2:05 p. m.

President of the Senate in the Chair.

Senator Robbins moved that committees be appointed to invite and escort the Supreme Court Judges to their chairs.

Carried.

Senator Robbins moved a committee be appointed to inform the Governor that the Senate and Assembly were in Joint Session and ready to receive his message.

Carried.

The President of the Senate appointed Senator Russell and Assemblyman Tandy to invite and escort the Supreme Court Judges to their chairs.

The President of the Senate appointed Senator Farndale and Assemblyman Kelly to wait upon the Governor.

The Sergeant-at-Arms informed the President of the Senate that the Supreme Court Judges were at the bar.

The committee appointed escorted the Supreme Court Judges to their chairs.

The Sergeant-at-Arms informed the President of the Senate that His Excellency, Governor E. P. Carville, was at the Assembly bar.

The committee appointed escorted the Governor to the rostrum.

The President of the Senate welcomed the Governor and asked him to read his message.

The Governor delivered his message as follows.

To the Honorable, the Senate and Assembly:

Pursuant to Article V, Section 10 of the Constitution of Nevada, the Governor is required to communicate by message to the Legislature at every regular session and recommend such measures as he may deem expedient.

In compliance with this constitutional provision, it is my privilege and duty to report to you, as members of the Forty-first regular session, conditions existing within the State, and to briefly comment upon them and its State institutions.

The financial condition of the State and its various departments is sound, and in a better condition than when I reported to the Fortieth Legislature.

Economic conditions in this State are good and in many sections are above normal. Livestock, wool, produce, and strategic metals are in demand. Good prices are being paid for them, with the result that business along almost every line is doing well. As a governmental war measure many of our gold and silver producing mines have been shut down. Naturally, our State revenue from this source will be decreased and business enterprises will suffer.

It should be borne in mind that extraordinary conditions brought about by the war are responsible for a certain amount of prosperity within the State.

BIENNIAL BUDGET

The Statutes of 1919, page 58, require that the Biennial Budget for the fiscal years 1944-1945, with the accompanying proposed appropriation bill, be laid before you within twenty days after the Legislature has convened. This must be made after all departmental reports of receipts and estimated expenditures are received and studied. This budget will contain financial statements of all departments of the State Government during the past one and one-half years, as well as estimated expenditures for the six months ending June 30, 1943; also, estimated requirements as approved by the Executive for the ensuing two years commencing July 1, 1943, and ending June 30, 1945.

I shall have the budget in your hands within a few days and I request your careful consideration of and attention thereto.

STATE FINANCES

The records of the State Treasurer show the net balance of State funds in the State Treasury, as of January 5, 1943, to be \$2,713,915.48. On the same date the outstanding bonded indebtedness of the State amounted to \$585,000, all of which is held by trust fund accounts.

On June 30, 1942, bonds owned by the various State trust funds had a book value of \$3,869,840.58. On December 31, 1942, these investments had a book value of \$3,904,043.42. Income from interest on the bonds from July 1, 1940, to June 30, 1942, amounted to \$207,791.21. On December 31, 1942, the sum of \$58,469.11 was available in cash for investment.

STRENGTHENING OUR WAR EFFORT

We are well aware that our national debt is increasing daily at a tremendous rate. I urge you to keep in mind that this debt must be met and that a corresponding increase in State obligations to it would only place two heavy financial burdens upon our people. Economy within our State has been the fundamental basis of our prosperity, and it is with pride that we point to the fact that our State is almost free of bonded indebtedness.

I urge you to complete this session within the shortest time possible, having in mind that your work should be done well and with precision. Reduce legislative expenses, weigh carefully appropriations, and grant only those tending to improve and build our State. Obtain value received for every dollar of outlay of funds.

Insofar as the enactment of war legislation is concerned, each member of the Senate and Assembly should ask himself two questions: Will this bill promote national morale—or injure it? Will it help the war effort—or hamper it?

The people of our State are in no mood to tolerate any political battles in this time of national crisis. At least, until complete victory is had, political hatchets must be buried or delay and embarrassment will result and we will be courting tragedy and disaster.

In some States, Governors have already been given broad latitudes to suspend and modify laws on their own motion. I do not ask for extraordinary powers as your war-time Governor, nor do I recommend that such powers be given the Chief Executive of Nevada. I am proposing that careful study be given to laws we now have on our statute books and the enactment of new laws, to the end that we might meet existing and anticipated emergency conditions. For instance, special attention should be given to our law dealing with civilian defense and our State Police organization, as hereinafter specifically mentioned in this message. Special attention should be given to the broadening of the laws applying to the practice of dentistry and medicine to allow temporary permits to practitioners for the duration of the war.

STATE COUNCIL OF DEFENSE

The present State Council of Defense was set up under a law passed in 1919. The council has been functioning well, but I am of the opinion that a new law should be passed covering this subject in order that greater efficiency in civilian defense can be obtained in these critical times. The old law was enacted in peace times, and portions of it are obsolete and do not cover many of the present emergencies that arise from day to day.

I recommend that there be a sufficient appropriation made to allow the council to operate as a separate entity and not have it dependent upon any other State department for support. Under the present set-up support is being obtained from other State departments, which lessens the efficiency of those departments as well as the council itself. It is extremely important that every department should function properly.

POLICE PROTECTION

In two previous messages I have requested that our State Police law be strengthened. The last Legislature did away with the Highway Patrol and set up a system under the Public Service Commission by which inspectors served as license collectors of automobiles, trucks, and busses. The inspectors were stripped of police powers and were not even granted the right to perform highway patrol duties, such as making arrests for drunken and reckless driving. There were 107 deaths due to accidents on the Nevada State highways during the year 1942 and 102 deaths in 1941, as compared to 77 deaths in 1940 and 71 deaths in 1939.

The present State Police force consists of one paid officer and a secretary. We have no highway patrol protection, except through the local sheriffs, constables, and city police, whose duties are confined within limits of their legally established jurisdictions.

Our National Guard has been inducted into the regular army. The expense

of organizing and maintaining a State Guard under present conditions is prohibitive. The compensation as set by law for the National Guard would be so negligible that we could not hope to interest valuable or even satisfactory personnel in a State Guard to carry on such duties as it might be required to perform.

In my judgment a sufficient State Police force, properly stationed over the State, would be a great aid to the protection and safety of the people of our State. They would work in conjunction with sheriffs, constables, and city police and act as a coordinating body with those law enforcement agencies, the Department of Justice and other Federal agencies. A State Police force, with a sufficient number of officers, which I believe should not exceed ten men, cooperating with city, county, and national officers would be specially important in controlling subversive activities, prevalent throughout our State and Nation.

The State of Nevada is the only State in the Union that does not maintain a State Police force. In many of the States the State Police is the unit under which protective measures and policies are formulated and carried out for the various State Councils of Defense.

It appears to me to be a shirking of responsibility to let this important piece of legislation lag from year to year.

I recommend that a direct appropriation be made in an amount sufficient to pay proper salaries and supply equipment for a State Police force for the State of Nevada.

If you desire to change the name of the organization to "Nevada Enforcement Bureau" or "Nevada Bureau of Investigation," or some other name, that is your privilege, but I respectfully urge that you take action on this important measure at this session.

WAR EMERGENCY FUND

I respectfully recommend that the amount of the Emergency Fund created by the 1941 Legislature be increased for use in the event that the hazards of these times should bring major disasters and increased dangers to our State. This fund is handled under the direction of your State Board of Examiners.

AMENDMENT TO THE POLL TAX LAW

I urge you to amend the present poll tax law so as to exempt those who enter the armed forces from paying a poll tax for the duration. I believe that they are entitled to this consideration, which is very little compared to the sacrifices that they are making.

HIGHWAYS

For the duration of the war all that we can hope to do on our highway system is to maintain those roads we now have and collaborate with the Federal Government in constructing new roads in strategic areas. In fact, the Federal Government has limited the outlay of its funds to necessary military and strategic roads and will not cooperate with the State in the construction of any other class of roads. On account of gas rationing and the policy to save rubber, funds from gasoline taxes have recently dropped substantially, which will give us less money upon which to operate for some time to come.

During the years 1941 and 1942 the personnel in the Maintenance Division of our Highway Department has been reduced 18%. The personnel in all other divisions of the Highway Department has been reduced 37.6%. Further reduction in personnel shall be made in the future as the necessity demands.

THE NEVADA INDUSTRIAL COMMISSION

I respectfully refer you to the report of the legally appointed accountant of the Nevada Industrial Commission, submitted September 9, 1942. This report contains a résumé of the financial transactions of the Commission from July 1, 1913, to June 30, 1942.

Due largely to the unprecedented volume of work being carried on in construction projects within Nevada in the year 1942, the cash and investment holdings appear to be abnormally large. It must be kept in mind, however,

that a study must be made over a period of time in order to determine, with any degree of accuracy, the amount of the reserves necessary to meet liabilities resulting from risks involved in new and additional construction.

I have made a study of the situation and have discussed it with members of the Commission, who are now preparing a revised rate schedule, which will provide lower rates in those classifications whose experience warrants such action, and I have suggested that they also consider the advisability of increasing the rate of compensation to injured workmen.

TRANSPORTATION

This problem has become acute and complicated in aiding the Federal Government in the conservation of vital transportation equipment and in the prompt and continuous movement of traffic concerned with the national war effort and with the preservation of the domestic wartime economy. Since Nevada might be termed a bridge State in the transportation field, we necessarily have been called upon to follow liberal policies in allowing the movement of war materials, man power, etc. I consider our laws broad enough to take care of the problems arising at the present time.

INSTITUTIONS

At the Fortieth Session of the Nevada Legislature an Act was passed creating a bond issue to enlarge the State Prison. Work was begun by obtaining plans and specifications for the building and supplying stone, sand, and gravel for the construction program. Inmates of the prison quarried and shaped this stone and hauled the sand and gravel.

Priorities on steel and other necessary material could not be obtained, so the construction must necessarily be postponed until after the war. This will furnish work for some laborers during the postwar program. The overcrowded condition of the prison has been somewhat relieved due to there being less crime since the beginning of the war, but the situation as to housing facilities for State prisoners is still grave.

As a very important part of the war program in this State, I have requested certain State institutions to increase food production in order to become as nearly self-supporting as possible. I refer to the Nevada State Prison, the Orphans' Home, the Nevada State Hospital for Mental Diseases, and the Nevada School of Industry. Each one of these institutions has land, labor, and facilities to produce food commodities in greater quantities. I also appeal to the Agricultural Department of the Nevada State University to exert every effort at its command to help increase production throughout the State.

Food shortages will be extreme for some time to come. We must feed our armed forces, our civilian population, and assist our allies in this important phase of carrying on the war.

STATES RIGHTS

For some time past I have been protesting various authorities, policies, and requirements of the National Social Security Board. Using the argument that it was a war measure, this board took over the Employment Division of our Employment Security Department. It was turned over to the Federal Government, by your Governor, with the reservation that it be returned to the State at the end of the war.

An effort was made by the same board to further augment its authority by taking over the Compensation Division of the Employment Security Department. It appears to me that the action that has been taken was a direct attempt to federalize this department of our government that has been functioning so well in our State.

Attempts have been made to federalize other State departments over the period of the past few years. There has appeared to develop a definite tendency in our national life, which, if followed up, will ultimately result in the loss of that democracy which we are so anxiously striving to make secure.

I am willing to concede that every power that is necessary for the Federal Government to exercise for the successful prosecution of this war should be accorded. But in doing so, two principles should be borne in mind: First,

that the power should not be surrendered unless it is a necessity toward the war effort; and, second, that the return of that power from the Federal Government to the local governments will come with the end of the war.

ECONOMIC DEVELOPMENT

A proposed plan for the economic and social development of Nevada, termed the "Six Year Plan," has been supplied to each of you. While our present effort must be centered on winning the war, we cannot overlook future lines of governmental endeavor in postwar planning. We must first win the war, and we can and will do so. Then comes the period of reconstruction. We of Nevada must be ready with a program for building, for protection of persons and property, conservation of health and sanitation, improving natural resources, enlarging hospitals and institutions, broadening education, extending highways, and developing any project or plan for the physical or social betterment of the State.

The State Planning Board is to be commended upon the "Six Year Plan" they have outlined and I ask that it be given your careful consideration.

In order that this work may go on under the Planning Board, I suggest that a fund be appropriated for incidental expenses and for traveling expenses, in order that the members may hold occasional meetings at some central point. For the past two years such meetings have necessitated the expenditure of the private funds of the board members. No salaries have been paid to those persons acting as members of the Planning Board and I do not ask that moneys be appropriated for this purpose.

On May 8 and 9, 1942, Nevada's First Economic Conference was held in Reno, Nevada, and was attended by representative citizens from all sections of the State.

I called this conference, having in mind that the economic and social development of our State is the responsibility of all of its people, and that we should all have our opportunity to participate in our State's present and future welfare.

Prior to the conference, State committees were organized and State chairmen appointed to represent various phases of our social and industrial life. Papers were presented by the State chairmen in order that there would be a basis for discussion and subsequent recommendations might be made by the various groups. At the first State-wide conference a foundation for future county conferences was laid. I am confident that county conferences will be held and conclusions from their deliberations will be taken up at general State Economic Conferences, to be called as the occasion or necessity demands. I consider this a truly democratic process through which we can work out many of our present and postwar problems.

I am bringing this conference to your attention with the request that you review the proceedings, and I particularly call your attention to the summary of recommendations from the various groups. I feel that there are many suggestions in the proceedings that should have the consideration of your honorable bodies. I do not feel, however, that it is my prerogative to incorporate them in my message, but do urge that each of you investigate the report of the first conference and consult among yourselves as to the worthiness of suggestions and recommendations that were made.

RECOMMENDATIONS CONTAINED IN ATTORNEY-GENERAL'S REPORT

The last report of the Attorney-General contained several recommendations concerning amendments to some of our laws now on our statute books. As they all have merit, I request your earnest consideration of the recommendations that have been made. I call your particular attention to the following:

1. "Appointed Officers—End of Term."
2. "Salaries—State Officers and Employees."
3. "Constitution of State—Method of Amending."
4. "Official Bonds of Public Officers—State Bonding Act."
5. "Repeated Recommendations."

CONCLUSIONS

Under the law you have the right to make investigations of State departments and institutions. I invite you to use this authority, if you see fit, to determine whether the departments and institutions are functioning properly. I also invite constructive suggestions as to means of improving departments, as your investigations might disclose.

I ask you to feel free at all times during the session to discuss matters of State with me. It is impossible to comment upon all matters of State in a message, so I have directed to your attention only such matters as appear to be most pressing and deserving of consideration. I reserve the right to supplement this message with other communications during the session.

In all of our efforts let us bear in mind that times are not normal; that in some portions of our State conditions are much better than in other parts; that prices are unstable and commodities are becoming harder to obtain.

We are living in a Nation locked in a life and death struggle that the rights we cherish as a free people will not perish from the earth. We must think, we must work, we must be thrifty and cooperate as one big family.

We have a vital job to do here at home. We must direct our efforts toward backing up the men we have sent "Over There." Then, too, we must keep in mind the adjustments that must be made in the transition from war to a peace-time economy.

Let each of us bear his fair share of the burden so that when our boys come home they can step into a well-planned economic program that will gradually lead us back to normal times. Those boys must have jobs, and by foresight and careful planning through our local and State government we will be in a position to offer to them, in appreciation of their sacrifices, proper opportunities for the inevitable readjustments necessary for the normal lives that they temporarily gave up.

Respectfully submitted,

E. P. CARVILLE,
Governor of Nevada.

Senator Robbins moved that the Senate and the Assembly in Joint Session extend a vote of thanks to Governor Carville for his message.
Carried.

Senator Robbins moved, at 2:38 p. m., that the Joint Session be dissolved.

Carried.

HOUSE IN SESSION

At 3 p. m.

Mr. Speaker in the Chair.

Quorum present.

Mr. Speaker appointed Messrs. Monroe and Boak as a committee to draft appropriate resolutions in honor of the deceased members of the Assembly.

Mr. Kelly moved that the Assembly adjourn until Wednesday, January 20, 1943, at 11 a. m.

Carried.

Assembly adjourned at 3:02 p. m.

Approved:

DENVER DICKERSON,
Speaker of the Assembly.

Attest: E. C. MULCAHY,
Chief Clerk of the Assembly.