

# The Gazette Still Complains

The Reno Gazette is quite gleeful over the fact that the state treasurer and state controller are doubtful as to whether Clark county will receive the 20 per cent of Boulder Dam revenues, prescribed at the last session of the legislature.

The paper takes it for granted that the technicality in the law the state officials have asked questions about, will be sustained by the attorney general and the courts, and the Gazette is so sure of its own interpretation of the law it goes to the extent of commiserating with Clark county over its misfortune, which the newspaper lays at the door of the legislative representatives of this county who drew the act.

This all arises, of course, from the payment by the government, of the first \$300,000 in annual revenues to the state treasurer.

The 1941 statute says: "... whenever and as often as any payments are made to the treasurer of the state of Nevada, the said treasurer shall accept the same and shall immediately pay out of any such payments so received to the county treasurer of Clark county, twenty per cent of said sum and the balance of any such payments shall be placed by the said treasurer in the general fund of the state of Nevada."

The Gazette finds a conflict with Nevada statutes that empower the treasurer to "disburse the public moneys upon warrants drawn upon the treasury by the controller of the state, and not otherwise."

We do not pretend to be a lawyer, but unless we're mightily mistaken it will be found that the payment of Boulder Dam revenues is a different kind of transaction than any other by which monies come to the state—that the treasurer, as an individual, becomes in the first instance, a repository for the \$300,000 until it is disposed of in accordance with the direction of the legislature.

The legislature says twenty per cent is to be paid over to Clark county and that the balance is then placed in the state treasury. The fund would not be subject to the controller's warrant until it gets into the treasury. Clark county's share is paid over BEFORE any of the fund is subject to disbursement as other state funds.

There can be no question as to the intent of the legislature, and it is our belief that, despite the Gazette's confidence in its own convictions, the attorney general will rule against its interpretation of the statute and advise the treasurer to make the payment specified by law. And we believe also, that the courts will uphold such a decision.

The attorney general, fortunately, has never been controlled by anything but the law and his own conscience. Neither newspapers nor political blocs have been able to lay down the policy of his office and make it stick. Whatever his ruling is, will be accepted. So, until his opinion is released, we won't know where we stand—though we have confidence in the ultimate outcome.

The Gazette calls Clark county's sharing in the revenues "a grab" and, predicting the money will remain in the state general fund until the next session of the legislature, lays down the procedure to be pursued as follows: "The forty-first session of the Nevada general assembly will either cut Clark county's 'take' down to a more reasonable basis, or decide that the southern Nevada county is already receiving sufficient benefits to compensate it for its imaginary losses from the Boulder Dam project."

The Gazette has opposed Clark county's claim ever since it was first discussed, years ago. It has never seen fit to debate the issue on its merits, preferring to resort to prejudicing arguments which have no place in the principle at hand.

The question is whether or not the revenue comes to Nevada in lieu of taxation. If so, Clark county is entitled to a fair proportion on that basis. If not, it is entitled to nothing.

The Gazette's present argument is based on the theory that a man who becomes suddenly rich is no longer entitled to legal rights to participate in potential wealth which might have been his while in straightened circumstances.