

THE
JOURNAL OF THE ASSEMBLY

OF THE

SPECIAL SESSION

OF THE

LEGISLATURE OF THE STATE OF NEVADA

1928

**BEGUN ON MONDAY, THE SIXTEENTH DAY OF JANUARY, AND ENDED
ON SATURDAY, THE FOURTH DAY OF FEBRUARY**



CARSON CITY, NEVADA

STATE PRINTING OFFICE : : : : JOE FARNSWORTH, SUPERINTENDENT

1928



ARRANGEMENT AND CONTENTS
Special Session, 1928

	PAGE
INDEX TO ASSEMBLY BILLS.....	v
INDEX TO ASSEMBLY RESOLUTIONS AND MEMORIALS.....	vi
INDEX TO SENATE BILLS.....	vii
INDEX TO SENATE RESOLUTIONS AND MEMORIALS.....	vii
ASSEMBLY PROCEEDINGS.....	1-107
NAMES AND ADDRESSES OF ASSEMBLYMEN.....	109
GENERAL INDEX.....	113

INDEX TO ASSEMBLY BILLS

Special Session, 1928

1....An Act to amend an Act entitled "An Act to provide a general highway law for the State of Nevada," approved March 23, 1917, as amended. White Pine Delegation.....	14, 17, 18, 19, 32, 33, 42, 49, 52
2....An Act authorizing and directing the Board of County Commissioners of Washoe County, Nevada, to borrow money for the purpose of paying a deficit of the "1927 Nevada Transcontinental Highways Exposition"; to levy and collect a tax for the payment of the same, and other matters relating thereto. Washoe County Delegation.....	15, 19, 22, 33, 42
3....An Act authorizing boards of directors of irrigation districts to pay a commission for negotiating the sale of irrigation district bonds and other matters relating thereto. Fuss.....	16, 18, 19, 20, 21, 42, 49, 52
4....An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, for the irrigation and drainage of lands and other related undertakings thereby, and for the acquisition and distribution of water and other property, construction, operation and maintenance of works, diversion, storage, distribution, collection and carriage of water, cooperation with the United States; and matters properly connected therewith," approved March 19, 1919, as amended, by amending section 36 thereof relative to the inclusion of the lands within irrigation districts. Fuss.....	16, 18, 19, 20, 21, 42, 49, 52
5....An Act for the relief of E. B. Cornell and Don Maestretti. Ellis.....	31, 37, 38, 52, 60, 61, 69
6....An Act to amend section 21 of an Act entitled "An Act defining public utilities, providing for the regulation thereof, creating a Public Service Commission, defining its duties and powers, and other matters relating thereto," approved March 28, 1919. Winter.....	31, 34, 37, 41, 44, 46, 52, 56, 67, 75, 77
7....An Act to incorporate the American Legion, Department of Nevada, and all American Legion posts within the State of Nevada. Maupin.....	31, 37, 66
.....Assembly Substitute for A. B. No. 7. Winter.....	55, 69, 70, 78, 87, 88, 95, 101
8....An Act to provide an excise tax on the sale of cigarettes, cigarette papers and wrappers and tubes sold in the State of Nevada; to provide for the collection thereof; to fix a penalty for the violation of the provisions of this Act, and other matters connected therewith. Hall.....	31, 37, 55
.....Assembly Substitute for A. B. No. 8. Ways and Means.....	55, 66, 70, 71, 79
9....An Act fixing the time when laws and joint resolutions shall take effect. Geach.....	34, 37, 41, 42
10....An Act to amend sections 2 and 3 of an Act entitled "An Act to amend an Act entitled 'An Act to provide an excise tax on the sale of gasoline, distillate, and other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles; to provide for the collection thereof; to provide a manner of ascertaining the number of gallons of gasoline, distillate and such other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles sold or distributed in the State of Nevada; to provide for the registration of dealers engaged in the distribution of and sale of gasoline, distillate and other volatile or inflammable liquid fuels; to fix a penalty for the violation of the provisions of this Act; to define certain words, terms and phrases herein, and to repeal all other Acts or parts of Acts in conflict herewith,' approved March 20, 1923," as amended March 24, 1925. Ways and Means Committee.....	38, 40, 41, 42
11....An Act to amend section 3 of an Act entitled "An Act directing the mayor and city council of incorporated cities of this State to erect sewage disposal plants, to levy a tax and provide a fund for the construction of the same; providing a penalty for the failure of such city officers to comply with the provisions of this Act; authorizing the removal of such officials from office by procedure in the District Court; and other matters relating thereto," approved March 17, 1927. Neeley.....	45, 52, 57, 58, 59, 69, 80, 81, 101, 102, 103

- 12....An Act to create a public corporation to be known as "State Bar of Nevada" to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said Act. Joint Judiciary Committee.....46, 52, 53, 54, 61, 69
- 13....An Act to amend an Act entitled "An Act to provide for the licensing and registration of motor vehicles in the State of Nevada, defining the duties of certain officers in connection therewith, prescribing certain rules and regulations, defining certain powers and duties, and other matters properly connected therewith, and repealing all Acts or parts of Acts in conflict or inconsistent with this Act," approved March 19, 1925. Neeley.....47, 52, 57, 58, 59, 66, 67
- 14....An Act to amend an Act entitled "An Act requiring a license for the operation of common-carrier motor cars and vehicles on the public highways of the State, and other matters relating thereto, approved March 29, 1927. Neeley.....47, 52, 57, 58, 59, 60, 66, 67
- 15....An Act to amend an Act entitled "An Act requiring a license for the operation of common carrier motor cars and vehicles on the public highways of the State, and other matters relating thereto," approved March 29, 1927, and repealing section 2 of said Act. Committee on Roads and Highways.....49, 57, 61, 62
- 16....An Act to amend an Act entitled "An Act to provide for the licensing and registration of motor vehicles in the State of Nevada, defining the duties of certain officers in connection therewith, prescribing certain rules and regulations, defining certain powers and duties, and other matters properly connected therewith, and repealing all Acts or parts of Acts in conflict or inconsistent with this Act," approved March 19, 1925. Geach.....59, 64, 65, 86, 87, 95, 101
- 17....An Act to amend section 5 of an Act entitled "An Act to create a state board of investment of the state permanent school fund, defining its powers and duties," and other matters properly connected therewith, and repealing all Acts and parts of Acts in conflict herewith," approved March 24, 1917, and the amendments thereto. Hussman.....59, 66, 70, 76, 78, 81, 86, 87, 95, 101
- 18....An Act to provide an excise tax on the sale of gasoline, distillate and other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling internal combustion engines, including motor vehicles; to provide for the collection thereof; to provide a manner of ascertaining the number of gallons of such liquids sold or distributed in the State of Nevada; defining certain words, terms and phrases herein; providing penalties for the violation of the provisions of this Act, and to repeal all Acts and parts of Acts in conflict herewith. Hussman.....65, 76, 81, 83, 88
- 19....An Act to amend sections 28 and 31 of an Act entitled "An Act to regulate fees and compensation for official and other services in the State of Nevada, and to repeal all other Acts in relation thereto, approved February 27, 1883, with the amendments thereto. DeVotie.....76, 81, 83, 87, 89, 90, 92, 94, 95, 96
- 20....An Act to provide for the examination, auditing, and reporting on the offices of certain State officials and departments of the State of Nevada, making an appropriation therefor, and other matters properly connected therewith. Hussman.....84, 87, 90, 93, 94, 96, 104

Index to Assembly Resolutions and Memorials

- 1....Assembly Concurrent Resolution, relative to the appointment of a committee to ascertain the amount, nature, and condition of claims due the State of Nevada, or owing by the State of Nevada; to consider the justice of any such claims; determine the necessity or advisability of a compromise of any such claims; determine and report to the Legislature of the State of Nevada the basis of any proposed compromise, and other matters properly connected therewith. Hamlin.....23, 24, 28, 30, 31, 32, 33, 35, 36, 40, 49
- 2....Assembly Concurrent Resolution, relative to a proposed compromise of claims of the State of Nevada. Murphy.....23, 24, 28, 30
- 1....Assembly Joint Resolution, memorializing Congress relative to Federal aid for highway maintenance. Boak.....62, 66, 69, 75, 81, 87
- 2....Assembly Joint Resolution, memorializing the Secretary of Agriculture of the United States to continue in effect his Federal quarantine against importation into the United States of live stock and livestock products from foreign countries where foot-and-mouth disease is known to exist. Winter.....72, 81, 87

3....Assembly Joint Resolution, memorializing our Senators and Representative in Congress to advocate the passage of a bill increasing the present forestry road appropriations. David.....	77, 81, 83, 87, 95, 101
4....Assembly Joint Resolution, recommending the immediate construction of the Wendover Cut-off, and memorializing the Board of County Commissioners of Elko County to proceed immediately with the financing of said construction. White Pine Delegation.....	93, 99
1....Assembly Resolution, relative to officers of the Special Session. Hussman.....	10
2....Assembly Resolution, relative to Speaker of the Assembly appointing the standing committees of the Assembly. Maupin.....	2
3....Assembly Resolution, relative to assigning duties of attachés. Kennedy.....	2, 15
4....Assembly Resolution, relative to inviting the Senate to meet with Assembly. Hart.....	2
5....Assembly Resolution, relative to allowing sums of money for periodicals, stamps and stationery. David.....	20
6....Assembly Resolution, relative to amending Assembly Bill No. 65. Hamlin.....	19, 20
8....Assembly Resolution, relative to amending Standing Rule No. 65. Hamlin.....	58
10....Assembly Resolution, relative to cleaning, renovating and caring for Assembly Chamber after the adjournment of the Legislature. Ellis.....	81, 88
11....Assembly Resolution, to provide protection to a member of the Nevada Assembly against future contingencies. Committee on Public Morals.....	82
12....Assembly Resolution, relative to payment of \$12 to Journal Clerk of the Assembly. David.....	88
13....Assembly Resolution, relative to payment of \$50 to Chief Clerk of Assembly. David.....	88
14....Assembly Resolution, directing payment of certain moneys from Legislative Fund. Committee on Claims.....	92, 93, 98, 101
15....Assembly Resolution, relative to care of the Assembly Chamber after adjournment of the present Legislature. David.....	103

INDEX TO SENATE BILLS

(For titles to Senate Bills see Senate Journal)

1....	17, 18, 20.
2....	17.
3....	3, 52, 54, 70, 77.
4....	33, 34, 37, 38.
5....	61, 77.
6....	20, 32, 35, 66, 67.
7....	40, 42, 92, 98, 99, 100, 101, 103, 104, 106.
8....	33, 34, 91, 94, 103.
9....	40, 42, 46, 76, 91, 94, 101, 103.
10....	40, 42, 44, 46, 47, 52, 53.
11....	36, 52, 53, 56, 64, 65, 68, 69, 70, 71, 72, 73, 74, 75, 78, 82, 83, 86.
12....	36.
13....	40, 42, 44, 50, 51, 52, 56.
14....	40, 42, 44, 51, 58.
15....	42, 43, 49, 50, 52, 56.
17....	57, 59, 81, 82.
19....	52, 53, 55, 56, 57, 61.
20....	75, 77, 85, 91, 95, 102, 104.
21....	86, 89, 102, 104, 106.
22....	81, 82, 85, 90.
23....	80, 82, 91, 95, 103.
24....	75, 77, 81, 83, 87.
25....	90, 92, 93, 103.
26....	90, 91, 96, 97.

Index to Senate Resolutions and Memorials

1....	S. C. R., 58.
2....	S. C. R., 52, 58, 64, 65, 75.
3....	S. C. R., 58, 62.
4....	S. C. R., 66.
5....	S. C. R., 71, 76.
2....	S. J. R., 81, 82, 85, 89, 90, 103.

JOURNAL

OF THE

Assembly of the State of Nevada

SPECIAL SESSION OF 1928

THE FIRST DAY

CARSON CITY (Monday), January 16, 1928.

Pursuant to proclamation issued by the Governor on the 3d day of January, 1928, the Assembly was called to order by Speaker Tandy, at 12 o'clock noon.

Prayer by Reverend Hersey.

The Clerk was instructed to call the roll.

Present—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker.

Absent—Mr. McGill, who was excused.

MOTIONS, RESOLUTIONS, AND NOTICES

A motion by Mr. Geach, duly seconded, that Assembly Rule 58 be suspended for the remainder of the day.

Motion carried.

Mr. Hussman asked permission to introduce a resolution without previous notice.

Permission being granted, Mr. Hussman offered the following resolution:

Assembly Resolution No. 1:

Resolved by the Assembly of the State of Nevada, That the officers of the Thirty-third Session of the Nevada Legislature be, and they are hereby, retained and continued in the respective offices and positions which they occupied and held at the Thirty-third Session.

Mr. Hussman moved the adoption of said resolution.

Carried.

Mr. Maupin asked permission to introduce a resolution without previous notice.

Permission granted.

By Mr. Maupin :

Assembly Resolution No. 2 :

Resolved by the Assembly, That the Speaker of the Assembly be, and he is hereby, requested to appoint on the standing committees of the Assembly the same persons constituting the personnel of the respective committees as they were constituted at the Thirty-third Session of the Nevada Legislature.

On motion of Mr. Maupin, duly seconded, resolution was adopted.

Mr. Kennedy asked and was granted permission to introduce a resolution without previous notice.

By Mr. Kennedy :

Assembly Resolution No. 3 :

Resolved by the Assembly, That the aides, clerks, and assistants of the Thirty-third Session of the Nevada Legislature, in so far as they and each of them are now present, shall be, and they are hereby, retained as aides, clerks, and assistants of the present Legislature, and the assignment of such aides, clerks, assistants, and attachés to their respective positions and duties shall be under the direction of the Speaker. Such additional aides, clerks, assistants, or attachés as may be deemed necessary for this session shall be likewise assigned to duty by the Speaker.

On motion of Mr. Kennedy, duly seconded, resolution was adopted.

Mr. Hart asked and was granted permission to introduce a resolution without previous notice.

By Mr. Hart :

Assembly Resolution No. 4 :

Resolved by the Assembly of the State of Nevada, That the Senate of the State of Nevada be invited to meet with the Assembly, at the time of presentation of the Message of the Governor of Nevada, in Joint Session for the purpose of receiving such message.

Mr. Hart moved the adoption of the resolution.

Carried.

On motion of Mr. Maupin, the selection of Chaplains was referred to the Ormsby Delegation.

Motion carried.

Mr. David was granted permission to introduce a resolution without previous notice.

By Mr. David :

Assembly Resolution No. 5 :

Resolved, That the sum to be allowed to each member of the Assembly for the present session for periodicals, stamps, and stationery, as provided by law, be the sum of ten (\$10) dollars, and that the same be certified by the Speaker and Chief Clerk to the State Controller.

Mr. David moved the adoption of the resolution.

Carried.

On motion of Mr. Proctor, duly seconded, Mr. McGill was excused for the day.

The Speaker stated that the Committee on Mileage would take notice that when they were at liberty, if there were no objections from the Assembly, they would bring in their report on mileage.

Motion made by Mr. Yeager, duly seconded, that a committee of three be appointed to rearrange the seats.

Motion carried.

The Speaker appointed Mrs. McGuire, Mr. Maupin, and Mr. Whitacre as members of this committee.

Upon motion by Mr. Geach, duly seconded, a committee of three was appointed to wait upon the Governor and inform His Excellency that the Assembly was in session and ready for business.

The Speaker appointed Mr. Hamlin, Mr. Swallow, and Mrs. McGuire on this committee.

Upon motion by Mr. Maupin, a committee of three was appointed to wait upon the Senate, and inform that body that the Assembly was organized and ready for the transaction of business.

The Speaker appointed Messrs. Tranter, DeVotie, and Ernst on this committee.

Mr. Fanatia made a motion that the Special Session be governed by the rules of the last session.

Motion carried.

Motion made by Mr. Maupin that a recess be taken subject to the call of the chair.

Motion carried.

HOUSE IN SESSION

At 1:58 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. McGill, who was excused.

The Sergeant-at-Arms announced a committee from the Senate appointed to inform the Assembly that the Senate was organized and ready for the transaction of business.

Mr. Ellis reported that there would be a Chaplain present every morning during the session.

Upon motion of Mr. Yeager, duly seconded, a recess was taken until 2 p. m.

HOUSE IN SESSION

At 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. McGill, who was excused.

Seats at the press table were assigned to E. T. Clyde, Carson City News and Associated Press; Fred Helmick, Reno Evening Gazette; Ernest Greenwalt, Nevada State Journal; Hal Mighels, Carson City Appeal.

Mr. Hamlin reported that the committee appointed to wait upon the Governor had performed its duties, and stated that His Excellency, the Governor, requested the committee to convey to the Assembly the assurance of the Executive Office's cooperation during this session, and to state that his message would be presented at 2 p. m.

Committee was discharged with thanks.

Motion made by Mr. Ellis that the State Printer print a list of standing committees.

Motion carried.

Motion made by Mr. Maupin to recess subject to the call of the chair.

HOUSE IN SESSION

At 2:20 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. McGill, who was excused.

Motion made by Mr. Yeager to appoint a committee of three to invite the Senate to meet in Joint Session.

Motion carried.

The following were named on the committee: Messrs. Yeager, Fuss, and Patterson.

Mr. Yeager reported that the Senate would meet with the Assembly immediately.

Mr. Speaker appointed Messrs. David and Groesbeck to escort the President and President pro tem of the Senate to the rostrum.

The Speaker welcomed the officers and members of the Senate and delivered the gavel to the President, who presided over the Joint Session.

IN JOINT SESSION

Roll call of the Senate by the Secretary of the Senate.

Roll call of the Assembly by the Chief Clerk.

Roll call showed all Senators present, and all Assemblymen except Mr. McGill, who had been excused.

On motion of Senator Henderson a committee of three was appointed to await upon the Governor and inform him the Senate and Assembly in Joint Session were ready to receive the Governor's Message.

Motion duly seconded and carried.

The President of the Joint Session appointed Senator Henderson and Assemblymen Hart and Murphy to await upon the Governor.

As chairman of the committee appointed to wait upon the Governor, Senator Henderson reported as follows:

Your committee appointed to wait upon the Governor begs to inform you that the Governor does not desire to deliver his Message to the session in person. A copy of the Message will be placed in the hands of each of the members and the Message will be read by Mr. J. H. White, Secretary to the Governor.

The Secretary to the Governor appeared at the bar of the Assembly with the Governor's Message.

On motion of Senator Scott, duly seconded and carried, the Secretary to the Governor was invited to read the Governor's Message.

The Governor's Proclamation calling the Special Session and his Message were read by Mr. J. H. White, Secretary to the Governor:

A PROCLAMATION BY THE GOVERNOR

STATE OF NEVADA,
EXECUTIVE DEPARTMENT.

WHEREAS, Article V, Section 9, of the Constitution of this State provides that "The Governor may, on extraordinary occasions, convene the Legislature by proclamation, and state to both houses, when organized, the purpose for which they have been convened, and the Legislature shall transact no legislative business except that for which they have been especially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in session;" and

WHEREAS, Believing that an extraordinary occasion now exists, which requires legislative action to solve, it becomes my duty by proclamation to convene the Legislature in Special Session.

NOW THEREFORE, I, F. B. BALZAR, Governor of Nevada, do hereby proclaim and call the Legislature of Nevada to meet at Carson City, Nevada,

MONDAY, JANUARY 16, 1928

and all members thereof will govern themselves accordingly.

Among the subjects which will be called to the attention of the Legislature so especially convened are:

First—To amend and modernize existing laws governing the conduct and operation of the State Treasury.

Second—To authorize the investment of surplus funds in the state school fund, if necessary, at a lesser rate of interest than five per cent as now required by law.

Third—To authorize and provide additional funds for the support of the Colorado River Commission, and to enact additional legislation to safe-guard the interests of this State in such river.

Under the provisions of the Constitution, as above cited, the Governor shall state to the Senate and Assembly, when organized, the purpose for which they have been convened. At such time I will endeavor to outline to you the necessary legislation required, for your careful consideration, in accordance with the best welfare of our State.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Nevada. Done at Carson City, this 3d day of January, in the year of our Lord one thousand nine hundred and twenty-eight.

[SEAL]

F. B. BALZAR,

Governor.

By the Governor:

W. G. GREATHOUSE, *Secretary of State.*

MESSAGE OF GOVERNOR F. B. BALZAR TO THE
LEGISLATURE OF NEVADA
(SPECIAL SESSION, 1928)

STATE OF NEVADA,
EXECUTIVE CHAMBER,
CARSON CITY, JANUARY 16, 1928.

To the Honorable, the Senate and Assembly:

Acting under the authority conferred upon the Governor by Section 9 of Article V of the Constitution, I have convened your honorable bodies in extraordinary session at this time for the purpose of calling your attention to existing conditions as regards the financial structure of the State, and to request the enactment of suitable and necessary legislation in the following matters, which are deemed to be of sufficient importance to bring to your attention at this time, in advance of the regular biennial session of the Legislature, viz:

STATE TREASURER

Early in May, 1927, the State Board of Examiners received from the Nevada Surety and Bonding Company a communication, announcing their withdrawal from the bond of State Treasurer Ed Malley.

The latter was notified thereof, and to file a new bond within ten days, as required by law.

Upon his failure to do so, I appointed Hon. George B. Russell of Elko County as State Treasurer, who promptly qualified as such and ever since has been in charge of that office.

CASHIERS' CHECKS

Information conveyed to the Chief Executive, at the time of the appointment of Treasurer Russell, indicated that three certain cashiers' checks, held as part of the funds in the State Treasury, aggregating \$516,322.16 issued by the Carson Valley Bank, and apparently valid in every respect were claimed by that bank to be fraudulent.

Such cashiers' checks had been counted as a part of the cash in the State Treasury.

Later, upon being presented to the Carson Valley Bank for collection by Treasurer Russell, payment was refused and suit to enforce payment was commenced by the Attorney-General and is now pending.

Since the commencement of said action Mr. George Wingfield, President of the Carson Valley Bank, has written the Chief Executive suggesting a compromise thereof, which proposal is respectfully referred, without comment, to your honorable bodies for consideration.

A copy of such letter is annexed hereto as Exhibit "A."

STATE CONTROLLER'S WARRANT

My attention was also drawn to the possession by the Carson Valley Bank of a warrant, issued by the former State Controller, No. A-56272, dated January 25, 1926, in the amount of \$392,700 purporting to be for the purchase of bonds for the State Permanent School Fund.

The minutes of the State Board of Finance disclose no authorization for the purchase of such bonds to that amount, either prior to or upon that date.

An investigation of the records in the office of the State Controller failed to disclose any authorization for, or record of, the issuance of said warrant by the Controller.

It was further found that an additional warrant, bearing the same number, A-56272, dated December 27, 1926, had been duly and regularly issued in numerical sequence for \$65 as payment for a typewriter.

In view of these facts, the State Board of Examiners and State Controller have denounced said Controller's warrant, held by the Carson Valley Bank, as illegal, and to have been irregularly and fraudulently issued, and the State Treasurer has been instructed to refuse payment thereof if presented.

MISUSE OF STATE FUNDS

Further investigation, by the State Board of Examiners, disclosed apparent grave irregularities in the handling of State funds and money deposited for fees and licenses by insurance companies doing business in this State and, acting upon the advice of the Attorney-General, criminal charges of conspiracy to defraud the State of Nevada were preferred against former State officers, who were upon a trial convicted and sentenced to the State Penitentiary.

AUDIT OF STATE BOOKS

In view of the disclosures as to the manner in which the financial business of the State had been transacted, and with the advice and unanimous consent of the State Board of Examiners it was deemed desirable and necessary to have an audit made of several departments of the State Government, and to incur a deficiency for such purpose.

That no possible suspicion might arise as to the fairness, impartiality, and correctness of such audit, it was resolved to employ a firm of chartered and certified public accountants from without the State to make the same.

The nationally known firm of Hood and Strong, of San Francisco, was employed by the Board of Examiners, and made a complete audit of the State Treasury, State Controller, State Prison, Highway Department, and Nevada Hospital for Mental Diseases, from January 1, 1923, to May 1, 1927, at a total cost of \$3,936.66.

I respectfully request the passage of necessary legislation to pay same with interest, a deficiency claim therefor having been heretofore allowed by the Board of Examiners.

It is suggested such report be ordered printed if copies thereof are desired for use by members of the Legislature.

EMPLOYMENT OF ADDITIONAL COUNSEL

At the same time the Board of Examiners authorized, at the special request of the Attorney-General, the employment of additional counsel to assist in the prosecution of former State officials, against whom criminal charges had been filed, and also to recover the amount of the disputed cashiers' checks of the Carson Valley Bank.

A contract covering such employment was duly and regularly entered into by the Board of Examiners and Messrs. Lester D. Summerfield and N. J. Barry, of Reno, for the payment of \$20,000, and they were thereafter appointed as Special Deputy Attorneys-General.

Before such contract was executed it was submitted to a Special Committee from the State Bar Association, who passed upon the reasonable value of the service to be rendered and agreed that the amount stipulated was fair and just.

There will be submitted for your consideration a proposed measure ratifying and approving such contract and asking for an appropriation in the sum of \$20,000 for the support of the Attorney-General's office which will be used in the payment of the amount due under such contract.

AMENDING STATE TREASURY LAWS

Following the discovery of irregularities in the conduct of the State Treasury, the Attorney-General rendered several opinions regarding the law governing the operation of the State Treasury, the practical effect of which was to seriously hamper the State Treasurer in the work of his office, and as a result of which many banks throughout our State announced that a charge would be made for exchange upon all State warrants issued as well as those checks and drafts made payable to the State Treasurer.

Serious complaints as to this practice have been made from all parts of the State, and the payment of exchange upon the transfer of funds due from the several counties of the State, as well as upon moneys due to the State Highway Department and other departments from the Federal Government and other sources, has been a heavy burden.

For your information there is annexed hereto as Exhibits "B" and "C," respectively, copy of letters from the State Treasurer requesting the opinion of the Attorney-General, and the latter's official opinion clearly shows the legal handicaps now hampering the State Treasurer, and legislation is requested amending and modernizing our law so as to permit the deposit of funds in banks of the State under restrictions properly safe-guarding same; also, allowing the acceptance of United States Government checks, drafts and warrants, and checks of individuals and counties to be accepted, held, and counted as cash.

COLORADO RIVER PROJECTS

Realizing that the building of the Boulder Canyon Dam is of more transcendent importance to the State than any matter now under consideration, efforts to promote the erection of such dam upon the Colorado River at the Black Canyon site (lower end of Boulder Canyon) have largely taken up the time of the State Engineer, as well as the Colorado River Commission, your Executive, and Nevada's Congressional Representatives since the adjournment of the Legislature in March last.

Every Nevadan is aware of what such a project means to this State, and during the year I have conducted a large correspondence with the Governors of the River Basin States, as well as attending a conference at Denver, Colorado, called by the Executives of Wyoming, Colorado, Utah, and New Mexico in an endeavor to reach a solution of the problems appertaining to such proposed construction.

Our Colorado River Commission, our Representatives in Congress, and your Executive all favor the erection of the Black Canyon Dam at the earliest possible moment, at the same time insisting, at every conference, that Nevada shall receive a just share of all benefits to be derived therefrom, and we shall continue to use every effort to attain this end, either by agreement with the States of Arizona and California, or by having such provisions inserted in any Act passed by Congress.

The Denver conferences of Governors and Commissioners of the several River Basin States have served to clear away much misunderstanding as to the entire project, and I am hopeful that an agreement will finally be reached by representatives of the three Lower River States under which a just and fair division of all benefits will be mutually agreed upon, and that all the Basin States will ratify the Santa Fé Compact thus paving the way for action by Congress authorizing the construction of the Boulder Dam.

Further hearings are now being held at Washington before Committees of Congress, which necessitate the attendance of members of Nevada's Colorado River Commission.

The amount heretofore appropriated for support of the Commission has been exhausted, and I earnestly urge that provision be made therefor, to the end that our Commission be not hampered by lack of funds, and suggest that an adequate appropriation be set aside for such purpose.

MOAPA VALLEY UTILITIES

The Chamber of Commerce of Moapa Valley, Clark County, has requested me to call your attention to the desirability of legislation authorizing the citizens of that valley, adjacent to the town of Overton, to form a utility district for the purpose of supplying the inhabitants thereof with electric power and a municipal water supply.

It is apparent that the general statutes of this State do not authorize the respective Boards of Commissioners in the several counties to create districts for such purposes as their authority extends only to unincorporated towns and cities in that respect.

It is my understanding that a measure conferring such authority will be presented to your honorable bodies for consideration and I urge the passage thereof.

INVESTMENT OF SCHOOL FUNDS

Attention is drawn to the provision of section 5, Statutes 1917, page 399, which prohibits the investment of surplus State Permanent School Funds at a lesser rate of interest than 5%.

Practical experience of the State Board of Finance shows that it is impossible for the State to compete with private interests in the purchase of county bonds permitted by law, if restricted to those bearing not less than 5% interest, and I respectfully urge that our law be amended to authorize the investment of such school funds, if necessary, at a lesser rate of interest than 5% as now required.

OFFICERS' EXPENSES AND MILEAGE LAW

Much criticism has arisen throughout the State over the interpretation of the so-called Fairchild Act (Statutes 1927, page 219), and questioning the validity thereof.

At my suggestion the Attorney-General has prepared two new Acts designated to obviate such criticism, and your careful consideration thereof is asked.

WASHOE COUNTY EXPOSITION TAX

The Board of County Commissioners of Washoe County having incurred a large deficit in the conduct of the Transcontinental Highways Exposition, held at Reno during the summer of 1927, legislation is asked authorizing the levying of a special tax in Washoe County to raise funds to pay such deficit.

PREMIUM ON OFFICIAL BONDS

My attention has been drawn by the State Controller to the fact that the appropriation made for payment of premiums on official bonds for the years 1927-1928 has been practically exhausted.

This condition has, in part, arisen through officers giving surety instead of personal bonds, and legislation is asked appropriating sufficient funds to take care of such premiums during the current year.

The State Controller is prepared to show appropriate committees of both houses the exact status of such funds and the probable demands to be made thereon.

IRRIGATION DISTRICT MATTERS

The people of the city of Lovelock, Nevada, have by majority petition to the Board of Directors of Lovelock Irrigation District expressed themselves as desirous of becoming a part of the Lovelock Irrigation District, this inclusion being of vital necessity to the immediate prosecution of this important project, and legislation amending section 36, Statutes 1919, page 84, of the Nevada Irrigation District Act will remove all doubts as to their right to be included.

Existing laws governing the sale of bonds of irrigation districts within this State prohibit their being sold at less than 90% of par value.

The commencement of work by Lovelock Irrigation District upon the proposed dam on the Humboldt River, a project of vital importance to the people of that section, has been halted by the inability of such district to dispose of its bonds under 90% par, and legislation is asked along the general line of the Act of 1921, page 189, which was limited to the term of one year.

CURRIE TO WENDOVER CUT-OFF

I recommend that there be added to the State Highway System that piece of road commencing at a point approximately twenty-two miles south of Currie, on the Ely-Wells Highway, and extending to Wendover, on the Nevada-Utah State line.

WINNEMUCCA-McDERMITT ROAD

I have been requested to have the Highway Department allot to the Winnemucca-McDermitt Highway (which has heretofore been made a part of the State Highway System) a part of the Federal Aid mileage, which is supposed to be unused, but I am advised that the action of the Legislature of 1927, in adding the so-called North and South Highway between McGill and Wells to the Highway System, has resulted in the Federal Bureau of Roads allocating all unused Federal mileage to that stretch of road, leaving none now available to be applied upon the Winnemucca-McDermitt Highway.

The subject is respectfully referred to you for consideration and such action as may be deemed advisable or necessary.

STATE CONTROL OF WATER AND WATER RIGHTS

A matter of vital importance to every citizen and resident of our State is control of the waters thereof.

I have been requested by many citizens to urge the adoption of a resolution and memorial to Congress affirming the rights of the several States in and to the waters and water rights therein situate, and there is submitted for your consideration, as Exhibit "D," a proposed resolution which I believe should be enacted in an effort to prevent further encroachment by the Federal Government or any department thereof on the just rights and privileges of the several States of the Union.

LEGISLATIVE FUND

A legislative fund should be created in amount sufficient to cover the expenses of procuring supplies, clerical aid employed, salaries and mileage of members, extra expense incurred by the State Printing Office, and such other allowances as are deemed necessary in the discharge of your duties during this Special Session.

CONCLUSION

In attempting to find a solution of these many problems, especially that relating to a possible compromise of the suit now pending against the Carson Valley Bank, wherein the State is plaintiff, I trust that no question of political partisanship will be allowed to enter into your consideration of these matters, and that every effort will be made toward doing exact justice, bearing in mind at all times the best interest of our State and of all individuals affected by your actions.

I hope that your deliberations will be harmonious and of benefit, and that my action in calling you into extraordinary session will be fully justified by the results achieved.

F. B. BALZAR,
Governor.

APPENDIX EXHIBIT A

E. A. JULIAN
Consulting Engineer

W. E. ZOEBEL
Secretary

OFFICES OF
GEO. WINGFIELD
RENO, NEVADA

November 26, 1927.

HON. FRED B. BALZAR, *Governor of Nevada, Carson City, Nevada.*

MY DEAR GOVERNOR: You now have under consideration the question of determining whether or not the existing affairs of this State justify your calling a special session of the Nevada legislature.

In the event that you decide to do so, I respectfully suggest that you include within your call and message, the proposition of permitting the legislature to consider the claim of the State of Nevada against the Carson Valley Bank for \$516,000, which is now the basis of an action pending in the courts of Ormsby County, and the claims which the State may have against the bondsmen on the official bond of the former State Treasurer. These claims, as you know, have grown out of the embezzlement of state funds by two officials of the State of Nevada and the cashier of the Carson Valley Bank.

At least a major part of the claim of the State of Nevada against the Carson Valley Bank, growing out of this embezzlement, is unquestionably based upon purely technical grounds. The bank as an institution was absolutely innocent of any wrong doing or misconduct. The State of Nevada stands in the same position. We have, therefore, two innocent parties the victims of the criminal acts of their servants.

The State has asserted that the bank should pay three cashier's checks, aggregating \$516,000, which were admittedly issued fraudulently and without consideration by the bank's cashier, and at the same time takes the position that it should not pay a fraudulent warrant for \$392,000 issued by the then State Controller. The State is insisting upon enforcing a technical liability against the bank, and at the same time asserts its sovereign immunity as a defense against the warrant, notwithstanding that the warrant was a part of the same transaction.

A protraction of this controversy is detrimental to the State and the business of the State, is not to the best interest of either party, and is one which should be amicably settled. Under the present state of the law, the parties are unable to arrive at any fair settlement of this matter on account of the State of Nevada not being a private person. If the State was a private person there would be no difficulty in arranging for a discussion of this matter, to the end that some settlement that would be fair to both sides would be made. As I am informed, however, the only method by which consideration can be given for the settlement of this matter, so far as the State of Nevada is concerned, is by the consent of its people, speaking through their senators and assemblymen at a session of the Nevada legislature.

In suggesting a settlement of this litigation, I desire to call your attention to the fact that the major portion of any loss which may be sustained by the Carson Valley Bank in the event that the State is successful in its claims, must of necessity fall upon me personally. You are aware that the total capital and surplus of the Carson Valley Bank is but \$90,000 and that except for my voluntary deposit of \$500,000, the bank could not pay the amount of the State's claim, and the State and all depositors of the Carson Valley Bank would suffer a tremendous loss.

To the end, therefore, that prolonged litigation and a condition, which cannot be conducive to the best interest of the State, may be terminated, I trust that in the event you decide to call a special session of the legislature at this time that you incorporate in your call the matters herein mentioned.

Very sincerely yours,

GEO. WINGFIELD.

GEORGE B. RUSSELL
State Treasurer of Nevada

A. A. ARMSTRONG
Deputy State Treasurer

EXHIBIT B

STATE OF NEVADA
OFFICE OF
STATE TREASURER
CARSON CITY, NEVADA

July 1, 1927.

HON. M. A. DISKIN, *Attorney-General of Nevada, Carson City, Nevada.*

DEAR SIR: In accordance with our conversation of yesterday, June 30th, I hereby request a written opinion from you in the following matters:

First—Since entering upon my duties as Treasurer of the State of Nevada I have been carrying upon my records as cash three purported cashiers' checks of the Carson Valley Bank, of Carson City, Nevada, the amounts of which aggregate \$516,322.16. At your direction these cashiers' checks were presented

for payment on June 29th, when they were pronounced fictitious by the cashier of the bank, and payment was refused. How should these cashiers' checks now be treated in the records of my office?

Second—The records of my office show that heretofore it has been the practice of the State Treasurer to deposit in banks of the State, money belonging in the revolving fund, and to accept therefor cashiers' checks and treat same as cash. Would it be lawful for me as Treasurer to continue this practice, providing it meets with the approval of the Board of Finance, and with the further provision that the banks furnish approved and adequate surety bonds to protect the State against possible loss?

Very respectfully,

GEORGE B. RUSSELL,
State Treasurer.

M. A. DISKIN
Attorney-General

WILLIAM J. FORMAN
Deputy Attorney-General

STATE OF NEVADA
DEPARTMENT OF ATTORNEY-GENERAL
CARSON CITY, NEVADA

Opinion No. 276.

September 13, 1927.

INQUIRY

First—Since entering upon my duties as Treasurer of the State of Nevada I have been carrying upon my records as cash three purported cashier's checks of the Carson Valley Bank of Carson City, Nevada, the amounts of which aggregate \$516,322.16. At your direction these cashier's checks were presented for payment on June 29, when they were pronounced fictitious by the cashier of the bank and payment was refused. How should these cashiers' checks now be treated in the records of my office?

Second—The records of my office show that heretofore it has been the practice of the State Treasurer to deposit in banks of the State money belonging in the revolving fund, and to accept therefor cashiers' checks and treat same as cash. Would it be lawful for me as Treasurer to continue this practice, providing it meets with the approval of the Board of Finance, and with the further provision that the banks furnish approved and adequate surety bonds to protect the State against possible loss?

OPINION

The cashiers' checks to which reference is made in your query and like cashiers' checks, having for a great number of years been considered and counted as cash, you are advised that, under the existing conditions, these items should be considered as cash items. The state has no notice of the existence of any state of facts that would or could render such checks invalid.

Your second question is answered by section 4372, Revised Laws, 1912. This section provides:

The state treasurer shall securely keep in the safe and vault provided for him for that purpose, in his office at the seat of government, all the public moneys, bonds, and securities of the state appertaining to his office, and shall not deposit any part or portion of the same with any individual, copartnership, or corporation; nor shall he use said money, or any part thereof, or allow any one else to do so, except in the payment of bonds, or coupons, or warrants properly drawn upon him by the state controller.

The legislature by Statutes 1913, p. 127, declares an exception to the provisions of this section, and authorizes the depositing of state funds in certain banks under well defined and stated conditions. Such deposits can only be made when the state is secured, and the money so deposited must bear a certain rate of interest.

Except as authorized by Statutes 1913, supra, it is your plain duty, under the law, to be the sole custodian of state funds and to keep in the vaults of your office, in actual cash, the money of the state.

I am not unmindful of a custom existing in the state treasurer's office for many years to carry, and the board of examiners to count, as cash, cashiers'

checks on divers banks. This practice was resorted to, no doubt, because of the fact that a strict adherence to the law would practically make it impossible for the state to function and would greatly endanger state moneys by theft and the like. It was due, no doubt, also to a further consideration of the injury to business in this state by the requiring of large sums of actual cash to remain idle in the vaults of the state treasurer's office.

It will be noted that the special provisions of law as they apply to the state treasurer and the custody of state funds were enacted in the year 1866. The necessity, if the state is to properly function, for a change in the several provisions is strongly emphasized by the custom referred to of accepting and counting cashiers' checks.

While I am fully cognizant of the great hardship confronting the state treasurer's office when the law is strictly adhered to and the handicap in carrying on the business of the state under the existing laws, yet I feel that these are all matters to be considered by the legislature and it is our plain duty to construe the law as it exists and for the legislature to change the law if it is archaic.

Respectfully submitted,

M. A. DISKIN,
Attorney-General.

HON. GEORGE B. RUSSELL, *State Treasurer, Carson City, Nevada.*

EXHIBIT C

GEORGE B. RUSSELL
State Treasurer of Nevada

A. A. ARMSTRONG
Deputy State Treasurer

STATE OF NEVADA
OFFICE OF
STATE TREASURER
CARSON CITY, NEVADA

September 20, 1927.

HON. M. A. DISKIN, *Attorney-General of Nevada, Carson City, Nevada.*

DEAR SIR: In accordance with your suggestion, I am herewith reducing to writing questions concerning the conduct of the State Treasurer's office. These questions have arisen since the receipt of your opinion of the thirteenth instant, according to which the State Treasury must hereafter operate on a cash basis, and which prohibits the acceptance of checks, warrants, etc., heretofore accepted and treated as cash:

1. In the course of daily business, we receive U. S. warrants for state and national highway, State University and Sheppard-Towner Act purposes; also county warrants, and checks from numerous sources, as revenue. Please advise if any of these may be accepted lawfully and placed for collection according to common practice, or if all such paper shall be refused and demands made for remittances in actual cash with transmission charges prepaid.

2. When State warrants, which have been issued to counties in the discharge of obligations, are returned to the State Treasurer with direction that the money be forwarded, who shall pay the charges of transmission of the money?

3. In view of the fact that now, more than ever before, precaution should be exercised to insure the Treasury against loss by hold-up or otherwise, can the State lawfully arrange for insurance on its money, both in carriage and in its vaults?

Respectfully yours,

GEORGE B. RUSSELL,
State Treasurer.

M. A. DISKIN
Attorney-General

WILLIAM J. FORMAN
Deputy Attorney-General

STATE OF NEVADA
DEPARTMENT OF ATTORNEY-GENERAL
CARSON CITY, NEVADA

Opinion No. 279.

September 29, 1927.

INQUIRY

(1) In the course of daily business, we receive U. S. warrants for state and national highway, state university and Sheppard-Towner Act purposes; also,

county warrants and checks from numerous sources, as revenue. Please advise if any of these may be accepted lawfully and placed for collection according to common practice, or if all such paper shall be refused, and demands made for remittances in actual cash with transmission charges prepaid.

(2) When state warrants, which have been issued to counties in the discharge of obligations, are returned to the state treasurer with direction that the money be forwarded, who shall pay the charges of transmission of the money?

(3) In view of the fact that now, more than ever before, precaution should be exercised to insure the treasury against loss by hold-up or otherwise, can the state lawfully arrange for insurance on its money, both in carriage and in its vaults?

OPINION

(1) By opinion numbered 276 this office has advised you that, under the law, public moneys must be kept in the vaults of your office except in those instances where other disposition may be made of such moneys in compliance with Statutes 1913, p. 137.

By enacting these several sections, the Legislature has clearly indicated a desire to keep the money of the state in its own strong-boxes instead of depositing the same in banks. A review of the statutes of the several states and of the acts of Congress of the United States shows similar provisions. The state of Kansas, at an early period, had a law very similar to the Nevada law. Recently Kansas authorized deposits of state moneys in banks, under certain restrictions, and it further specifically authorized the state treasurer to deposit with banks, for collection, drafts and checks payable to the state when security was deposited to insure safety of collections to the state.

The provisions of section 4372 constitute a prohibition of the custody of public moneys with any corporation, institution, or person other than the state treasurer. Such prohibition would include the depositing of checks and drafts with banks for collection, for this act would require an agency other than the state treasurer to handle public funds.

(2) Opinion numbered 117 rendered by Attorney-General Thatcher under date of November 10, 1917, holds that the state is not authorized to pay transmission charges on remittances to the counties.

(3) Section 277 of the Constitution provides that

No moneys shall be drawn from the treasury but in consequence of appropriations made by law.

To authorize the payment of insurance premiums would require legislative sanction. It may be, however, that the appropriation made to the capitol commissioners for the protection of state property, if the balance on hand, in the judgment of the commission, is sufficient, would constitute authority for the payment of such premiums.

Respectfully submitted,

M. A. DISKIN,
Attorney-General

HON. GEORGE B. RUSSELL, *State Treasurer, Carson City, Nevada.*

EXHIBIT D RESOLUTION

Memorializing the Congress of the United States to Enact a Law Declaring that Beneficial Use Shall Be the Basis, the Measure, and the Limit of the Right of the Use of the Public Waters of the States and Territories of the United States.

WHEREAS, The development of the agricultural resources of the western arid or semiarid States is dependent upon the use of the public waters for the irrigation of lands; and

WHEREAS, The present laws of the western arid or semiarid States relating to the use of water for irrigation purposes are the outgrowth of a period of some sixty years, a comparatively short time of the evolution of laws; and

WHEREAS, The so-called common law of riparianism relating to the use of

public waters has been found, through the experience of the western arid or semiarid States, to be not best fitted to the existing conditions; and

WHEREAS, All, or practically all, of the western arid or semiarid States have discarded the common-law doctrine of riparianism as applied to the public waters; and

WHEREAS, The Congress of the United States has, in its various land and reclamation Acts, consistently referred to the "local customs, laws, and decisions of the courts," whenever reference has been made to the appropriation of water; and

WHEREAS, All the western arid or semiarid States have declared in principle that "the water of all sources of supply within the boundaries of the State belong to the public," and that "beneficial use shall be the basis, the measure, and the limit of the right to use of water"; and

WHEREAS, None of the States or Territories of the United States has ever delegated to the United States control over the public waters within said States; and

WHEREAS, The United States of America is claiming waters of the most important streams of the State of Nevada, under a doctrine which, if sustained, will upset and destroy property rights of the citizens of Nevada, which have vested and which have been enjoyed without let or hindrance for more than sixty years, and which use has been encouraged by the United States of America; and

WHEREAS, Public buildings, schools, courthouses and other public institutions have been constructed at great expense to the State of Nevada and its citizens as a result of agricultural development and the beneficial use of waters used in the irrigation of farming lands, all of which would be seriously impaired if not destroyed by the reservation of water under a principle sought to be established by the United States of America, contrary to the doctrine of appropriation hereinabove enunciated; now, therefore, be it

Resolved by the Senate and Assembly of the State of Nevada, That this body hereby memorialize the Congress of the United States to enact a law declaring, in substance, that the United States has not, and never has had, power or control over the public waters for irrigation purposes, and declaring that the officers of the United States shall make application to the various States for the appropriation of water whenever, in the administration of the affairs of the United States, it is necessary to acquire water rights for irrigation purposes; and be it further

Resolved, That a copy of this resolution, duly authenticated, be transmitted without delay by the Secretary of State of Nevada to the President of the United States, the Congress of the United States, to the Legislature of the several western arid or semiarid States, and to the representatives of the State of Nevada in Congress.

On motion of Senator Henderson, duly seconded and carried, a vote of thanks was extended to Secretary to the Governor for his reading of the Message.

On motion of Senator Henderson, duly seconded and carried, the Joint Session of the Senate and the Assembly was dissolved.

HOUSE IN SESSION

Mr. Speaker in the chair.

Roll called.

All present except Mr. McGill, who was excused.

INTRODUCTION AND FIRST READING

Mr. Proctor was granted permission to introduce a bill without previous notice.

By White Pine Delegation:

Assembly Bill No. 1—An Act to amend an Act entitled "An Act to

provide a general highway law for the State of Nevada," approved March 23, 1917, as amended.

On motion of Mr. Proctor, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

Mr. Tranter was granted permission to introduce a bill without previous notice.

By Washoe County Delegation:

Assembly Bill No. 2—An Act authorizing and directing the Board of County Commissioners of Washoe County, Nevada, to borrow money for the purpose of paying a deficit of the "1927 Nevada Transcontinental Highways Exposition"; to levy and collect a tax for the payment of the same, and other matters relating thereto.

On motion of Mr. Tranter, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to committee consisting of the Washoe County Delegation.

In accordance with the provisions of Assembly Resolution No. 3, the following attachés were appointed and took the oath of office:

John W. Wright, Chief Clerk; C. Stanley Woolcock, Assistant Chief Clerk; W. S. Phillips, Sergeant-at-Arms; Lena Gale, Bill Clerk; Rosezella White, Minute Clerk; Lucy Evans, Assistant Minute Clerk; Ruth Mackay, Journal Clerk; Betsy Buckner, Assistant Journal Clerk; Velma Hawley, Engrossing Clerk; Ruth Packard, Assistant Engrossing Clerk; Harvey Payne, Enrolling Clerk; Grace Boak, Committee Clerk; F. Gold, Messenger; Joseph Clyde, Page; A. J. Maestretti, Bill Drafter.

On motion of Mr. David, duly seconded and carried, the Assembly adjourned until 11 a. m. Tuesday, January 17, 1928.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly,

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE SECOND DAY

CARSON CITY (Tuesday), January 17, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Prayer by Reverend Harvey.

Roll called.

All present.

READING AND APPROVAL OF JOURNAL

On motion of Mr. Geach, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk were authorized to make the necessary corrections.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mrs. McGuire, duly seconded and carried, Rule 58 was suspended for the remainder of the legislative day.

On motion of Mr. Maupin, duly seconded and carried, the Auditors Report of the firm of Hood and Strong was ordered printed.

Mr. Speaker asked how many copies should be printed.

On motion of Mr. Maupin, duly seconded and carried, the Clerk was instructed to order the same number of copies as those made of bills.

Mr. Hamlin gave notice that he would, at a future date, introduce an amendment to the Rules of the Assembly.

INTRODUCTION AND FIRST READING

Mr. Fuss asked permission to introduce bills without previous notice. Permission granted.

By Mr. Fuss:

Assembly Bill No. 3—An Act authorizing boards of directors of irrigation districts to pay a commission for negotiating the sale of irrigation district bonds and other matters relating thereto.

On motion of Mr. Fuss, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Irrigation.

By Mr. Fuss:

Assembly Bill No. 4—An Act to amend an Act entitled "An Act to provide for the organization and government of irrigation districts, for the irrigation and drainage of lands and other related undertakings thereby, and for the acquisition and distribution of water and other property, construction, operation and maintenance of works, diversion, storage, distribution, collection and carriage of water, cooperation with the United States, and matters properly connected therewith," approved March 19, 1919, as amended, by amending section 36 thereof relative to the inclusion of the lands within irrigation districts.

On motion of Mr. Fuss, rules were suspended, reading so far had

considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Irrigation.

Mr. Speaker announced he would refer back to Messages from the Senate.

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 this day, under suspension of all rules, has been declared an emergency measure under the Constitution, and passed the Senate by the following vote: Yeas, 17; nays, none.

Also, Senate Bill No. 2, which this day, under suspension of all rules, has been declared an emergency measure under the Constitution, and passed the Senate by the following vote: Yeas, 17; nays, none.

ADELE CLEMONS,
Assistant Secretary of the Senate.

INTRODUCTION AND FIRST READING

Senate Bill No. 1.

On motion of Mr. David, rules were suspended, bill considered engrossed, bill declared an emergency measure, and placed on file for third reading and final passage.

Senate Bill No. 2.

Mr. David moved that all rules be suspended, the bill considered engrossed, and placed on file for third reading and final passage.

Mr. Maupin moved an amendment to the motion that the bill be referred to the Committee on Judiciary.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Senate Bill No. 1 was read for the third time.

Roll call on Senate Bill No. 1:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker—37.

NAYS—None.

On motion of Mr. Ellis, duly seconded and carried, the Speaker was authorized to appoint a messenger to attend to the mails.

On motion of Mr. Yeager, the Assembly recessed at 11:40 a. m. until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Roads and Highways has had Assembly Bill No. 1 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass as amended:

The following amendment to Assembly Bill No. 1 was proposed by the Committee on Roads and Highways: Amend section 1 of Assembly Bill No. 1 by

inserting in line 8 of the printed bill before the word "southwesterly" the words "in a," and striking out the comma and the words "in a" directly following the word "southwesterly."

C. C. BOAK, *Chairman.*

The following minority report on Assembly Bill No. 1 was made by Mr. Duncan:

Mr. Speaker:

A minority of your Committee on Roads and Highways has had Assembly Bill No. 1 under consideration, and begs leave to report unfavorably on the same, with the recommendation that it do not pass.

WM. DUNCAN, *Minority of Committee.*

Mr. Speaker:

Your Committee on Irrigation has had Assembly Bill No. 3 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

R. T. SWALLOW, *Chairman.*

Mr. Speaker:

Your Committee on Irrigation has had Assembly Bill No. 4 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

R. T. SWALLOW, *Chairman.*

Mr. Maupin moved that the vote on Senate Bill No. 1 be reconsidered. The Clerk read Senate Bill No. 1.

Roll call on motion to reconsider vote on Senate Bill No. 1:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker—37.

NAYS—None.

Motion to reconsider carried.

Mr. Maupin introduced an amendment to Senate Bill No. 1, as follows: Amend Senate Bill No. 1 by adding a new section to be known as section 4, and reading as follows: "SEC. 4. This Act is hereby declared an emergency Act and shall take effect and be in force on the date of its passage and approval." On motion of Mr. Maupin the amendment was adopted.

Roll call on Senate Bill No. 1, as amended:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker—37.

NAYS—None.

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

On motion of Mr. David, duly seconded and carried, the Assembly adjourned at 2:40 p. m. until 11 a. m. on Wednesday, January 18, 1928.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly,

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE THIRD DAY

CARSON CITY (Wednesday), January 18, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Prayer by Reverend Willis.

Roll called.

All present.

On motion of Mr. Maupin, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk were authorized to make the necessary corrections.

PRESENTATION OF PETITIONS

A communication from the Universal Products Corporation was received and on motion of Mr. Groesbeck, duly seconded and carried, the communication was placed on file.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 1, 2, 3, 4, hereto attached, are correct copies of the triplicates thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

Mr. Speaker:

Your Committee consisting of Washoe County Delegation has had Assembly Bill No. 2 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

GEO. F. TRANTER, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Fuss, duly seconded and carried, Assembly Bills Nos. 3 and 4 were rereferred to Committee on Irrigation.

On motion of Mr. Geach, duly seconded and carried, Assembly Rule No. 58 was suspended for the rest of the legislative day.

Mr. Duncan moved that Assembly Bill No. 1 be laid over until Saturday afternoon.

Mr. Groesbeck offered an amendment to Mr. Duncan's motion; that Assembly Bill No. 1 be made a special order for Friday afternoon, January 20, 1928, at 2 p. m.

Motion as amended duly seconded and carried.

By Mr. Hamlin:

Assembly Resolution No. 6:

Resolved by the Assembly of the State of Nevada, That Assembly Bill No. 65 be amended so as to read as follows: Witnesses summoned to appear before the House, or any of its committees, shall be paid as follows: For each day a witness shall attend, the sum of five dollars; for each mile he shall travel, in coming to or going from the place of examination, the sum of twenty-five cents;

but nothing shall be paid for traveling home when the witness has been summoned at the place of trial. No mileage shall be paid except where the witness has actually travelled for the purpose of giving testimony.

On motion of Mr. Hamlin, duly seconded, Assembly Resolution No. 6 was adopted.

On motion of Mr. Yeager, the Assembly recessed at 11:40 a. m. until 2 p. m.

HOUSE IN SESSION

Assembly called to order at 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Irrigation has had Assembly Bills Nos. 3 and 4 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass with the attached amendments.

R. T. SWALLOW, *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. 6 which this day passed the Senate by the following vote: Yeas, 16; nays, none; absent, 1.

Also, to advise your honorable body that the Senate has this day concurred in the Assembly amendment to Senate Bill No. 1.

ADELE CLEMONS,

Assistant Secretary of the Senate.

MOTIONS, RESOLUTIONS AND NOTICES

On motion of Mr. Maupin, duly seconded and carried, Assembly Bills Nos. 3 and 4 were placed on the top of the file for third reading and final passage.

INTRODUCTION AND FIRST READING

Senate Bill No. 6.

On motion of Mr. Hussman, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 3 was read the third time.

Remarks by Mr. Fuss.

Roll call on Assembly Bill No. 3, as amended:

YEAS—Boak, Brennan, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—35.

NAYS—None.

Absent—Mr. David.

Not voting—Mr. Speaker.

Assembly Bill No. 3, as amended, having received a constitutional majority, Mr. Speaker declared it duly passed.

Assembly Bill No. 4 was read the third time.

Remarks by Mr. Fuss.

Roll call on Assembly Bill No. 4, as amended:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Trauter, Whitacre, Winter, and Yeager—35.

NAYS—None.

Not voting—Mr. Kennedy and Mr. Speaker—2.

Assembly Bill No. 4, as amended, having received a constitutional majority, Mr. Speaker declared it duly passed.

On motion of Mr. Maupin, duly seconded, the Assembly adjourned until 11 a. m. Thursday, January 19, 1928.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly,

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE FOURTH DAY

CARSON CITY (Thursday), January 19, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present, except Mr. Kennedy.

Prayer by Father Murphy.

On motion of Mr. Maupin, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk were authorized to make the necessary corrections.

GENERAL FILE AND THIRD READING

Assembly Bill No. 2 was read the third time.

Remarks by Mr. Tranter.

Roll call on Assembly Bill No. 2:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Groesbeck, Guthrie, Hall, Hart, Hussman, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—33.

NAYS—None.

Absent—Hamlin and Kennedy—2.

Not voting—Geach and Mr. Speaker—2.

Assembly Bill No. 2 having received a constitutional majority, Mr. Speaker declared it duly passed.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Groesbeck requested permission to refer back to Motions and Resolutions.

Permission was granted.

On motion of Mr. Groesbeck, duly seconded and carried, Mr. Kennedy was marked present.

On motion of Mr. Proctor, duly seconded and carried, a recess was declared subject to the call of the chair, such recess being taken at 11:20 a. m.

HOUSE IN SESSION

At 11:25 a. m.

Mr. Speaker in the chair.

Motion of Mrs. McGuire, duly seconded, that a recess be taken until 2 p. m.

On motion of Mr. David, an amendment was proposed that a recess be taken until 1:30 p. m.

Amendment lost.

Motion of Mrs. McGuire then carried, and recess taken at 11:30 a. m. until 2 p. m.

HOUSE IN SESSION

Assembly called to order at 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

MOTIONS, RESOLUTIONS, AND NOTICES

By Mr. Hamlin :

Assembly Concurrent Resolution No. 1, relative to the appointment of a committee to ascertain the amount, nature and condition of claims due the State of Nevada, or owing by the State of Nevada; to consider the justice of any such claims; determine the necessity or advisability of a compromise of any such claims; determine and report to the Legislature of the State of Nevada the basis of any proposed compromise, and other matters properly connected therewith.

WHEREAS, It appears that a compromise of certain claims of the State of Nevada against individuals, firms, and corporations, would be to the best interests of the State, and its citizens; now, therefore, be it

Resolved by the Assembly of the State of Nevada, the Senate concurring, That a joint committee of eight be appointed to be composed of four members of the Assembly, to be appointed by the Speaker of the Assembly, and four members of the Senate, to be appointed by the President of the Senate. This joint committee to immediately organize and investigate any proposed compromise and report to the Assembly and Senate as follows :

1. The amount of any claim, claimed by the State, as due from any person, firm, or corporation.

2. The amount of any claim, claimed by any person, firm, or corporation, to be due from the State of Nevada.

3. The percentage of claim, submitted to such committee, which in the opinion of the committee might be collected through the courts.

4. The percentage of any such claim which can be collected by any proposed compromise.

Such committee shall set a time and place for the hearing of any proposed compromise of claims, and notify all persons, firms, or corporations having any interest therein of such setting of hearing.

Such committee shall have full power to subpoena witnesses and compel their attendance with any and all books, papers, or records which such committee shall deem necessary and proper upon any such hearing.

Such committee may employ such clerical assistance as may be deemed necessary in any hearing.

Such committee shall report its progress daily to each branch of the Nevada Legislature.

All proper expenses incurred by such committee shall be paid out of the Legislative Fund of the State of Nevada.

Mr. Hamlin moved the adoption of Assembly Concurrent Resolution No. 1.

On motion of Mr. Hart, duly seconded and carried, an amendment was adopted to make Assembly Concurrent Resolution No. 1 a special order of business for 11 : 20 o'clock, Friday morning, January 20, 1928.

By Mr. Murphy :

Assembly Concurrent Resolution No. 2 relative to a proposed compromise of claims of the State of Nevada.

WHEREAS, His Excellency, Governor Balzar, has referred in his message to the Legislature to a proposed compromise of an adjustment between the State of Nevada and the Carson Valley Bank, a corporation, in relation to litigation

now pending between the State of Nevada and said bank, involving a claim of the State of Nevada against said bank for the sum of \$516,322.16; and

WHEREAS, Said message contains a copy of a letter over the signature of Mr. Geo. Wingfield, acting for said bank, referring to some compromise, without any statement as to the terms or conditions of said proposed compromise; now, therefore, be it

Resolved by the Assembly, the Senate concurring. That said bank, through its authorized representative, submit some tentative plan of proposed compromise of said litigation.

Mr. Murphy moved the adoption of Assembly Concurrent Resolution No. 2.

On motion of Mr. McGill, duly seconded and carried, Assembly Concurrent Resolution No. 2 was made a special order of business for Friday, January 20, 1928, immediately following the action on Assembly Concurrent Resolution No. 1.

On motion of Mr. Neeley, duly seconded and carried, Assembly Concurrent Resolutions Nos. 1 and 2 were ordered printed. The chairman of the Printing Committee was instructed to see that the printing was done.

MESSAGE FROM THE GOVERNOR

SUPPLEMENTAL MESSAGE OF GOVERNOR F. B. BALZAR TO SPECIAL SESSION
OF THE NEVADA STATE LEGISLATURE, 1928

STATE OF NEVADA,
EXECUTIVE CHAMBER,
CARSON CITY, JANUARY 19, 1928.

To the Honorable Senate and Assembly:

Pursuant to the provisions of Section 9, Article V, of the Constitution, which provides that the Governor may request the Legislature, when convened in extraordinary session, to consider other matters than those enumerated in the call, therefore your attention is drawn to the following matters, and necessary legislation is asked, viz:

TIME WHEN LAWS AND JOINT RESOLUTIONS SHALL TAKE EFFECT

The Legislature in 1925 enacted a law amending the Statutes of 1865, fixing the time when laws and joint resolutions should take effect, providing that, unless otherwise designated in the statute, they shall not be in effect until July 1 next ensuing their passage and approval.

No particular reason is apparent for delaying the time when statutes and joint resolutions shall take effect, and my attention has been called to an instance where such postponement of time of taking effect of an amendment to the Crimes and Punishment Act resulted in a serious miscarriage of justice.

It is recommended that the Act of 1925 be immediately repealed.

AMENDING PUBLIC SERVICE COMMISSION ACT

Various Posts of the American Legion, throughout Nevada, have requested that section 21, chapter 109, Statutes 1919, page 206, be amended, so as to include officers of ex-service military organizations and their lady auxiliaries within the exempted classes, to whom it shall be lawful for common carriers to grant free transportation.

In view of the public service character of these organizations, and recalling the sacrifices of their members in behalf of our State and Nation during the war days, now happily past, I take pleasure in asking that their request be granted, and the law be amended as requested.

RELIEF OF CORNELL AND MAESTRETTI

During the fall of 1926 employees of the State Highway Department rented a cabin and occupied a barn on the Peterson ranch, about 85 miles east of Fallon, on the Lincoln Highway, and owned by Messrs. Cornell and Maestretti.

A large quantity of gasoline was stored in the barn for use in highway work, but through carelessness of a highway employee in lighting a match near an open gasoline drum a fire ensued and the barn and contents were totally destroyed on October 24, 1926.

A claim for \$2,000 damages for the loss of said barn and personal property stored therein was presented by the owners to the Highway Department, but upon the advice of the Attorney-General was rejected, there being no funds available to pay same.

Thereafter it was mutually agreed by representatives of the Highway Department and Messrs. Cornell and Maestretti that the matter should be submitted to arbitration, both parties consenting to submit to any award made, and this being done, the property so destroyed was appraised at \$1,350.

Claim for this amount against the State of Nevada has been duly filed with the State Board of Examiners and approved by them.

It is recommended that a bill for the relief of Messrs. Cornell and Maestretti be passed at the Special Session of the Legislature.

MEMORIAL TO CONGRESS

Prior to the convening of the present Congress your Executive and other elected State officials prepared a Memorial to Congress praying that Nevada's Civil War claim against the Federal Government be paid, and such was duly presented to our Senators and Congressman.

In compliance with the request therein contained resolutions have been introduced in both Houses of Congress (Congressional Record of December 15, 1927) by Nevada's representatives calling upon the Comptroller of the Treasury to furnish information regarding the amount of indebtedness of the Federal Government to this State on account of moneys advanced during the Civil War.

I am advised that appropriate committees of Congress are to hold hearings in the matter and Nevada's claim will be considered.

In this connection I urge the adoption by this Legislature of a Memorial to Congress urging the passage of the resolution above referred to, directing the Comptroller to ascertain and fix the amount of such indebtedness and report same to Congress, that appropriate legislation may be enacted providing for the payment thereof.

INCORPORATION OF AMERICAN LEGION AND STATE BAR ASSOCIATION

I have been asked to recommend the passage of laws incorporating the American Legion and the State Bar Association, and bills for these purposes will be introduced. Your consideration of these measures is asked.

HIGHWAY MAINTENANCE

The annual cost of maintaining the State Highway System is of vital interest to the people of this State, and especially to the county officials, for the problems of maintenance are increasing each year in proportion to the increase in mileage of improved highways and traffic density.

The obligation of the State of Nevada for the maintenance of improved roads was assumed when the State accepted the provisions and benefits of the Federal Aid Act. The original Federal Aid Road Act of 1916 contained a provision that each State should maintain all roads constructed under Federal Aid funds. Between the years 1916 and 1920 it was found that many of the States were constructing highways under the provisions of the Federal Aid Act and were neglecting to make provision for maintenance after construction. This led the next Congress to include in the amended Federal Highway Act of 1921 a very definite and drastic clause with reference to maintenance of all highways constructed under Federal Aid funds.

The improvement of the State Highway System of Nevada under the Federal Aid Road Act has been carried forward as rapidly as the work could be financed from State funds, but the Highway Department has at the same time realized the necessity of providing adequate maintenance facilities for taking care of the highways after construction.

It has been the policy of the Department to begin maintenance immediately upon completion and acceptance of a section of highway, and in programing

the work under the budget, adequate provision is made for the maintenance of each section.

With an increase of about 150 miles of new highway each year the cost of maintenance has increased to a point where it has become necessary to invite the attention of the people of Nevada to the fact that maintenance should be the barometer of all future highway programs.

To date no type of road construction has been found that does not require constant maintenance. Unfortunately this State is financially unable to hard-surface more than a small fraction of the total mileage of highway that is now carrying an overload, consequently the maintenance obligation is growing each year in proportion to the natural wear and increase in traffic density.

During the fiscal year 1927, \$343,399.28 was spent for maintaining 1,445.08 miles of road, or an average of \$237.64 per mile. This mileage includes improved, semi-improved, and unimproved types of road. The cost per mile includes all direct and indirect charges to maintenance, also the maintenance and depreciation on equipment. The bulk of equipment used for maintenance purposes was issued to the State under the various Acts of Congress apportioning surplus war materials to the State Highway Departments. This equipment has been gradually wearing out and each year there has been an increase in the cost of maintaining trucks, tractors, etc., in working condition.

The maintenance budget for 1928 totals \$400,000, proportioned \$351,485.63, for general maintenance on 1,464.97 miles of road; \$15,684.87 for specific maintenance, which covers snow removal, flood conditions and reconditioning; \$8,750, for administration; and \$24,079.50 for new equipment.

During the year 1927 there was 122.77 miles of new and completed highway constructed which has been taken over by the maintenance department and included in the maintenance budget for 1928. With this there was also added to our maintenance system 53.07 miles of National Forest Reserve Highways, making a total of 175.84 miles more of improved highways to be maintained in 1928 than 1927.

Of the 1,464.97 miles of road to maintain in 1928, 78.67 miles is Forest Reserve Highways.

During the early part of this year the State will complete approximately 100 miles of new highway that will have to be maintained during a portion of the year.

The income for maintenance purposes will be decreased during 1928 by about \$43,000, and unless this Special Session of the Legislature creates an additional income for the Highway Department for maintenance purposes there will be a large deficiency for the year 1928 and a larger one each year thereafter.

A comparison shows a budget calling for \$400,000 for maintenance expenditures against a present estimated income of \$325,000. This amount is based on an estimate of \$235,000 from the gasoline tax and \$90,000 from the motor vehicle tax.

The solution necessary to correct a repetition of the present financial condition and to overcome the tremendous annual loss in gravel and general road depreciation is to oil-bind the gravel surfaced roads by using the "Turn-over Method" as adopted and found satisfactory by the California Highway Department.

During the past season a five-mile section east of Fernley on the Victory Highway was oiled under this method. So far this section has proven satisfactory in every way and has furnished the State Highway Department with enough data to insure a substantial reduction in maintenance and an annual saving from two to three hundred dollars a mile on binder and gravel loss.

The low cost of macadamizing under the "Turn-over Method," the elimination of dust, and the resultant smooth surface are factors which now mark the success of highway oiling.

In the construction program for this year it is planned to oil about 90 miles. This type of road will play an important part in Nevada's highway development during the next few years.

It is requested that legislation be passed providing necessary additional funds to meet such maintenance cost.

F. B. BALZAR,
Governor.

On motion of Mr. Groesbeck, duly seconded and carried, the Message was ordered printed.

On motion of Mr. Yeager, duly seconded and carried, the Assembly adjourned at 2:30 p. m. until 11 a. m. Friday, January 20, 1928.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly,

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE FIFTH DAY

CARSON CITY (Friday), January 20, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by Reverend Hersey.

On motion of Mr. Maupin, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk authorized to make the necessary corrections.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Concurrent Resolutions Nos. 1 and 2, hereto attached, are correct copies of the triplicates thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Geach, duly seconded and carried, Assembly Rule No. 58 was suspended for the remainder of the legislative day.

Mr. Maupin moved that the special order of the morning set at 11:20 be vacated, and the matter immediately brought before the house.

Motion lost.

Mr. David asked to refer back to item No. 4 in the Order of Business.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Mileage begs leave to report that the Committees on Mileage of the Assembly and Senate have met in joint conference for the purpose of computing the mileage accounts of the Assembly and Senate members, based on the distances traveled. Our duty is laid down in section 4393 of the Revised Statutes, page 3095, wherein it is provided " * * * and ten cents per mile for each mile actually traveled in going to and returning from the place of meeting, which said mileage shall, however, be computed, in all cases, upon the shortest practicable routes to the said place of meeting."

The Secretary of the Public Service Commission has furnished us with a table of distances from different points in the State to the place of meeting, computed according to law, and the committee reports the same to your honorable body, together with the schedule of amounts previously allowed, for your consideration, without recommendation:

	Last appro- priation	Adjusted amount
<i>Churchill County</i>		
Geo. D. Ernst..... 190 miles	\$18.20	\$19.00
Edgar W. Maupin..... 182 miles	18.20	18.20
<i>Clark County</i>		
Thos. D. Fanatia.....1014 miles	214.80	101.40
Harmon C. Tobler.....1184 miles	231.80	118.40

		<i>Last appro- priation</i>	<i>Adjusted amount</i>
<i>Douglas County</i>			
Geo. G. Hussman.....	38 miles	\$3.40	\$3.80
<i>Elko County</i>			
Thomas Brennan	686 miles	68.80	68.60
W. Duncan	686 miles	68.80	68.60
Webster Patterson	736 miles	73.80	73.60
Frank Winter	1128 miles	113.80	112.80
<i>Esmeralda County</i>			
Harry M. DeVotie.....	608 miles	63.00	60.80
Roy Geach	608 miles	63.00	60.80
Joseph Marcotte	608 miles	63.00	60.80
<i>Eureka County</i>			
W. J. Swick.....	560 miles	79.80	56.00
<i>Humboldt County</i>			
Chas. W. Guthrie.....	408 miles	40.80	40.80
C. D. Mackay.....	408 miles	40.80	40.80
<i>Lander County</i>			
Doug. H. Tandy.....	418 miles	71.20	41.80
<i>Lincoln County</i>			
W. H. Edwards.....	968 miles	194.00	96.80
<i>Lyon County</i>			
Walter H. Whitacre.....	122 miles	25.40	12.20
J. D. Yeager.....	110 miles	11.00	11.00
<i>Mineral County</i>			
M. C. Hamlin.....	356 miles	41.00	35.60
<i>Nye County</i>			
C. C. Boak.....	546 miles	57.00	54.60
Ethel McGuire	546 miles	57.00	54.60
Ambrose M. Murphy.....	546 miles	57.00	54.60
Geo. W. Robb.....	546 miles	57.00	54.00
<i>Pershing County</i>			
Frank H. Fuss.....	264 miles	26.40	26.40
<i>Storey County</i>			
Wm. J. Stack.....	42 miles	4.20	4.20
<i>Washoe County</i>			
W. M. David.....	62 miles	6.20	6.20
P. E. Groesbeck.....	62 miles	6.20	6.20
Earle Hart	62 miles	6.20	6.20
Walter M. Kennedy.....	62 miles	6.20	6.20
Geo. F. Trauter.....	62 miles	6.20	6.20
Geo. W. Hall.....	68 miles	6.80	6.80
W. J. Neeley.....	132 miles	13.20	13.20
<i>White Pine County</i>			
A. J. Proctor.....	736 miles	116.20	73.60
R. T. Swallow.....	818 miles	119.40	81.80
Neil McGill.....	718 miles	114.40	71.80

W. M. DAVID, Chairman.

Mrs. McGuire made a motion that the report be placed on file and the members given a chance to investigate. No second.

Mr. Speaker stated that the time had now come for the special order.

Assembly Concurrent Resolution No. 1.

Remarks by Mr. Hamlin.

Mrs. McGuire stated that she had been requested by the officials of the Carson Valley Bank to state that they were ready to come before the Assembly at any time.

Roll call on Assembly Concurrent Resolution No. 1:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker—37.

NAYS—None.

Assembly Concurrent Resolution No. 1 having received a constitutional majority, Mr. Speaker declared the resolution passed.

Mr. Speaker stated that they would now take up Assembly Concurrent Resolution No. 2.

Assembly Concurrent Resolution No. 2.

Remarks by Messrs. Murphy and Maupin.

On motion of Mr. Maupin, duly seconded and carried, Assembly Concurrent Resolution No. 2 was laid on the table.

At this point Mr. Speaker stated that he did not care to assume the responsibility of appointing the committee provided for in Assembly Concurrent Resolution No. 1, thinking that, in as much as it was a nonpartisan matter, two Republicans and two Democrats should be appointed. He asked that the Republicans and Democrats meet and select two members from each of the parties to act on such a committee, and that he would appoint those so selected.

Mr. Speaker then declared a recess at 11:30 a. m. subject to the call of the chair.

HOUSE IN SESSION

At 11:40 a. m.

Mr. Speaker in the chair.

The Clerk was instructed to finish reading the report of the Committee on Mileage.

Mr. Robb moved that the Assembly adopt the report.

Mr. Fanatia moved an amendment to Mr. Robb's motion, to read that the report be filed and that the mileage allowed at the regular session be allowed to members of the Special Session.

Remarks by Messrs. Robb, Fanatia, and McGill.

Amendment carried.

Motion carried.

The Sergeant-at-Arms announced a message from the Senate.

Message received.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to advise your honorable body that the Senate has this day adopted Assembly Concurrent Resolution No. 1.

ADELE CLEMONS,
Assistant Secretary of the Senate.

Mr. Maupin moved a recess until 1:30 o'clock p. m.

No second.

INTRODUCTION AND FIRST READING

Mr. Ellis asked and was granted permission to introduce a bill without previous notice.

By Mr. Ellis:

Assembly Bill No. 5—An Act for the relief of E. B. Cornell and Don Maestretti.

On motion of Mr. Ellis, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Ways and Means.

By Mr. Winter:

Assembly Bill No. 6—An Act to amend section 21 of an Act entitled "An Act defining public utilities, providing for the regulation thereof, creating a Public Service Commission, defining its duties and powers, and other matters relating thereto," approved March 28, 1919.

On motion of Mr. Winter, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Judiciary Committee.

By Mr. Maupin:

Assembly Bill No. 7—An Act to incorporate the American Legion, Department of Nevada, and all American Legion Posts within the State of Nevada.

On motion of Mr. Maupin, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Military and Indian Affairs.

By Mr. Hall:

Assembly Bill No. 8—An Act to provide an excise tax on the sale of cigarettes, cigarette papers, and wrappers and tubes sold in the State of Nevada; to provide for the collection thereof; to fix a penalty for the violation of the provisions of this Act, and other matters connected therewith.

On motion of Mr. Hall, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Roads and Highways.

Mr. Maupin moved that a recess be taken until 2 p. m.

No second.

Mr. Hussman asked that before adjourning they refer back to Order of Business No. 4.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bill No. 6 under consideration, and begs leave to report favorably on the same, with the recommendation it do pass.

During our consideration of the above bill a considerable amount of adverse criticism has been received, based upon an apparent lack of necessity for the employment of special counsel in the case. The general sentiment is to the effect that the office of the District Attorney of Ormsby County, in cooperation with the office of the Attorney-General should have been sufficient to handle the prosecution, and further, the allowance of this sum will necessitate a levy of approximately one cent additional to the general tax rate. However we are constrained to uphold the action of the Board of Examiners in their contract.

GEO. G. HUSSMAN, *Chairman.*

Mr. Maupin made a motion to recess until 2 p. m.

Mr. Hall made an amendment to that motion that they recess until 1:30 p. m.

Amendment carried.

Motion carried.

The Assembly then recessed at 12:30 p. m. until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

Mr. Speaker declared a recess at 1:35 p. m. subject to the call of the chair.

HOUSE IN SESSION

Assembly called to order at 2 p. m.

Mr. Speaker in the chair.

Mr. Speaker appointed as a committee on Concurrent Resolution No. 1, Messrs, Hamlin, Yeager, Brennan, and Mrs. McGuire.

On motion of Mr. Maupin, duly seconded and carried, Assembly Bill No. 1, which was a special order for this time, was placed on top of the general file for immediate action.

GENERAL FILE AND THIRD READING

Assembly Bill No. 1 was read the third time.

The Committee on Roads and Highways submitted an amendment to section 1 of Assembly Bill No. 1: Amend section 1 of Assembly Bill No. 1 by inserting in line 8 of the printed bill before the word "southwesterly" the words "in a" and striking out the comma and the words "in a" directly following the word "southwesterly."

On motion of Mr. Boak, duly seconded and carried, the amendment as offered was adopted.

The following amendment was submitted by Mr. Proctor: Amend Assembly Bill No. 1 by adding thereto an additional section to be known as section 3, which section shall read as follows: SEC. 3. This

Act shall take effect and be in force from and after its passage and approval.

On motion of Mr. Proctor, duly seconded and carried, the Assembly was resolved into a Committee of the Whole for the consideration of Assembly Bill No. 1.

Mr. Speaker appointed Mr. Ellis to preside over the Committee of the Whole.

On motion of Mr. Proctor, duly seconded and carried, Mr. S. C. Durkee, State Highway Engineer, was granted permission to address the committee on Assembly Bill No. 1.

Remarks by Mr. Durkee.

On motion of Mr. McGill, Mr. S. C. Durkee, State Highway Engineer, was given a vote of thanks in consideration of his speech to the Assembly.

Motion by Mr. David, duly seconded and carried, that the Committee of the Whole do rise.

The Assembly was called to order by Mr. Speaker.

A report was submitted by the Committee of the Whole on Assembly Bill No. 1.

REPORT OF COMMITTEE OF THE WHOLE

Mr. Speaker:

Your Committee of the Whole has had Assembly Bill No. 1 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

W. W. ELLIS, *Chairman.*

Remarks by Mr. Proctor, Mr. Hamlin, and Mr. Winter.

Roll call on Assembly Bill No. 1, as amended:

YEAS—Boak, David, DeVotie, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, and Yeager—30.

NAYS—Brennan, Duncan, Patterson, and Winter—4.

Not voting—Hussman, Kennedy, and Mr. Speaker—3.

Assembly Bill No. 1, as amended, having received a constitutional majority, was declared duly passed by Mr. Speaker.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to advise your honorable body that pursuant to Assembly Concurrent Resolution No. 1, the President of the Senate has this day appointed the following committee: Senators Getchell, Scott, Berney, and Friedhoff.

I have the honor herewith to present for the consideration of your honorable body Senate Bill No. 4 which this day passed the Senate by the following vote: Yeas, 17; nays, none.

Also, Senate Bill No. 8 which this day passed, as amended, by the following vote: Yeas, 17; nays, none. Amend as follows: Page 1, line 3, strike the word "shall" and insert the word "may." Page 1, line 7, change the period to a comma and add the following: "Together with a complete itemized statement covering all financial transactions during said month."

Also, to return Assembly Bill No. 2 which this day passed the Senate by the following vote: Yeas, 17; nays, none.

ADELE CLEMONS,

Assistant Secretary of the Senate.

INTRODUCTION AND FIRST READING

Senate Bill No. 4.

On motion of Mr. Hussman, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Ways and Means Committee.

Senate Bill No. 8.

On motion of Mr. Maupin, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Banks and Banking.

Mr. Geach was granted leave to introduce a bill without previous notice.

By Mr. Geach:

Assembly Bill No. 9—An Act fixing the time when laws and joint resolutions shall take effect.

On motion of Mr. Geach, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Judiciary Committee.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Kennedy, duly seconded and carried, Assembly Bill No. 6 was referred to the Committee on Corporations and Railroads.

On motion of Mr. Ellis, duly seconded and carried, a recess was taken at 3:20 p. m. until 11 a. m. Monday, January 23, 1928.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly.

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE EIGHTH DAY

CARSON CITY (Monday), January 23, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by Father Murphy.

On motion of Mr. Tobler, duly seconded and carried, the reading of the Journal was dispensed with and the Speaker and Chief Clerk authorized to make the necessary corrections.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Swallow, duly seconded and carried, Senate Bill No. 6 was rereferred to the Committee on Ways and Means, with instructions that copies of committee report be printed for each member of the Assembly.

Mr. Hamlin asked the Speaker to return to Order of Business, Reports of Select Committees.

On motion of Mr. Hamlin, duly seconded and carried, the Assembly resolved itself into a Committee of the Whole for the consideration of the report of the Select Committee appointed under Assembly Concurrent Resolution No. 1.

Mr. Speaker asked Mr. Kennedy to preside over the Committee of the Whole.

Mr. Kennedy declined.

The Speaker then appointed Mr. David to preside over the Committee of the Whole.

Mr. Boak made a motion that all visitors be removed from the halls of the Assembly during the discussion.

Remarks by Messrs. Kennedy and Maupin.

Motion lost.

Mr. Hamlin asked the Clerk to read the report.

REPORTS OF COMMITTEES

To the Legislature of the State of Nevada:

Your joint committee of eight, appointed under Assembly Concurrent Resolution No. 1 offers the following report:

In answer to Question 1, eliminating minor claims referred to in printed "Report of Audit of State Accounts and Records," we find that the maximum claimed by the State as due from the Carson Valley Bank and all personal and surety bonds related thereto, does not exceed \$516,322.16.

In answer to Question 2, the only claim which has been called to our attention as due from the State of Nevada, is that founded upon State Controller's Warrant No. A-56272, dated January 25, 1926, in the sum of \$392,700, held by the Carson Valley Bank.

In answer to Question 3, the percentage of said claim of the State which *might* be collected through the courts is 100%.

In answer to Question 4, the percentage of such claim which can be collected by any proposed compromise, is stated in an offer made to the committee on behalf of George Wingfield to personally pay in cash forthwith the sum of \$123,622.16, representing the difference between the claim of the State and the claim of the Carson Valley Bank, in full settlement of all claims against the Carson Valley Bank, and on all personal and surety bonds.

It is respectfully suggested, therefore, that a bill be presented, similar to Senate Bills Nos. 11 and 12, which will create a Board of Compromise and Adjustments empowered to compromise any and all claims of the State of Nevada for not less than 30% of the maximum amount of the claims, with a specific reservation that no decision of such committee to compromise for any lesser amount shall be effective without ratification by a subsequent session of the Legislature.

Respectfully submitted,

N. H. GETCHELL, *Chairman*,
E. S. BERNEY,
THOMAS BRENNAN,
GEO. W. FRIEDHOFF,

M. C. HAMLIN,
ETHEL MCGUIRE,
A. L. SCOTT,
J. D. YEAGER.

Remarks by Mr. Hamlin.

Remarks by Speaker Tandy.

On motion of Speaker Tandy, duly seconded and carried, the Clerk was instructed to read the report by sections.

Remarks by Messrs. Hamlin, Maupin, Kennedy, and McGill.

Mr. McGill made a motion that they discontinue any further discussion until the facts as shown by the transcript of committee proceedings were laid before the Assembly.

Remarks by Mr. Hamlin.

Mr. Hussman stated that if he was not out of order, he would like to make a motion that the committee continue with their investigation.

Mr. Speaker stated that the motion was out of order, unless Mr. McGill would incorporate that in his motion.

Mr. Hussman then withdrew his motion.

Mr. McGill stated that he would not incorporate that in his motion until they heard further about the report.

Motion by Mr. McGill carried.

Mr. Maupin moved that the Committee of the Whole do now rise.

Motion carried.

HOUSE IN SESSION

At 11:40 a. m.

Mr. Speaker in the chair.

REPORT OF COMMITTEE OF THE WHOLE

Mr. Speaker:

Your Committee of the Whole has had the special report of the special committee under consideration, and begs leave to report that further action will be withheld until the Assembly is furnished with a copy of the transcript.

W. M. DAVID, *Chairman*.

Motion by Mr. McGill that each member of the Assembly be furnished a printed copy of the transcript of the proceedings of the committee on Concurrent Resolution No. 1.

Mr. Kennedy offered the amendment that each member be furnished with three copies.

Mr. Hanlin moved as a further amendment that the Chairman of the Printing Committee be instructed to have the report printed as soon as possible.

On motion of Mr. Maupin, duly seconded and carried, a recess was declared at 11:55 a. m. until 2 p. m.

HOUSE IN SESSION

Assembly called to order at 2 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bill No. 4 and Assembly Bill No. 5 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

GEO. G. HUSSMAN, *Chairman.*

Mr. Speaker:

Your Committee on Military and Indian Affairs has had Assembly Bill No. 7 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

F. H. WINTER, *Chairman.*

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Bill No. 7, hereto attached, are correct copies of the triplicate thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Maupin, duly seconded and carried, Assembly Bill No. 7 was placed on general file for third reading and final passage.

GENERAL FILE AND THIRD READING

Assembly Bill No. 7.

On motion of Mr. Maupin, duly seconded and carried, Assembly Bill No. 7 was rereferred to the Committee on Military and Indian Affairs.

On motion of Mr. Maupin, duly seconded and carried, a recess was declared at 2:30 p. m. subject to the call of the chair.

HOUSE IN SESSION

At 2:26 p. m.

Mr. Speaker in the chair.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 5, 6, 8, 9, hereto attached, are correct copies of the triplicates thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

MOTIONS, RESOLUTIONS AND NOTICES

Mr. Boak moved, duly seconded and carried, that Assembly Bill No. 5 be declared an emergency measure, and placed on top of file for third reading and final passage.

Mr. Boak moved, duly seconded and carried, that Senate Bill No. 4 be declared an emergency measure, and placed on top of file for third reading and final passage.

GENERAL FILE AND THIRD READING

Assembly Bill No. 5 was read the third time.

The following amendment was proposed by Mr. David: Amend by striking out the enacting clause in the preamble to said bill.

On motion of Mr. David, duly seconded and carried, the amendment was adopted.

Roll call on Assembly Bill No. 5, as amended:

YEAS—Boak, Brennan, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Guthrie, Hall, Hussman, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—31.

NAYS—None.

Absent—Hamlin and Kennedy—2.

Not voting—David, Groesbeck, Hart, and Mr. Speaker—4.

Assembly Bill No. 5 having received a constitutional majority, Mr. Speaker declared it duly passed, as amended.

Senate Bill No. 4 was read the third time.

Roll call on Senate Bill No. 4:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Guthrie, Hall, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—34.

NAYS—None.

Absent—Hamlin.

Not voting—Groesbeck and Mr. Speaker—2.

Senate Bill No. 4 having received a constitutional majority, Mr. Speaker declared it duly passed.

On request of Mr. Hussman the Assembly referred back to Order of Business No. 10.

INTRODUCTION AND FIRST READING

Mr. Hussman was granted leave to introduce a bill without previous notice.

By Mr. Hussman:

Assembly Bill No. 10—An Act to amend sections 2 and 3 of an Act entitled "An Act to amend an Act entitled 'An Act to provide an excise tax on the sale of gasoline, distillate, and other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles; to provide for the collection thereof; to provide a manner of ascertaining the number of gallons of gasoline, distillate and such other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling motor vehicles sold or distributed in the State of Nevada; to provide

for the registration of dealers engaged in the distribution of and sale of gasoline, distillate and other volatile or inflammable liquid fuels; to fix a penalty for the violation of the provisions of this Act; to define certain words, terms and phrases herein, and to repeal all other Acts or parts of Acts in conflict herewith, ' approved March 20, 1923,' as amended March 24, 1925.

On motion of Mr. Hussman, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Ways and Means.

On motion of Mr. Maupin, duly seconded and carried, Assembly recessed at 2:45 p. m. until 11 a. m. Tuesday morning, January 24, 1928.

Approved:

DOUG. H. TANDY,

Speaker of the Assembly,

Attest: JOHN W. WRIGHT,

Chief Clerk of the Assembly.

THE NINTH DAY

CARSON CITY (Tuesday), January 24, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by Reverend Harvey.

On motion of Mr. Swallow, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk were authorized to make the necessary corrections.

PRESENTATION OF PETITIONS

Bill received from A. G. Meyers amounting to \$10.12 for supplies furnished the porter.

On motion of Mr. Winter, duly seconded and carried, the bill was referred to the Committee on Expenses and Accounts.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Bill No. 10, hereto attached, are correct copies of the triplicate thereof in its possession.

W. EDGAR MAUPIN, *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. 7, which this day passed the Senate by the following vote: Yeas, 17; nays, none. Amend as follows: On page 5, line 8, change the word "the" to the word "each"; page 5, line 16, change the word "the" to the word "each."

Also, Senate Bill No. 9, which passed—Yeas, 17; nays, none.

Also, Senate Bill No. 10, which passed, as amended—Yeas, 17; nays, none. Amend as follows: Page 1, line 4, insert the word "upon" after the word "entering."

Also, Senate Bill No. 13, which passed, as amended—Yeas, 17; nays, none. Amend as follows: Page 1, line 6, strike the words and numerals \$100,000 and insert in lieu thereof the words and numerals \$50,000.

Also, Senate Bill No. 14, which passed, as amended—Yeas, 17; nays, none. Amend as follows: Add a new section to be known as section 4 to read as follows: "Sec. 4. That the Legislature declares this to be an emergency measure, for which reason the same shall become effective immediately upon its passage and approval." Also, amend title by striking out the word "and" in line 4. Add after the word commission, in line 5, the following: "and Board of Examiners."

ADELE CLEMONS,

Assistant Secretary of the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Hamlin, Chairman of the Committee on Concurrent Resolution No. 1, reported progress.

Report received, and Mr. Speaker directed the committee to continue with its work.

Mr. Hussman moved that Assembly Bill No. 10 be temporarily withdrawn by Committee on Ways and Means for amendment and reintroduction.

Permission granted.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Judiciary has had Assembly Bill No. 9 under consideration, and begs leave to report favorably on the same, with the recommendation that the bill do pass.

WALTER M. KENNEDY, *Chairman.*

Mr. Speaker:

Your Committee on Corporations and Railroads has had Assembly Bill No. 6 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with proposed amendment.

ROY GEACH, *Chairman.*

On motion of Mr. Kennedy, duly seconded and carried, all rules were suspended, and Assembly Bill No. 9 was placed on top of the file for third reading and final passage.

On motion of Mr. Geach, duly seconded and carried, all rules were suspended, and Assembly Bill No. 6 was placed on file for third reading and final passage.

GENERAL FILE AND THIRD READING

Assembly Bill No. 9 was read the third time.

Remarks by Mr. Geach.

Roll call on Assembly Bill No. 9:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—36.

NAYS—None.

Not voting—Mr. Speaker.

Assembly Bill No. 9 having received a constitutional majority, Mr. Speaker declared it duly passed.

Assembly Bill No. 6 was read the third time.

On motion of Mr. David, duly seconded and carried, Assembly Bill No. 6 was rereferred to the Committee on Corporations and Railroads.

On motion of Mr. David, duly seconded and carried, recess was taken at 11:40 a. m. until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 2 with the enrolled copy, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WALTER R. WHITACRE, *Chairman.*

On motion of Mr. Maupin, duly seconded and carried, a recess was declared at 2:35 p. m. subject to the call of the chair.

HOUSE IN SESSION

At 2:55 p. m.

Mr. Speaker in the chair.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to return to your honorable body Senate Bills Nos. 7, 9, 10, 13, 14, with history corrected.

Also, Assembly Bill No. 1, which this day passed the Senate by the following vote: Yeas, 16; nays, 1.

Also, Assembly Bill No. 4, which passed—Yeas, 17; nays, none.

Also, Assembly Bill No. 3, which passed—Yeas, 17; nays, none.

Also, to present for the consideration of your honorable body Senate Bill No. 15, which this day passed the Senate by the following vote: Yeas, 17; nays, none.

ADELE CLEMONS,

Assistant Secretary of the Senate.

Mr. Speaker stated that the Assembly would return to Order of Business No. 10.

INTRODUCTION AND FIRST READING

Senate Bill No. 14.

On motion of Mr. Hussman, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Senate Bill No. 10.

On motion of Mr. Yeager, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Senate Bill No. 13.

On motion of Mr. Hussman, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Senate Bill No. 7.

On motion of Mr. Maupin, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Banks and Banking.

Senate Bill No. 15.

On motion of Mr. Fanatia, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

On motion of Mr. Hussman, duly seconded and carried, recess was declared at 2: 10 p. m. subject to the call of the chair.

HOUSE IN SESSION

At 2: 25 p. m.

Mr. Speaker in the chair.

On motion of Mr. Maupin, duly seconded and carried, the Assembly adjourned at 2: 26 p. m. until 11 a. m. Wednesday, January 25, 1928.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly,

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE TENTH DAY

CARSON CITY (Wednesday), January 25, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Groesbeck, who was excused.

Prayer by Reverend Willis.

On motion of Mr. Maupin, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk authorized to make any necessary corrections.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corporations and Railroads has had Assembly Bill No. 6 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the proposed amendment.

ROY GEACH, *Chairman.*

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bill No. 10 under consideration, and begs leave to report favorably on the same, with an amendment thereto, with the recommendation that it do pass as amended.

Also, Senate Bills, Nos. 13 and 14, and reports favorably on the same, with the recommendation that they do pass as amended by the Senate.

GEO. G. HUSSMAN, *Chairman.*

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA,
EXECUTIVE CHAMBER,
CARSON CITY, JANUARY 24, 1928.

To the Honorable, the Senate and Assembly:

Your attention is respectfully called to the matters hereinafter set forth, and necessary legislation is urged, viz:

MUNICIPAL AIRPORTS

With the advances daily being made in aerial navigation, throughout our Nation, and recognizing that steps must be taken by our State to keep in touch with such progress, I respectfully call your attention to the necessity of enacting legislation authorizing any city, county, town or municipality to finance the acquisition and development of airports, and generally to regulate the use of aircraft within our State.

The Department of Commerce is now engaged in lighting the airways across the United States, and our municipalities are charged with certain additional responsibilities in this respect, making necessary such legislation as will empower them to care for same, and adopt necessary regulation in such matters.

A bill will be introduced bearing upon this subject and your favorable consideration thereof is requested.

COMMON CARRIER MOTOR LICENSES

During the past year there has arisen much criticism over alleged unjust requirements of chapter 185, Statutes 1927, page 326, governing the licensing of motor common carriers.

It has proven exceedingly difficult to enforce the provisions of this Act, which requires applicants, as a condition precedent to the securing of a license, to apply semiannually to the Public Service Commission for a certificate of public convenience.

Bus stage-line operators and motor common carriers from all over our State have requested me to bring this matter to your attention, to the end that such Act be amended only by substituting the word "annual" for "semiannual" in requiring a license to be obtained, and your consideration of such request is asked at this time.

CONSTRUCTION OF SEWAGE DISPOSAL PLANTS

Among other Acts of the Legislature of 1927 was that authorizing incorporated cities of this State to erect sewage disposal plants, and to levy a tax to provide funds therefor. (Statutes 1927, page 116.)

Seemingly through an oversight, this Act apparently restricts the use of the funds raised by an annual levy of twelve cents on each one hundred (\$100) dollars of taxable property within the limits of such incorporated city to such a time as there shall have been accumulated in the city treasury thereof sufficient money to cover the total cost of such proposed system, thereby preventing the use of such funds for partial work thereon.

To remedy this condition, and to hasten the time when sewage can be removed from rivers and water courses, now contaminating the waters thereof, a bill will be offered amending such Act, and I ask that the same be passed.

F. B. BALZAR,
Governor.

On motion of Mr. Maupin, duly seconded and carried, the Governor's Message was ordered printed.

MESSAGES FROM THE SENATE

Sergeant-at-Arms announced a message from the Senate.

On motion of Mr. David, duly seconded and carried, the message from the Senate was returned for corrections.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Ellis, duly seconded and carried, Rule No. 58 was suspended for the rest of the legislative day.

INTRODUCTION AND FIRST READING

Mr. Neeley was granted permission to introduce a bill without previous notice.

By Mr. Neeley:

Assembly Bill No. 11—An Act to amend section 3 of an Act entitled "An Act directing the Mayor and City Council of incorporated cities of this State to erect sewage disposal plants, to levy a tax and provide a fund for the construction of the same; providing a penalty for the failure of such city officers to comply with the provisions of this Act; authorizing the removal of such officials from office by procedure in the District Court; and other matters relating thereto," approved March 17, 1927.

On motion of Mr. Neeley, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

Mr. Kennedy was granted permission to introduce a bill without previous notice.

By Joint Judiciary Committees of Senate and Assembly:

Assembly Bill No. 12--An Act to create a public corporation to be known as "State Bar of Nevada," to provide for its organization, government, membership and powers, to regulate the practice of law, and to provide penalties for violation of said Act.

On motion of Mr. Kennedy, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Corporations and Railroads.

Senate Bill No. 9.

On motion of Mr. Hussman, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Mr. Geach asked to return to Order of Business No. 8.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Geach, duly seconded and carried, Assembly Bill No. 6 was placed on top of the file for third reading and final passage.

On motion of Mr. Winter, duly seconded and carried, all rules were suspended, and Assembly Bill No. 6 was placed on top of the file for immediate third reading and final passage.

Assembly Bill No. 6 read the third time.

The following amendment was proposed by the Committee on Corporations and Railroads: Amend section 1 of Assembly Bill No. 6 by striking out words after Y. W. C. A., in line 6, and substitute therefor the following: "and not to exceed three state officers of each."

On motion of Mr. Geach, duly seconded and carried, the amendment as proposed was adopted.

Roll call on Assembly Bill No. 6.

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fauatia, Fuss, Geach, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—35.

NAYS—None.

Absent—Groesbeck.

Not voting—Mr. Speaker.

Assembly Bill No. 6, as amended, having received a constitutional majority, Mr. Speaker declared it duly passed.

On motion of Mr. Hussman, duly seconded and carried, all rules were suspended and Senate Bill No. 10 was placed on top of the file for immediate third reading and final passage.

Senate Bill No. 10 read the third time.

The Committee on Ways and Means proposed the following amendment to Senate Bill No. 10: Amend section 2 of Senate Bill No. 10 by striking out on line 6 of the printed bill the words and figures \$50,000, and insert in lieu thereof the words and figures \$25,000.

Mr. Hussman moved the adoption of the amendment.

Remarks by Mr. Hussman.

Motion carried, and amendment adopted.

Roll call on Senate Bill No. 10:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—35.

NAYS—None.

Absent—Groesbeck.

Not voting—Mr. Speaker.

Senate Bill No. 10 having received a constitutional majority, Mr. Speaker declared it duly passed.

Mr. Yeager asked to return to Order of Business No. 8.

Mr. Yeager moved that the Speaker appoint a committee of three to investigate the matter of two bills which were said to have been lost at the last regular session of the Legislature.

Remarks by Messrs. Hussman and Hamlin.

Motion carried.

Mr. Speaker appointed on this committee Messrs. Yeager, Duncan and Guthrie.

On motion of Mr. Yeager, duly seconded and carried, the Assembly adjourned at 12:05 p. m. until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

INTRODUCTION AND FIRST READING

Mr. Neeley was granted leave to introduce two bills without previous notice.

By Mr. Neeley:

Assembly Bill No. 13—An Act to amend an Act entitled "An Act to provide for the licensing and registration of motor vehicles in the State of Nevada, defining the duties of certain officers in connection therewith, prescribing certain rules and regulations, defining certain powers and duties, and other matters properly connected therewith, and repealing all Acts or parts of Acts in conflict or inconsistent with this Act," approved March 19, 1925.

On motion of Mr. Neeley, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

By Mr. Neeley:

Assembly Bill No. 14—An Act to amend an Act entitled "An Act requiring a license for the operation of common carrier motor cars and vehicles on the public highways of the State, and other matters relating thereto," approved March 29, 1927.

On motion of Mr. Neeley, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further

suspended, bill read second time by title, and referred to Committee on Ways and Means.

On motion of Mr. Maupin, duly seconded and carried, a recess was declared at 1:35 p. m. subject to the call of the chair.

HOUSE IN SESSION

Assembly called to order at 2:15 p. m.

Mr. Speaker in the chair.

Quorum present.

On motion of Mr. David, duly seconded and carried, the Assembly adjourned at 2:17 p. m. until Thursday, January 26, 1928, at 11 a. m.

Approved:

DOUG. H. TANDY,

Speaker of the Assembly,

Attest: JOHN W. WRIGHT,

Chief Clerk of the Assembly.

THE ELEVENTH DAY

CARSON CITY (Thursday), January 26, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Ellis, who was granted leave of absence on account of illness.

Prayer by Reverend Hersey.

Mr. Speaker announced that he was about to sign Assembly Bills No. 1, No. 3, and No. 4 if there were no objections.

No objections.

On motion of Mr. Winter, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk authorized to make the necessary corrections.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bill No. 15 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the proposed attached amendment.

Geo. G. HUSSMAN, *Chairman.*

On motion of Mr. Hamlin, Chairman of Assembly Committee on Concurrent Resolution No. 1, duly seconded and carried, the report of the committee was received and the joint committee, as represented by the Committee of the Assembly, was discharged from further duty. Mr. Hamlin stated that after consultation with the chairman of the Senate committee, they concluded that there was no further need of meetings of the joint committee. He, personally, believed it advisable that the whole subject matter be considered further.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Maupin, duly seconded and carried, Rule 58 was suspended for the rest of the legislative day.

Mr. McGill moved that the Assembly extend a vote of thanks to the select committee for their service rendered on this occasion.

Motion carried.

On motion of Mr. Geach, duly seconded and carried, Senate Bill No. 15 was placed on top of the file for third reading and final passage.

INTRODUCTION AND FIRST READING

Mr. Boak was granted permission to present a bill without previous notice.

By Committee on Roads and Highways:

Assembly Bill No. 15—An Act to amend an Act entitled "An Act requiring a license for the operation of common carrier motor cars and

vehicles on the public highways of the State, and other matters relating thereto," approved March 29, 1927, and repealing section 2 of said Act.

On motion of Mr. Boak, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

GENERAL FILE AND THIRD READING

Senate Bill No. 15 was read the third time.

On motion of Mr. Hussman, duly seconded and carried, the Assembly resolved itself into a Committee of the Whole to consider Senate Bill No. 15.

Mr. Speaker asked the Speaker pro tem to take the chair.

The Committee on Ways and Means proposed the following amendment: Amend section 1 of Senate Bill No. 15 by adding after the period at the end of line 10, page 2 of the printed bill, the following: "Every claim for costs or incidental expenses herein provided for must contain a statement of such costs or expenses in detail, with all the items thereof, and sworn to by the person making such claim before some officer authorized to administer oaths."

Mr. Hussman moved the adoption of the amendment.

Motion carried.

Mr. David moved that the committee rise and report a recommendation that the bill pass as amended.

HOUSE IN SESSION

Mr. Speaker in the chair.

REPORT OF COMMITTEE OF THE WHOLE

Mr. Speaker:

Your Committee of the Whole has had Senate Bill No. 15 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass as amended.

J. D. YEAGER, *Chairman.*

Mr. Guthrie moved that the report of the Committee of the Whole be adopted, and that the amendment be adopted.

Motion carried.

Remarks by Mr. Murphy.

Remarks by Mr. Winter.

Roll call on on Senate Bill No. 15, as amended:

YEAS—Boak, Brenman, David, DeVotie, Duncan, Edwards, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker—36.

NAYS—None.

Absent—Ellis.

Senate Bill No. 15 having received a constitutional majority, Mr. Speaker declared it duly passed.

Senate Bill No. 13 was read the third time.

Mr. Neeley proposed the following amendment to Senate Bill No. 13: Amend section 1 of Senate Bill No. 13 by inserting in line 13 after the word "company" the words "or companies."

Mr. Neeley moved the adoption of the amendment.

Motion carried.

Mr. David proposed the following further amendment to Senate Bill No. 13: Amend section 1 of Senate Bill No. 13 by striking out the word "said" in line 9 of section 1.

Mr. David moved the adoption of the amendment.

Motion carried.

Roll call on Senate Bill No. 13, as amended:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—35.

NAYS—None.

Absent—Ellis.

Not voting—Mr. Speaker.

Senate Bill No. 13, as amended, having received a constitutional majority, Mr. Speaker declared it duly passed.

On motion of Mr. Maupin, the Assembly adjourned at 12:05 p. m. until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Messrs. Fuss, Groesbeck, and Ellis.

Mr. Ellis was excused.

GENERAL FILE AND THIRD READING

Senate Bill No. 14 was read the third time.

The following amendment was proposed by Mr. David: Amend section 1 of Senate Bill No. 14 by striking out the word "deposited" in line 10, page 2, and insert in lieu thereof the words "on deposit."

Mr. David moved the adoption of the amendment.

Motion carried.

Remarks by Mr. Hussman.

Roll call on Senate Bill No. 14, as amended:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—35.

NAYS—None.

Absent—Ellis.

Not voting—Mr. Speaker.

Senate Bill No. 14, having received a constitutional majority, Mr. Speaker declared it duly passed.

Mr. Maupin asked to return to Order of Business No. 4.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 5, 11, 12, 13, and 14, hereto attached, are correct copies of the triplicates thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

Mr. Speaker:

Your Committee on Enrollment has carefully compared Enrolled Bills Nos. 1, 3, and 4 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WALTER R. WHITACRE, *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. 3 which this day passed the Senate, as amended, by the following vote: Yeas, 17; nays, none. Amend as follows: Page 1, section 1, line 4, strike the words "within this State"; page 1, section 1, line 12, strike the word "where"; page 2, section 1, lines 4 and 6, strike the letter "s" from the word "claims."

Also, to advise your honorable body that the Senate has this day concurred in Assembly amendments to Senate Bills Nos. 13 and 15.

Also, to present for your consideration, Substitute for Senate Concurrent Resolution No. 2, which was this day adopted by the Senate.

Also, Senate Bill No. 11, which passed the Senate, as amended, by the following vote: Yeas, 17; nays, none. Amend as follows: Amend section 1, page 1, line 2, by striking out the words "the Speaker of the Assembly, and"; line 3, amend by striking out the word "two" and substituting the word "four"; line 4, strike out the words "the President of the Senate"; line 4, strike out the word "two" and substitute the word "four"; line 5, strike out the word "seventh" and substitute the word "ninth"; line 6, after the words "selected by the" add the word "other," so that the first sentence will read: "A Board of Compromise and Adjustments is hereby created to consist of four members of the Assembly, to be elected by said Assembly, and four Senators, to be elected by the Senate, and a ninth member, a citizen and resident of the State of Nevada, who shall be selected by the other members of said Board designated herein."

Amend page 1, line 7, by inserting the words "more than" immediately preceding the word "two" so that it will read "no more than two."

Amend section 4, page 2, line 29, by the addition of the following sentence: "If the Legislature is in session, said Board of Compromise and Adjustments may, without giving said notices, but upon such notice as it may deem reasonable, hold a hearing concerning any claim which the State has or claims to have against any person, firm, corporation, or individual; and may immediately determine and fix the terms and conditions upon which a claim or claims of the State of Nevada shall be compromised, adjusted, or released."

Amend section 8, page 4, line 14, by adding after the figure "8" the following sentence: "No claim of the State shall be compromised or adjusted by said Board for less than thirty (30%) per cent of the principal amount claimed by the State."

Also, to return Senate Bill No. 11 as corrected.

Also, to return Assembly Bill No. 6 for corrections.

Also, to advise that the Senate has this day concurred in the Assembly amendment to Senate Bill No. 10.

Also to present for your consideration Senate Bill No. 19 which this day passed the Senate by the following vote: Yeas, 17; nays, none.

ADELE CLEMONS,
Assistant Secretary of the Senate.

INTRODUCTION AND FIRST READING

Senate Bill No. 19.

On motion of Mr. Winter, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on County and County Boundaries.

Senate Bill No. 11.

On motion of Mr. Hamlin, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to a joint committee composed of the Assembly Committees on Banks and Banking and Judiciary, with full power to such committee to subpoena witnesses, and do and perform all other acts and things deemed necessary by it for a full consideration of said bill.

The Speaker stated that he would now sign Senate Bill No. 10 if there were no objections.

There being no objections, the bill was signed by Mr. Speaker.

On motion of Mr. Hamlin, duly seconded and carried, a recess was declared at 2:15 p. m., subject to the call of the chair.

HOUSE IN SESSION

Assembly called to order at 2:30 p. m.

Mr. Speaker in the chair.

Quorum present.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Maupin, duly seconded and carried, Senate Bill No. 11 was ordered printed, showing the amendments passed by the Senate.

Mr. David was instructed to see that the printing was done.

Mr. Speaker stated that the Assembly would refer back to Order of Business No. 4.

On motion of Mr. Kennedy, duly seconded and carried, all rules were suspended, Assembly Bill No. 12 was declared an emergency measure and placed on top of the file for third reading and final passage.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corporations and Railroads has had Assembly Bill No. 12 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

ROY GEACH, *Chairman.*

GENERAL FILE AND THIRD READING

Assembly Bill No. 12 was read the third time.

The following amendment to Assembly Bill No. 12 was submitted by Mr. Kennedy: Amend section 51 of Assembly Bill No. 12 by inserting

the words "This Act is declared to be an emergency measure" before the words "This Act shall take effect from and after its passage and approval."

Mr. Kennedy moved the adoption of the amendment.

Motion carried.

Remarks by Messrs. Kennedy, David, and Murphy.

Roll call on Assembly Bill No. 12, as amended :

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—33.

NAYS—None.

Absent—Ellis and Ernst—2.

Not voting—Maupin and Mr. Speaker—2.

Assembly Bill No. 12, as amended, having received a constitutional majority, Mr. Speaker declared it duly passed.

Mr. Speaker stated that the Assembly would return to Order of Business No. 7.

INTRODUCTION AND FIRST READING

Senate Bill No. 3.

On motion of Mr. Maupin, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

On motion of Mr. Maupin, duly seconded and carried, the Assembly adjourned at 3:30 p. m. until Friday at 11 a. m., January 27, 1928.

Approved :

DOUG. H. TANDY,
Speaker of the Assembly.

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE TWELFTH DAY

CARSON CITY (Friday), January 27, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Kennedy, who was excused.

Invocation by Reverend Father Murphy.

On motion of Mr. Maupin, duly seconded and carried, the reading of the Journal was ordered dispensed with and the Speaker and Chief Clerk authorized to make the necessary corrections.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Counties and County Boundaries has had Senate Bill No. 19 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

HARRY M. DEVOTIE, *Chairman.*

Mr. Speaker:

Your Committee on Roads and Highways has had Assembly Bill No. 8 under consideration, and begs leave to report on the same, with the recommendation that it be amended by the following substitute: Amend Assembly Bill No. 8 by striking out all the original bill after the enacting clause and substituting in lieu thereof the following substitute bill:

Assembly Substitute for Assembly Bill No. 8—An Act to provide an excise tax on the sale of cigarettes, cigarette papers, and wrappers and tubes, cigars, cheroots, tobaccos and tobacco mixtures, sold in the State of Nevada; to provide for the collection thereof; to fix a penalty for the violation of the provisions of this Act, and other matters connected therewith.

C. C. BOAK, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Fanatia moved the adoption of the amendment to Assembly Bill No. 8.

Motion carried.

Mr. Maupin moved that the amendment be printed and bill be referred, with the amendment, to the Committee on Ways and Means.

Motion carried.

Mr. Speaker instructed the Printing Committee to see to the printing of the substitute when the bill was referred to the Committee on Ways and Means.

INTRODUCTION AND FIRST READING

By Mr. Winter:

Assembly Substitute for Assembly Bill No. 7—An Act to incorporate the American Legion, Department of Nevada, and all American Legion posts within the State of Nevada.

Mr. Winter moved the adoption of Assembly Substitute for Assembly Bill No. 7.

Motion carried.

Mr. Winter moved that the substitute amendment be printed and referred to the Committee on Military and Indian Affairs.

Motion carried.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Joint Committee on Banks and Banking and Judiciary has had Senate Bill No. 11 under consideration, and wishes to announce that a meeting will be held some time tomorrow and anyone wishing to appear before this committee may do so, as it is open to the public.

W. EDGAR MAUPIN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Hamlin, duly seconded and carried, Assemblyman Guthrie was authorized to act as reporter and clerk for the Joint Committee of Banks and Banking and Judiciary while considering Senate Bill No. 11.

On motion of Mr. Winter, duly seconded and carried, correction of the amendment to Assembly Bill No. 6 was accepted, and the bill was sent back to the Senate to take its regular course. Corrected amendment as proposed by Committee on Military and Indian Affairs: Amend section 1 of Assembly Bill No. 6 by striking out after the letters "Y. W. C. A.," in line 5, page 2 of the printed bill, all down to and including the word "auxiliaries," and insert in lieu thereof the following: "state officers of each recognized military ex-service organization, including ladies' auxiliaries thereof, not exceeding three from each such organization."

On motion of Mr. DeVotie, duly seconded and carried, Senate Bill No. 19 was placed on file for third reading and final passage.

Mr. Maupin moved that when the Assembly did last adjourn for the day, it do so until Monday morning at 11 a. m. in order to give the Committee on Banks and Banking and Judiciary more time to consider Senate Bill No. 11.

Mr. Speaker announced that he was about to sign Senate Bills Nos. 13 and 15 if there were no objections.

No objections.

GENERAL FILE AND THIRD READING

Senate Bill No. 19 was read the third time.

The following amendment was proposed by Mr. David: Amend section 5 of Senate Bill No. 19 by inserting the words: "This Act is declared to be an emergency measure," after the figure 5, in line 27, page 3, of said bill.

On motion of Mr. David, duly seconded and carried, the amendment as offered was adopted.

Remarks by Mr. Winter.

Roll call on Senate Bill No. 19, as amended:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—34.

NAYS—None.

Absent—Ellis and Kennedy—2.

Not voting—Mr. Speaker.

Senate Bill No. 19, as amended, having received a constitutional majority, Mr. Speaker declared it duly passed.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Bill No. 15, hereto attached, is a correct copy of the triplicate thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

Mr. Hussman announced a meeting of the Committee on Ways and Means immediately after adjournment.

Mr. Geach reported a meeting of the Committee on Corporations and Railroads immediately after the morning adjournment.

On motion of Mr. Maupin, the Assembly adjourned at 11:40 a. m. until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corporations and Railroads has had Assembly Bill No. 11 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the proposed amendments.

ROY GEACH, *Chairman.*

Mr. Speaker:

Your Committee on Ways and Means has had Assembly Bills Nos. 13 and 14 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

GEO. G. HUSSMAN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Neeley, duly seconded and carried, the Chief Clerk was authorized to make corrections in the Committee Report on Assembly Bill No. 11 by changing the numeral 3 to 1.

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. 17, which this day passed the Senate, as amended, by the following vote: Yeas, 15; nays, none; absent, 2. Amend as follows: Section 1, page 1, line 4, strike the word "and." Line 1, page 26, change the word "pay" to "buy." Add the following: Sec. 42. This Act shall take effect from and after its approval.

Also, Senate Concurrent Resolution No. 1, which was this day unanimously adopted by the Senate.

Also, Senate Concurrent Resolution No. 3, which was this day unanimously adopted.

Also, to return Senate Substitute for Senate Concurrent Resolution No. 2, with the original attached.

Also, to advise your honorable body that the Senate has this day concurred in the Assembly amendments to Senate Bill No. 14.

ADELE CLEMONS,

Assistant Secretary of the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. McGill, duly seconded and carried, Rule 58 was suspended for the remainder of the legislative day.

Mr. Hamlin was granted leave to introduce a resolution without previous notice.

By Mr. Hamlin:

Assembly Resolution No. 8, amending Assembly Standing Rule No. 65:

Resolved by the Assembly of the State of Nevada. That Assembly Rule No. 65 be amended so as to read as follows:

Witnesses summoned to appear before the House, or any of its committees, shall be paid as follows: For each day a witness shall attend, the sum of five dollars; for each mile he shall travel, in coming to the place of examination, the sum of twenty-five cents; but nothing shall be paid for traveling home when the witness has been summoned at the place of trial. No mileage shall be paid except where the witness has actually traveled for the purpose of giving testimony.

On motion of Mr. Hamlin, duly seconded and carried, Assembly Resolution amending Assembly Standing Rule No. 65, was adopted.

On motion of Mr. Hamlin, duly seconded and carried, the printer was instructed to print copies of the amendment for insertion in the Legislative Hand Book.

On motion of Mr. Neeley, duly seconded and carried, all rules were suspended, and Assembly Bills Nos. 11, 13, and 14 were placed on file for third reading and final passage.

INTRODUCTION AND FIRST READING

Senate Concurrent Resolution No. 1.

On motion of Mr. Kennedy, duly seconded and carried, Senate Concurrent Resolution No. 1 was referred to the Judiciary Committee.

Senate Concurrent Resolution No. 3.

On motion of Mr. Winter, duly seconded and carried, Senate Concurrent Resolution No. 3 was referred to the Judiciary Committee.

Senate Concurrent Resolution No. 2.

On motion of Mr. McGill, duly seconded and carried, Senate Concurrent Resolution No. 2 was referred to the Committee on Roads and Highways.

Mr. Geach was granted leave to introduce a bill without previous notice.

By Mr. Geach:

Assembly Bill No. 16—An Act to amend an Act entitled "An Act to provide for the licensing and registration of motor vehicles in the State of Nevada, defining the duties of certain officers in connection therewith, prescribing certain rules and regulations, defining certain powers and duties, and other matters properly connected therewith, and repealing all Acts or parts of Acts in conflict or inconsistent with this Act," approved March 19, 1925.

On motion of Mr. Geach, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Roads and Highways.

Mr. Hussman was granted leave to introduce a bill without previous notice.

By Mr. Hussman:

Assembly Bill No. 17—An Act to amend section 5 of an Act entitled "An Act to create a State Board of Investments of the State Permanent School Fund, defining its powers and duties, and other matters properly connected therewith, and repealing all Acts and parts of Acts in conflict herewith," approved March 24, 1917, and the amendments thereto.

On motion of Mr. Hussman, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Ways and Means.

Senate Bill No. 17.

On motion of Mr. Geach, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Railroads and Corporations.

GENERAL FILE AND THIRD READING

Assembly Bill No. 11 was read the third time.

Remarks by Messrs. Neeley, Hall, Kennedy, Tranter, and David.

On motion of Mr. Tranter, duly seconded and carried, Assembly Bill No. 11 was rereferred to the Washoe County Delegation.

Assembly Bill No. 13 was read the third time.

Remarks by Mr. Neeley.

Roll call on Assembly Bill No. 13:

YEAS—Boak, Brennan, David, DeVotie, Edwards, Ellis, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—34.

NAYS—None.

Absent—Duncan and Ernst—2.

Not voting—Mr. Speaker.

Assembly Bill No. 13, having received a constitutional majority, Mr. Speaker declared it duly passed.

Assembly Bill No. 14 was read the third time.

Remarks by Messrs. Neeley, Winter, and David.

Roll call on Assembly Bill No. 14:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—35.

NAYS—None.

Absent—Ernst.

Not voting—Mr. Speaker.

Assembly Bill No. 14, having received a constitutional majority, Mr. Speaker declared it duly passed.

On motion of Mr. Maupin, duly seconded and carried, the Assembly concurred in the Senate amendment to Assembly Bill No. 5.

Sergeant-at-Arms announced the Secretary of State with a message to the Assembly.

The Secretary of State stated that he had the honor to transmit Assembly Joint Resolutions Nos. 6 and 7 of the Thirty-third Session of the Legislature of the State of Nevada, to the Special Session of the Legislature of Nevada.

Mr. Speaker inquired of the Secretary of State if it was his understanding that these bills should be acted upon at this Special Session.

The Secretary of State replied that he did not think the Special Session had any right to act on the resolutions or the vetoed bills without the Governor referring to them, but the law required the Secretary of State to present them to the first session of the Legislature.

COMMUNICATIONS FROM SECRETARY OF STATE

To the Honorable the Assembly:

I have the honor to transmit herewith this date to your honorable body vetoed Assembly Bill No. 9 of the Thirty-third Session of the Legislature of the State of Nevada for your consideration.

W. G. GREATHOUSE,
Secretary of State.

To the Honorable the Assembly:

I have the honor to transmit herewith this date to your honorable body Assembly Joint Resolutions Nos. 6 and 7 of the Thirty-third Session of the Legislature of the State of Nevada for your consideration.

W. G. GREATHOUSE,
Secretary of State.

On motion of Mr. David, duly seconded and carried, the Clerk was instructed to return the vetoed bills and resolutions to the Secretary of State, as the papers could not be considered during the Special Session.

COMMUNICATIONS FROM ASSEMBLY TO SECRETARY OF STATE

HONORABLE W. G. GREATHOUSE, *Secretary of State, Carson City, Nevada.*

DEAR SIR: We have the honor to return herewith vetoed Assembly Bill No. 9 of the Thirty-third Session of the Legislature of the State of Nevada.

Please acknowledge receipt.

Respectfully,

DOUG. H. TANDY,
Speaker of the Assembly.

JOHN W. WRIGHT, *Chief Clerk of the Assembly.*

HONORABLE W. G. GREATHOUSE, *Secretary of State, Carson City, Nevada.*

DEAR SIR: We have the honor to return to you herewith Assembly Joint Resolutions Nos. 6 and 7 of the Thirty-third Session of the Legislature of the State of Nevada.

Please acknowledge receipt.

Respectfully,

DOUG. H. TANDY,
Speaker of the Assembly.

JOHN W. WRIGHT, *Chief Clerk of the Assembly.*

Mr. Speaker stated that the Assembly would return to Order of Business No. 7.

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. 5, which this day passed, as amended, by the following vote: Yeas, 16; nays, none; absent, 1. Amend as follows: Amend Senate Bill No. 5 by striking out in section 1, line 3, the word "fifteen," and inserting the word "ten" in lieu thereof. Strike out in line five the words "who are" and the word "their." Insert a "comma" after the word "State," and add the following: "while traveling on official business outside the State." Insert a "semicolon" after the word "approval" in line seven, and strike out all the rest of the line; also, strike the word "State" and the semicolon in line eight.

Also, to return to your honorable body Assembly Bill No. 12, which this day passed the Senate by the following vote: Yeas, 16; nays, none; absent, 1.

Also, Assembly Bill No. 5, which this day passed the Senate, as amended, by the following vote: Yeas, 15; nays, none; absent, 1; not voting, 1. Amend as follows: Strike out section 1 and in lieu thereof insert the following:

SECTION 1. The claim of E. B. Cornell and Don Maestretti in the sum of thirteen hundred fifty (\$1,350) dollars is hereby allowed and declared to be a valid claim against the funds in the State Highway Department of the State of Nevada, and the sum of thirteen hundred fifty (\$1,350) dollars is hereby appropriated out of any moneys in the State Highway Fund, and the State Controller is hereby directed to draw his warrant in said amount on said fund in favor of E. B. Cornell and Don Maestretti, and the State Treasurer is directed to pay the same from the funds of the State Highway Department.

Also, I have the honor herewith to advise your honorable body that the Senate has this day concurred in the Assembly amendments to Senate Bill No. 19.

ADELE CLEMONS,
Assistant Secretary of the Senate.

INTRODUCTION AND FIRST READING

Senate Bill No. 5.

On motion of Mr. Hussman, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Ways and Means.

On motion of Mr. Kennedy, duly seconded and carried, a recess was declared at 3:20 p. m., subject to the call of the chair.

HOUSE IN SESSION

At 3:24 p. m.

Mr. Speaker in the chair.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Roads and Highways has had Assembly Bill No. 15 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

C. C. BOAK, *Chairman.*

Mr. Speaker:

Your Committee on Judiciary has had Senate Concurrent Resolution No. 3 under consideration, and begs leave to report favorably on the same, with the recommendation that the same be adopted.

W. M. KENNEDY, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. David, duly seconded and carried, all rules were suspended, and Assembly Bill No. 15 was placed on file for third reading and final passage.

On motion of Mr. Kennedy, duly seconded and carried, all rules were suspended, and Senate Concurrent Resolution No. 3 was considered an emergency measure and placed on file for third reading and final passage.

Mr. Boak was granted leave to introduce a joint resolution without previous notice.

By Mr. Boak:

Assembly Joint Resolution No. 1, memorializing Congress relative to Federal Aid for highway maintenance.

On motion of Mr. Boak, duly seconded and carried, all rules were suspended, and Assembly Joint Resolution No. 1 was referred to the Committee on Roads and Highways.

GENERAL FILE AND THIRD READING

Senate Concurrent Resolution No. 3 was read the third time.

Remarks by Mr. Kennedy.

On motion of Mr. Kennedy, duly seconded and carried, Senate Concurrent Resolution No. 3 was adopted.

Assembly Bill No. 15 was read the third time.

Roll call on Assembly Bill No. 15:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, Winter, and Yeager—35.

NAYS—None.

Absent—Ernst.

Not voting—Mr. Speaker.

Assembly Bill No. 15, having received a constitutional majority, Mr. Speaker declared it duly passed.

Mr. Maupin announced that a meeting of the Committee on Banks and Banking would be held in the Assembly rooms Saturday morning, January 28, 1928, at 11 a. m.

Mr. Speaker asked for a report from the special committee whose duty it was to locate bills reputed lost by the County Commissioners of the State at their convention.

Mr. Yeager reported that the committee on this investigation traced Bill No. 165 as follows: The bill was passed by the Assembly and referred back to the Senate, read there, and referred to the Committee

on County and County Boundaries. The number of the second lost bill could not be found.

Mr. Speaker stated that, if possible, the committee was to consult with the County Commissioners to ascertain the number of the lost bill.

Remarks by Messrs. Kennedy and David.

On motion of Mr. David, duly seconded and carried, the Assembly adjourned at 3:45 p. m. until Monday at 11 a. m., January 30, 1928.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly.

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE FIFTEENTH DAY

CARSON CITY (Monday), January 30, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Yeager, who was excused.

Prayer by Reverend Willis.

On motion of Mr. Maupin, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk authorized to make the necessary corrections.

PRESENTATION OF PETITIONS

Bills from the Underwood Typewriter Company.

On motion of Mr. Ellis, duly seconded and carried, the bills were referred to the Committee on Claims.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Roads and Highways has had Substitute for Senate Concurrent Resolution No. 2 under consideration, and begs leave to report favorably on the same, with the recommendation that the substitute do pass.

Also, Assembly Bill No. 16, and begs leave to report favorably on the same, with the recommendation that it do pass.

C. C. BOAK, *Chairman.*

Mr. Speaker:

Your Joint Committee on Banks and Banking and Judiciary has had Senate Bill No. 11 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

W. EDGAR MAUPIN, *Chairman.*

Mr. Speaker:

Your Committee on Mileage begs leave to offer the following supplementary report, the name and amount having been inadvertently omitted from our original report: Ormsby County—W. W. Ellis, 2 miles, \$0.20.

W. M. DAVID, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. David, duly seconded and carried, the Supplementary Report on Mileage was adopted with the name of Mr. Ellis inserted.

On motion of Mr. Whitacre, duly seconded and carried, Mr. Yeager was excused for the remainder of the legislative day.

On motion of Mr. Geach, duly seconded and carried, Assembly Bill No. 16 was returned from the Committee on Engrossment, considered engrossed, all rules were suspended, and the bill placed on file for third reading and final passage.

GENERAL FILE AND THIRD READING

The Clerk was instructed to read Assembly Bill No. 16.

Mr. Geach offered an amendment to section 2 of Assembly Bill No. 16: Amend section 2 of Assembly Bill No. 16 by striking out in lines 10 and 11, page 1 of the printed bill, the following: "is hereby declared an emergency measure, and."

On motion of Mr. Geach, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Geach.

Roll call on Assembly Bill No. 16, as amended:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fannatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Tranter, Whitacre, and Winter—34.

NAYS—None.

Absent—Murphy and Yeager—2.

Not voting—Mr. Speaker.

Assembly Bill No. 16, having received a constitutional majority, Mr. Speaker declared it duly passed.

Mr. Hussman asked unanimous consent to introduce a bill. No objections.

By Mr. Hussman:

Assembly Bill No. 18—An Act to provide an excise tax on the sale of gasoline, distillate and other volatile and inflammable liquids produced or compounded for the purpose of operating or propelling internal combustion engines, including motor vehicles; to provide for the collection thereof; to provide a manner of ascertaining the number of gallons of such liquids sold or distributed in the State of Nevada; defining certain words, terms and phrases herein; providing penalties for the violation of the provisions of this Act, and to repeal all Acts and parts of Acts in conflict herewith.

On motion of Mr. Hussman, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Ways and Means.

Mr. Guthrie asked and was granted permission to refer back to Order of Business No. 8.

Mr. Guthrie moved the adoption of Senate Substitute for Senate Concurrent Resolution No. 2.

Motion carried.

Mr. Swallow moved that Senate Bill No. 11 be made special order of business for 3 p. m.

Mr. DeVotie moved to amend Mr. Swallow's motion, making Senate Bill No. 11 a special order of business for 11:15 Tuesday morning, January 31, 1928.

Motion carried.

On motion of Mr. David, duly seconded and carried, the Assembly adjourned at 12 o'clock until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

All present except Mr. Yeager, who was excused.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Bill No. 17 and Assembly Substitute for Assembly Bill No. 8, hereto attached, are correct copies of the triplicates thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bill No. 6 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

GEO. G. HUSSMAN, *Chairman.*

Mr. Speaker:

Your Committee on Military and Indian Affairs has had Assembly Bill No. 7 under consideration, and begs leave to report the same back to the Assembly with a substitute therefor, with the recommendation that the substitute be adopted.

F. H. WINTER, *Chairman.*

Mr. Speaker:

Your Committee on Roads and Highways has had Assembly Joint Resolution No. 1 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

C. C. BOAK, *Chairman.*

PRESENTATION OF PETITIONS

To the Honorable the Assembly:

I have for acknowledgement Assembly Joint Resolution No. 6 and No. 7 and Vetoed Assembly Bill No. 9 of the Thirty-third Session of the Legislature of the State of Nevada, which have been returned to me by your honorable body on the 27th inst.

Respectfully,

W. G. GREATHOUSE,
Secretary of State.

Mr. Speaker asked that all committees having bills in their possession and intending to report on same, to do so as soon as they had been given proper consideration. He also asked a suspension of all rules on any bills so that they might be taken up as soon as possible.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to present for the consideration of your honorable body Senate Concurrent Resolution No. 4, which this day was adopted by the Senate.

Also, to return Assembly Bills Nos. 13 and 14 with the request that the Honorable Assembly advise the Senate under what portion of the Governor's message the bills can be acted on at this session.

ADELE CLEMONS,
Assistant Secretary of the Senate.

On motion of Mr. David, duly seconded and carried, Senate Concurrent Resolution No. 4 was adopted.

At the suggestion of the Speaker, Mr. Neeley was requested to obtain the information the Senate desired on his two bills, Assembly Bills Nos. 13 and 14.

Mr. Neeley stated that he could not give the information without further consulting with the Attorney-General and the Governor, if necessary, and that he would give the matter his immediate attention.

Remarks by Mr. Kennedy.

On motion of Mr. Hussman, duly seconded and carried, Senate Bill No. 6 was placed on file for third reading and final passage.

GENERAL FILE AND THIRD READING

Senate Bill No. 6 was read the third time.

Roll call on Senate Bill No. 6.

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fania, Fuss, Geach, Groesbeck, Guthrie, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tobler, Trauter, Whitacre, and Winter—34.

NAYS—Hall.

Absent—Yeager.

Not voting—Mr. Speaker.

Senate Bill No. 6, having received a constitutional majority, Mr. Speaker declared it duly passed.

Mr. Hussman asked that the Assembly return to Order of Business No. 8.

On motion of Mr. Hussman, duly seconded and carried, it was ordered that the counsel for the State and any other interested persons who so desired, be invited to appear in the Assembly at 11 a. m. January 31, 1928, in Committee of the Whole, to take part in the deliberations. The Clerk was requested to give notice to opposing counsel.

Mr. Hussman announced a meeting of the Committee on Ways and Means following the afternoon recess.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to return to your honorable body Assembly Bill No. 6, which this day passed the Senate by the following vote: Yeas, 17; nays, none.

ADELE CLEMONS,

Assistant Secretary of the Senate.

On motion of Mr. Kennedy, the Assembly adjourned at 2 p. m. until Tuesday, January 31, 1928, at 11 a. m.

Approved:

DOUG. H. TANDY,

Speaker of the Assembly,

Attest: JOHN W. WRIGHT,

Chief Clerk of the Assembly.

THE SIXTEENTH DAY

CARSON CITY (Tuesday), January 31, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Tobler.

Invocation by Reverend Harvey.

On motion of Mr. Fanatia, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk were authorized to make the necessary corrections.

PRESENTATION OF PETITIONS

Mr. Hamlin presented the following opinion :

STATE OF NEVADA
DEPARTMENT OF ATTORNEY-GENERAL
CARSON CITY, NEVADA

January 31, 1928.

Opinion No. 295.

You submit Senate Bill No. 11 and request an official opinion as to its constitutionality.

OPINION

Senate Bill No. 11 is a proposed Act which provides for the compromise, adjustment, or release of indebtedness, liability, or obligation of any corporation, association, or person to the State of Nevada. Section 1 of the Act creates a Board of Compromise and Adjustments. The Act authorizes corporations, associations, or persons indebted to or under liability or obligation to the State of Nevada or against whom the State claims or asserts or is about to claim or assert any indebtedness, liability, or obligation to petition the Board of Compromise and Adjustments for a release and compromise of such claim. A method of procedure is then outlined in detail, and the Board is authorized to compromise any claim for a sum not less than thirty per cent of the amount involved; or, if a settlement for an amount less than thirty per cent is made, such settlement is not final until approved by a subsequent legislative session.

We have carefully examined the several sections of this proposed Act, and the time allotted for a response to your inquiry is limited. We have endeavored, however, to carefully scrutinize these several provisions in connection with the Constitution of the State of Nevada, and you are advised that, in so far as we are able to investigate at this time, in our opinion the provisions of this proposed Act do not violate any section or sections of the Constitution of the State of Nevada, with the following exception.

Your attention is directed to article V, section 9 of the Constitution, which provides as follows:

The Governor may on extraordinary occasions convene the Legislature by proclamation and shall state to both houses when organized the purpose for which they have been convened, and the Legislature shall transact no legislative business, except that for which they were especially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in session.

The Supreme Court of the State of Nevada, in the case of Jones v. Theall, 3 Nev. 233, in construing this section of the Constitution, ruled that the special

session of the Legislature is restricted to the subjects which the Governor in his message "may deem it necessary to legislate upon."

Having this provision of the Constitution and the decision of the Supreme Court in mind, it is manifest that this special legislative body is authorized to enact into laws only those matters which are particularly referred to it by the Governor.

Senate Bill No. 11 has for its purpose the compromising and adjusting of all claims of every kind and character that may exist in favor of the State of Nevada and owed by all persons, firms, associations, or corporations. To determine legislative authority to enact such a law, reference must be made to the document or documents which give rise to such power and authority. We are unable to discover any executive authority which would warrant the Legislature or that might constitute authority on the part of the Legislature to enact the proposed bill submitted. The executive proclamation deals with and submits for consideration to the Legislature a proposed compromise of certain litigation by the State of Nevada against the Carson Valley Bank and a claim the State may have against bondsmen of the former State Treasurer. Senate Bill No. 11 authorizes settlements of all or any claims due to the State and, by its provisions, embraces matters not within the executive proclamation. We conclude, therefore, that in this respect the proposed measure is in conflict with article V, section 9, of the Constitution.

Respectfully submitted,

M. A. DISKIN,
Attorney-General.

HON. MARSHALL HAMLIN, *Member of the Assembly, Carson City, Nevada.*

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Substitute for Assembly Bill No. 7, hereto attached, are correct copies of the triplicate thereof in its possession with the following exceptions: Wherever the words Legion and Department appear capitalize the "L" in Legion and "D" in Department.

Also, that bound copy of Assembly Joint Resolution No. 1, hereto attached, is correct copy of the triplicate thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

Mr. Speaker:

Your Committee of the Washoe County Delegation has had Assembly Bill No. 11 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the proposed amendment:

The following amendment was proposed by the Washoe County Delegation: Amend section 1 of Assembly Bill No. 11 by inserting after the word "council" in line 6, page 1 of printed bill, the following "in any incorporated city wherein there was cast at the last preceding general election not to exceed 3,000 votes for Congressman."

The following further amendment was proposed by the Committee on Corporations and Railroads: Amend section 1 of Assembly Bill No. 11 by inserting in page 1, line 9, after the word "sewage," the word "disposal"; in same line, strike out the word "essential," and insert the word "indispensable"; same page, line 10, strike out the word "ultimate." On page 2, line 8, after the word "construction," add as follows: "Nothing in this Act shall be construed to allow any portion or portions of the accumulated funds to be used for general sewer-building purposes." Section 2, insert after the word Act, the words: "is hereby declared an emergency measure and."

GEO. F. TRANTER, *Chairman.*

Mr. Speaker:

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 5 and 12 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WALTER R. WHITACRE, *Chairman.*

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bill No. 3 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass as amended by the Senate.

Also, Assembly Bill No. 17 and Assembly Substitute for Assembly Bill No. 8 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

GEO. G. HUSSMAN, *Chairman.*

On motion of Mr. Maupin, duly seconded and carried, the Chief Clerk was authorized to make the necessary corrections in Assembly Substitute for Assembly Bill No. 7.

The Speaker stated that the time had now come for the special order.

On motion duly seconded and carried, the House resolved itself into a Committee of the Whole for the consideration of Senate Bill No. 11, and Mr. Hart was authorized to act as Chairman of the Committee of the Whole.

On motion of Mr. Hamlin, duly seconded and carried, the attorneys of both sides were invited to take seats inside the Assembly Hall.

The Clerk was instructed to read Senate Bill No. 11.

Senate Bill No. 11 was read.

Mr. Speaker moved that the committee rise, and report the bill without recommendations.

Remarks by Messrs. Hamlin, Maupin, Fanatia, and David.

Motion carried.

HOUSE IN SESSION

At 11:40 a. m.

Mr. Speaker in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE

Mr. Speaker:

Your Committee of the Whole has had Senate Bill No. 11 under consideration, and begs leave to report on the same without recommendation.

EARLE W. HART, *Chairman.*

On motion of Mr. Maupin, duly seconded and carried, the special order of business for 11:15 was vacated, all rules were suspended, and Senate Bill No. 11 made a special order of business for 1:45 p. m.

Mr. Tobler was excused for the remainder of the legislative day on account of illness.

On motion of Mr. Groesbeck, duly seconded and carried, Rule 58 was suspended for the remainder of the legislative day.

On motion of Mr. Maupin, duly seconded and carried, a recess was taken at 12 o'clock noon until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Tobler, who was excused.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had Assembly Substitute for Assembly Bill No. 8 under consideration, and begs leave to report favorably on the same, with the recommendation that the substitute be adopted.

GEO. G. HUSSMAN, *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 Concurrent Resolution No. 5, which was this day adopted by the Senate.

ADELE CLEMONS,

Assistant Secretary of the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Hussman, duly seconded and carried, Assembly Substitute for Assembly Bill No. 8 was adopted.

SPECIAL ORDER

The Clerk read Senate Bill No. 11.

On motion of Mr. Maupin, duly seconded and carried, all rules were suspended, the special order for 1:45 was vacated, and Senate Bill No. 11 was made a special order of business for 2 p. m. the same afternoon.

On motion of Mr. Maupin, duly seconded and carried, the Assembly returned to Order of Business No. 6.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, January 31, 1928.

To the Honorable, the Senate and Assembly:

SALARIES OF SUPREME JUSTICES

My attention has been called to the provisions of chapter 153, Statutes of 1927, page 235, increasing the salaries of Justices of the Supreme Court at the expiration of the terms of the incumbents.

If it was the legislative intent to make such increase effective upon the expiration of the individual terms of such Justices, such Act should be amended, as I am advised that as the Act now reads such increase will not take effect until January 1, 1933.

Your consideration of this matter is asked.

COMPROMISE OF STATE CLAIMS

It is my understanding that your honorable bodies are giving consideration to the possible compromise of claims of the State against individuals and corporations.

In this connection it is well to remember that if any such compromise authorizes the acceptance by the State of a lesser sum than is claimed to be due, any payments made in accordance therewith will leave a deficiency in the State Treasury which must be met in some other manner, and in such event I suggest the enactment of legislation increasing the State tax rate to provide funds to make up such deficiency.

Any action taken affecting claims of the State against bondsmen, sureties, individuals, firms, associations, and corporations, who may be indebted to the State, or any adjustment, compromise, or release of indebtedness, liability, or obligation of any person, corporation, firm, or association to the State of Nevada should be first carefully considered, to the end that justice may be done, and I suggest that such laws as may be necessary in the premises be enacted.

LIVESTOCK QUARANTINE

The livestock industry of our State is one of its most important assets, and anything affecting same should have close attention.

I am advised that the Secretary of Agriculture has heretofore proclaimed a quarantine against the importation into the United States of live stock and livestock products from foreign countries where the foot-and-mouth disease is known to exist, and efforts are being made to have such quarantine modified or abolished.

Your attention is drawn to this matter in view of the effect which such proposed action may have upon the livestock industry of our State, and a memorial to the Department of Agriculture is suggested, protesting against the raising of the quarantine.

ADDITIONAL AUDIT OF STATE DEPARTMENTS

At the time of the audit during the summer of 1927 of various State departments by direction of the Board of Examiners it was not deemed desirable to incur any more expense than absolutely necessary, and several branches were omitted.

I believe that in justice to other departments handling funds of the State that an independent and impartial audit should be made of their affairs, to the end that our citizens may be fully advised as to the manner in which they have been conducted, and recommend the passage of legislation providing for an audit, under the direction of the Board of Examiners, of the offices of the Surveyor-General, Secretary of State, Inspector of Mines, Clerk of the Supreme Court, and State Library.

F. B. BALZAR,
Governor of Nevada.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 2, memorializing the Secretary of Agriculture relative to the quarantine against the foot-and-mouth disease was read the third time.

Mr. Winter moved the adoption of the resolution.

Roll call on Assembly Joint Resolution No. 2 :

YEAS—Boak, Brenman, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker—35.

NAYS—None.

Absent—Neeley and Tobler—2.

Assembly Joint Resolution No. 2 having received a constitutional majority, Mr. Speaker declared it adopted.

SPECIAL ORDER

Senate Bill No. 11.

The following amendment was proposed by Mr. Hussman: Amend section 8 of Senate Bill No. 11 by striking out the word and figures "thirty (30)" in line 25, page 4, of the printed bill, and insert in lieu thereof the word and figures "fifty (50)."

Mr. Hussman moved the adoption of the amendment.

Remarks by Messrs. Kennedy and McGill.

Mr. Maupin moved the previous question.

Roll call on "Shall main question be now put" (Amendment by Mr. Hussman) :

YEAS—Edwards, Fanatia, Groesbeck, Guthrie, Hussman, Kennedy, and Mackay—7.

NAYS—Boak, Brenman, David, DeVotie, Duncan, Ellis, Ernst, Geach, Hall,

Hamlin, Hart, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Yeager—27.

Not voting—Fuss and Mr. Speaker—2.

The previous question having failed to receive two-thirds vote, Mr. Speaker declared it lost.

Mr. Kennedy continued with his remarks.

Remarks by Messrs. Murphy, Hamlin, and David.

Roll call on Mr. Hussman's amendment to Senate Bill No. 11, changing the word and figures "thirty (30)" to the word and figures "fifty (50)":

YEAS—Edwards, Fanatia, Fuss, Guthrie, Hamlin, Hussman, Kennedy, and Robb—8.

NAYS—Boak, Brennan, David, DeVotie, Duncan, Ellis, Ernst, Geach, Groesbeck, Hall, Hart, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Yeager—27.

Absent—Tobler.

Not voting—Mr. Speaker.

Mr. Hussman's amendment having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Mr. Hamlin proposed the following amendment: Amend section 8 of Senate Bill No. 11, as amended, line 25, page 4, by striking out the following words and figures, to-wit: "thirty (30%)" and by inserting in lieu thereof the following words and figures, "thirty-five (35%)."

Mr. Hamlin moved the adoption of the amendment.

Roll call on Mr. Hamlin's amendment changing the word and figures "thirty (30%)" to the words and figures "thirty-five (35%)":

YEAS—Boak, Edwards, Ellis, Fanatia, Guthrie, Hamlin, Hart, Hussman, Kennedy, Neeley, and Robb—11.

NAYS—Brennan, David, DeVotie, Duncan, Ernst, Fuss, Geach, Groesbeck, Hall, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Patterson, Proctor, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Yeager—24.

Absent—Tobler.

Not voting—Mr. Speaker.

Mr. Hamlin's amendment having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Mr. Hamlin proposed the following amendment to the bill as a whole: Amend Senate Bill No. 11 by inserting a new section between section 9 and section 10 to be known as section 9½, reading as follows:

SEC. 9½. If any member of said Board is indebted to or under any monetary or financial obligation by reason of any loan or demand, contract relationship, or business dealing whatsoever, or at all, to or for the use or benefit of any corporation, association or person or affiliated or associated company, directly or indirectly, against whom or which the State of Nevada has or claims the particular demand in issue, such member or members shall be disqualified. Disqualification of a member shall ipso facto create a vacancy on the Board; if the Legislature be in session at the time such vacancy occurs the Legislature shall forthwith fill the vacancy; in all other cases the vacancy shall be filled by appointment by the Governor. Each member of said Board shall take and

subscribe an oath prior to the consideration of each case in substantially this form:

State of Nevada: County of ss.

I do solemnly swear that I will support and defend the Constitution and laws of the United States of America and of the State of Nevada, and that I will render true faith and allegiance to the same, and that I will faithfully discharge the duties of the office of (member) (secretary of) the Board of Compromise and Adjustment, conferred upon me and upon which I am about to enter, to the best of my ability.

I do further solemnly swear that I am not indebted or under any monetary or financial obligation by reason of any claim or demand, contract relationship or business dealing whatsoever, or at all, to, or for the use or benefit of, any corporation, association or person directly or indirectly against whom or which the State of Nevada has or claims this claim or demand.

That I am not a stockholder in said corporation (if it be a corporation) nor any affiliated corporation or company, nor a debtor to such person, individual, company or affiliated company.

Subscribed and sworn to before me this day of, 192....

(Title or officer administering oath).

The foregoing provisions for the form of the official oath defines and shall be deemed to define the further eligibility and qualifications of the members and secretary of said Board.

A copy of the record of said Board showing the release, compromise or adjustment of any claim mentioned in this Act shall be sufficient evidence of such facts recited therein. The receipt and entry of the State Treasurer shall be sufficient evidence of payment and settlement.

Mr. Hamlin moved the adoption of the amendment.

Remarks by Mr. Hamlin.

Roll call on Mr. Hamlin's amendment to the bill as a whole:

YEAS—Boak, Brennan, David, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Guthrie, Hamlin, Hart, Hussman, Kennedy, Marcotte, Neeley, Robb, and Swallow—19.

NAYS—DeVotie, Groesbeck, Hall, Mackay, Maupin, McGill, McGuire, Murphy, Patterson, Proctor, Stack, Swick, Tranter, Whitacre, Winter, and Yeager—16.

Absent—Tobler.

Not voting—Mr. Speaker.

Mr. Hamlin's amendment to the bill as a whole, having received a constitutional majority, Mr. Speaker declared it adopted.

Roll call on Senate Bill No. 11, as amended:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fuss, Geach, Groesbeck, Guthrie, Hall, Hart, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Yeager—31.

NAYS—Fanatia, Hamlin, Hussman, and Kennedy—4.

Absent—Tobler.

Not voting—Mr. Speaker.

Senate Bill No. 11, as amended, having received a constitutional majority, Mr. Speaker declared it duly passed.

MOTIONS, RESOLUTIONS, AND NOTICES

Senate Substitute for Senate Concurrent Resolution No. 2.

Mr. Speaker asked those who were in favor of adopting the substitute and the bill, as substituted, to say aye.

Motion carried.

GENERAL FILE AND THIRD READING

Assembly Joint Resolution No. 1 was read the third time.

Remarks by Mr. Boak.

Roll call on Assembly Joint Resolution No. 1:

YEAS—Boak, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hart, Hussman, Mackay, Marcotte, Maupin, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker—32.

NAYS—None.

Absent—Brennan, Hamlin, Kennedy, McGill, and Tobler—5.

Assembly Joint Resolution No. 1 having received a constitutional majority, Mr. Speaker declared it adopted.

Mr. Speaker stated that he was about to sign Assembly Bill No. 6, if there were no objections. There being no objections, Mr. Speaker signed the bill.

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. 20, which this day passed the Senate, as amended, by the following vote: Yeas, 17; nays, none. Amend as follows: Page 2, line 8, strike the word "of."

Also, Senate Bill No. 24, which this day passed the Senate by the following vote: Yeas, 15; nays, 2.

ADELE CLEMONS,

Assistant Secretary of the Senate.

On motion of Mr. Groesbeck, duly seconded and carried, the Assembly adjourned at 4:20 p. m. until Wednesday, February 1, 1928, at 11 a. m.

Approved:

DOUG. H. TANDY,

Speaker of the Assembly,

Attest: JOHN W. WRIGHT,

Chief Clerk of the Assembly.

THE SEVENTEENTH DAY

CARSON CITY (Wednesday), February 1, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Tobler and Mr. Yeager.

Prayer by Reverend Hersey.

On motion of Mr. Maupin, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk were authorized to make the necessary corrections.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copy of Assembly Bill No. 18, hereto attached, is correct copy of the triplicate thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

Mr. Speaker:

Your Committee on Ways and Means has had Assembly Bill No. 17 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

GEO. G. HUSSMAN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Whitacre, duly seconded and carried, Messrs. Yeager and Tobler were excused for the remainder of the legislative day.

On motion of Mr. Hussman, duly seconded and carried, Senate Bill No. 9 was rereferred to the Committee on Banks and Banking.

On motion of Mr. Hussman, duly seconded and carried, Senate Concurrent Resolution No. 5 was referred to the Committee on Ways and Means.

INTRODUCTION AND FIRST READING

Mr. DeVotie was given permission to introduce a bill without previous notice.

By Mr. DeVotie:

Assembly Bill No. 19—An Act to amend sections 28 and 31 of an Act entitled "An Act to regulate fees and compensations for official and other services in the State of Nevada, and to repeal all other Acts in relation thereto," approved February 27, 1883, with the amendments thereto.

On motion of Mr. DeVotie, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Roads and Highways.

Mr. David was given permission to introduce a resolution without previous notice.

By Mr. David:

Assembly Joint Resolution No. 3, memorializing our Senators and Representative in Congress to advocate the passage of a bill increasing the present forestry road appropriations.

On motion of Mr. David, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, resolution read second time by title, and referred to the Committee on Roads and Highways.

Senate Bill No. 20.

On motion of Mr. Maupin, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to Committee on Ways and Means.

Senate Bill No. 24.

On motion of Mr. McGill, duly seconded and carried, rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Judiciary.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Enrollment has carefully compared Assembly Bill No. 6 with the engrossed copy, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WALTER R. WHITACRE, *Chairman.*

GENERAL FILE AND THIRD READING

Senate Bill No. 5 was read the third time.

Remarks by Mr. Hussman.

Roll call on Senate Bill No. 5:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fannatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, and Winter—31.

NAYS—None.

Absent—Hamlin, Maupin, Tobler, Whitacre, and Yeager—5.

Not voting—Mr. Speaker.

Senate Bill No. 5 having received a constitutional majority, Mr. Speaker declared it duly passed.

Senate Bill No. 3 was read the third time.

Remarks by Messrs. Ernst and Hussman.

Roll call on Senate Bill No. 3:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fannatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, and Winter—33.

NAYS—None.

Absent—Maupin, Tobler, and Yeager—3.

Not voting—Mr. Speaker.

Senate Bill No. 3 having received a constitutional majority, Mr. Speaker declared it duly passed.

On motion of Mr. Winter, duly seconded and carried, Rule 58 was suspended for the remainder of the legislative day.

On motion of Mr. Fuss, all rules were suspended, and Assembly Bill No. 17 was placed on file for third reading and final passage.

Assembly Bill No. 17.

Remarks by Mr. Hussman.

Roll call on Assembly Bill No. 17:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Guthrie, Hall, Hamlin, Hussman, Kennedy, Mackay, Marcotte, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Trauter, Whitacre, and Winter—31.

NAYS—Hart.

Absent—Tobler and Yeager—2.

Not voting—Groesbeck, Maupin, and Mr. Speaker—3.

Assembly Bill No. 17 having received a constitutional majority, Mr. Speaker declared it duly passed.

Assembly Substitute for Assembly Bill No. 7.

On motion of Mr. Winter, duly seconded and carried, Assembly Substitute for Assembly Bill No. 7 was accepted and adopted in lieu of Assembly Bill No. 7.

The Clerk was instructed to read Assembly Substitute for Assembly Bill No. 7.

The following amendment was offered by Mr. Winter: Amend Assembly Substitute for Assembly Bill No. 7 by inserting another section after section 6 to be known as section 7, as follows:

SEC. 7. This Act shall be effective immediately after its passage and approval.

On motion of Mr. Maupin, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Maupin.

Roll call on Assembly Substitute for Assembly Bill No. 7:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Trauter, Whitacre, Winter, and Mr. Speaker—33.

NAYS—None.

Absent—Ellis, Hamlin, Tobler, and Yeager—4.

Assembly Substitute for Assembly Bill No. 7 having received a constitutional majority, Mr. Speaker declared it duly passed.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to advise your honorable body that the Senate has this day concurred in the Assembly amendments to Senate Bill No. 11.

ADELE CLEMONS,

Assistant Secretary of the Senate.

Mr. Whitacre made a motion to recess until 1:30 p. m.

Mr. McGill offered an amendment to that motion to recess until 2 p. m.

Amendment adopted.

Motion carried.

The Assembly adjourned at 11:57 a. m. until 2 p. m.

HOUSE IN SESSION

Assembly called to order at 2 p. m.

Mr. Speaker in the chair.

Quorum present.

GENERAL FILE AND THIRD READING

Mr. Duncan moved to refer Assembly Substitute for Assembly Bill No. 8 to the Committee on Banks and Banking.

Mr. Fuss moved to amend by striking out the words "Banks and Banking," and inserting in lieu thereof "Ways and Means."

Mr. Whitacre moved to lay Assembly Substitute for Assembly Bill No. 8 on the table.

Roll call on Mr. Whitacre's motion to lay on the table:

YEAS—David, Ellis, Fanatia, Groesbeck, Hall, Mackay, McGill, Stack, and Whitacre—9.

NAYS—Boak, Brenman, DeVotie, Duncan, Edwards, Ernst, Fuss, Geach, Guthrie, Hamlin, Hart, Hussman, Kennedy, Marcotte, Maupin, Murphy, Neeley, Patterson, Proctor, Robb, Swallow, Swick, Tranter, and Winter—24.

Absent—Tobler and Yeager—2.

Not voting—McGuire and Mr. Speaker—2.

Mr. Whitacre's motion having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Mr. Groesbeck moved an amendment to indefinitely postpone Assembly Substitute for Assembly Bill No. 8.

Remarks by Messrs. Hamlin, Whitacre, and McGill.

Roll call on Mr. Groesbeck's motion to indefinitely postpone:

YEAS—Ellis, Groesbeck, Hall, Mackay, Marcotte, McGill, Stack, and Whitacre—8.

NAYS—Boak, Brenman, David, DeVotie, Duncan, Edwards, Ernst, Fanatia, Fuss, Geach, Guthrie, Hamlin, Hart, Hussman, Kennedy, Maupin, Murphy, Neeley, Patterson, Proctor, Robb, Swallow, Swick, Tranter, and Winter—25.

Absent—Tobler and Yeager—2.

Not voting—McGuire and Mr. Speaker—2.

Mr. Groesbeck's motion having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Substitute for Assembly Bill No. 8 was read the third time.

The following amendment was proposed by Mr. Maupin: Amend Assembly Substitute for Assembly Bill No. 8 by striking out the enacting clause.

Mr. Maupin moved the adoption of the amendment.

Remarks by Messrs. Murphy, Winter, Brennan, and Mrs. McGuire.

Motion lost.

Roll call on Assembly Substitute for Assembly Bill No. 8:

YEAS—Boak, Brenman, DeVotie, Edwards, Ernst, Fuss, Geach, Guthrie, Hamlin, Hussman, Proctor, Swallow, and Tranter—13.

NAYS—David, Duncan, Ellis, Fanatia, Groesbeck, Hall, Hart, Kennedy, Marcotte, Maupin, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swick, Whitacre, and Winter—19.

Absent—Tobler and Yeager—2.

Not voting—Mackay, McGuire, and Mr. Speaker—3.

Assembly Substitute for Assembly Bill No. 8 having failed to receive a constitutional majority, Mr. Speaker declared it lost.

Assembly Bill No. 11 was read the third time.

The following amendment was proposed by the Washoe County Delegation: Amend section 1 of Assembly Bill No. 11 by inserting after the word "that," in line 7, page 1 of printed bill, the following: "in any incorporated city wherein there was cast at the last preceding general election not to exceed 3,000 votes for Congressman."

Mr. Tranter moved the adoption of the amendment.

Motion carried.

Remarks by Mr. Neeley.

Mr. Speaker declared a recess at 2:35 p. m. to give the Chief Clerk time to ascertain whether the amendments proposed by the Committee on Corporations and Railroads were adopted.

HOUSE IN SESSION

At 2:40 p. m.

Mr. Speaker called the Assembly to order.

Quorum present.

Mr. Speaker stated that the amendments to Assembly Bill No. 11 proposed by the Committee on Corporations and Railroads had not been adopted.

Mr. Tranter moved that the amendment to section 1 of Assembly Bill No. 11, proposed by the Committee on Corporations and Railroads, be adopted.

Motion carried.

The following amendment was proposed by the Committee on Corporations and Railroads: Amend section 1 of Assembly Bill No. 11, page 1, line 9, after the word "sewage," insert the word "disposal"; in same line, strike out the word "essential," and insert the word "indispensable"; same page, line 10, strike out the word "ultimate." On page 2, line 8, after the word "construction," add as follows: "Nothing in this Act shall be construed to allow any portion or portions of the accumulated funds to be used for general sewer-building purposes."

Remarks by Messrs. Geach, Tranter, Neeley, and Hall.

Roll call on Assembly Bill No. 11, as amended:

YEAS—Boak, David, Ernst, Fanatia, Fuss, Geach, Groesbeck, Hall, Hamlin, Hart, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, and Winter—26.

NAYS—None.

Absent—Tobler, Whitacre, and Yeager—3.

Not voting—Brennan, Duncan, DeVotie, Edwards, Ellis, Guthrie, Hussman, and Mr. Speaker—8.

Assembly Bill No. 11, as amended, having received a constitutional majority, Mr. Speaker declared it passed.

Mr. Speaker stated that the Assembly would refer back to Order of Business No. 7.

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. 23, which this day passed the Senate, as amended, by the following vote: Yeas, 17; nays, none. Amend as follows: Page 1, line 2, strike the article "a"; page 1, line 2, add "s" to the word "bond."

Also, Senate Bill No. 22, which passed, as amended: Yeas, 16; nays, none; not voting, 1. Amend as follows: Strike out the word "its" on page 1, line 15.

Also, to return Assembly Joint Resolution No. 2, which this day passed the Senate by the following vote: Yeas, 17; nays, none.

Also, to present Senate Joint Resolution No. 2, which passed, as amended: Yeas, 17; nays, none. Amend as follows: Page 7, line 39, change the word "said" to the word "State."

Also, to return Assembly Joint Resolution No. 1, which passed: Yeas, 16; nays, none; absent, 1.

ADELE CLEMONS,

Assistant Secretary of the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corporations and Railroads has had Senate Bill No. 17 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

ROY GEACH, *Chairman.*

Mr. Speaker:

Your Committee on Roads and Highways has had Assembly Joint Resolution No. 3 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Assembly Bill No. 19, and begs leave to report favorably on the same, with the recommendation that it do pass.

C. C. BOAK, *Chairman.*

Mr. Speaker:

Your Committee on Judiciary has had Senate Bill No. 24 under consideration, and begs leave to report favorably on the same, with the recommendation that the bill pass.

WALTER M. KENNEDY, *Chairman.*

Mr. Speaker:

Your Committee on Ways and Means has had Assembly Bill No. 18 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

GEO. G. HUSSMAN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Geach, duly seconded and carried, all rules were suspended, and all bills and resolutions that were reported back by the different committees were placed on file for third reading and final passage.

On motion of Mr. Fanatia, duly seconded and carried, all rules were suspended, and Assembly Bill No. 17 was considered an emergency measure and placed on file for immediate action.

Mr. Murphy arose, and under personal privilege, addressed the Assembly.

He read an article published in a newspaper which he stated did not conform to the facts. He appealed to the Assembly to require the newspaper reporters to confine themselves to facts in the future.

Mr. Neeley gave notice that on the next legislative day he would make a motion for the reconsideration of Assembly Bill No. 11.

Mr. Ellis was granted leave to introduce a resolution without previous notice.

By Mr. Ellis:

Assembly Resolution No. 10, relative to cleaning, renovating and caring for Assembly Chamber after the adjournment of the Legislature.

On motion of Mr. Ellis, duly seconded and carried, the resolution was referred to the Committee of the Whole.

Mr. Geach was granted leave to introduce a resolution without previous notice.

By Committee on Public Morals:

Assembly Resolution No. 11, to provide protection to a member of the Nevada Assembly against future contingencies.

On motion of Mr. Geach, duly seconded and carried, the resolution was referred to the Committee on Federal Relations.

There being no objections, Mr. Speaker signed Senate Bill No. 11.

INTRODUCTION AND FIRST READING

Senate Bill No. 22.

On motion proposed by Mr. Winter, all rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee of the Whole.

The following amendment to Mr. Winter's motion was proposed by Mr. Hussman: Strike out the words "Committee of the Whole" and insert in lieu thereof "Committee on Ways and Means."

Amendment to the motion carried.

Senate Bill No. 23.

On motion of Mr. Hussman, duly seconded and carried, all rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Ways and Means.

Senate Joint Resolution No. 2.

On motion of Mr. Winter, all rules were suspended, Senate Joint Resolution No. 2 declared an emergency measure, and placed on file for third reading and final passage.

GENERAL FILE AND THIRD READING

Mr. Speaker requested Mr. Groesbeck to take the chair.

Senate Bill No. 17 was read the third time.

Remarks by Mr. Fanatia.

Roll call on Senate Bill No. 17:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, and Winter—34.

NAYS—None.

Absent—Tobler and Yeager—2.

Not voting—Mr. Speaker.

Senate Bill No. 17 having received a constitutional majority, it was declared passed.

The Assembly referred back to Order of Business No. 6.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA

EXECUTIVE CHAMBER

CARSON CITY, February 1, 1928.

To the Honorable, the Senate and Assembly:

Supplementing my message of January 31, wherein reference is made to the

desirability of having an audit of certain branches of the State government, it is requested that any legislation authorizing such audit, and making an appropriation therefor, include all departments not heretofore covered.

I also request legislation amending section 2, only, of chapter 122, Statutes 1925, page 175, it appearing that it is practically impossible for State Traffic Officers to enforce same by reason of the ambiguous provisions of that section relating to registration of motor vehicles.

As construed by law-enforcement officers the section places the burden of proof upon the State as to a car having been registered during the previous year, and this is impossible as to a foreign registered motor car.

F. B. BALZAR,
Governor of Nevada.

GENERAL FILE AND THIRD READING

Senate Bill No. 24 was read the third time.

Remarks by Mr. Kennedy.

Roll call on Senate Bill No. 24:

YEAS—Boak, Brennan, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, and Winter—32.

NAYS—None.

Absent—David, McGill, Tobler, and Yeager—4.

Not voting—Mr. Speaker.

Senate Bill No. 24 having received a constitutional majority, it was declared passed.

Mr. Speaker resumed the chair.

Assembly Bill No. 18 was read the third time.

Mr. Hussman asked permission to defer consideration of Assembly Bill No. 18 until Thursday morning, February 2, 1928.

Permission granted.

Mr. DeVotie asked permission to defer consideration of Assembly Bill No. 19 until Thursday morning.

Permission granted.

Assembly Joint Resolution No. 3 was read the third time.

Remarks by Mr. David.

Roll call on Assembly Joint Resolution No. 3:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Mr. Speaker—35.

NAYS—None.

Absent—Tobler and Yeager—2.

Assembly Joint Resolution No. 3 having received a constitutional majority, Mr. Speaker declared the resolution adopted.

Mr. Speaker instructed the Sergeant-at-Arms to ascertain whether or not Senate Bill No. 11 had been signed by the Governor.

Mr. Hussman was granted permission to refer back to Order of Business No. 10.

INTRODUCTION AND FIRST READING

Mr. Hussman was granted leave to introduce a bill without previous notice.

By Mr. Hussman:

Assembly Bill No. 20—An Act to provide for the examination, auditing, and reporting on the offices of certain state officials and departments of the State of Nevada, making an appropriation therefor, and other matters properly connected therewith.

On motion of Mr. Hussman, all rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Ways and Means.

On motion of Mr. McGill, the Assembly adjourned at 4:05 p. m. until Thursday, February 2, 1928, at 11 a. m.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly,

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE EIGHTEENTH DAY

CARSON CITY (Thursday), February 2, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

All present except Mr. Tobler.

Prayer by Father Murphy.

On motion of Mr. Proctor, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk authorized to make the necessary corrections.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Federal Relations has had Senate Joint Resolution No. 2 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

W. M. DAVID, *Chairman.*

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bills Nos. 20 and 22 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

GEO. G. HUSSMAN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. McGill offered the following motion: I move that the election of members of the Board of Adjustment and Compromise from the Assembly be by ballot, and that each member write a ballot containing four names having the qualifications prescribed by law; and that as the names of the members of the Assembly are called they will deposit their ballots with the Chief Clerk; and that the same shall thereupon be counted by the Speaker, the Chief Clerk, and the Speaker pro tem; and that the four, having the proper qualifications prescribed by the Act, receiving the highest number of votes shall be declared elected as members of the Board of Adjustment and Compromise.

Upon motion of Mr. McGill, the Assembly resolved itself into a Committee of the Whole for the consideration of Mr. McGill's motion.

Upon motion of Mr. Fanatia, duly seconded and carried, Mr. Tobler was excused for the remainder of the legislative day.

Upon motion of Mr. Groesbeck, duly seconded and carried, Rule 58 was suspended for the remainder of the day.

Mr. Speaker asked Mr. Proctor to act as Chairman of the Committee of the Whole.

HOUSE IN SESSION

At 12 o'clock noon.

Mr. Speaker in the chair.

The Sergeant-at-Arms announced a message from the Senate.

REPORT OF THE COMMITTEE OF THE WHOLE

Mr. Speaker:

Your Committee of the Whole begs leave to report with the recommendation that Mr. Maupin, Mr. Proctor, Mrs. McGuire, and Mr. Swick be elected to the commission created by Senate Bill No. 11.

A. J. PROCTOR, *Chairman.*

Mr. McGill moved that the report of the Committee of the Whole be accepted, and the Assembly proceed to the election of the members of the commission provided for in Senate Bill No. 11.

Roll call:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Yeager—34.

NAYS—None.

Absent—Tobler.

Not voting—Ellis and Mr. Speaker—2.

There being a constitutional majority, Mr. Speaker declared Mr. Proctor, Mr. Maupin, Mrs. McGuire, and Mr. Swick duly elected to the commission by viva voce vote.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to return to your honorable body Assembly Bill No. 16, which this day passed the Senate, as amended, by the following vote: Yeas, 16; nays, none; absent, 1. Amend as follows: Amend Assembly Bill No. 16 by striking out all of section 1 and substituting therefor the following:

SECTION 1. Section 2 of the above-entitled Act is hereby amended to read as follows:

Section 2. No motor vehicle shall be operated on any highway in this State unless and until the owner thereof shall have complied with this Act in respect to registering said motor vehicle.

In the case of a motor vehicle in this State on the first day of January of each year, a new registration shall be made not later than the third Monday in January of each year, except as hereinafter provided.

In the case of a motor vehicle brought into this State during the year by a person who thereafter becomes a resident of this State, any visitor's permit theretofore issued thereon shall be cancelled, and a new registration shall be required.

In the case of a motor vehicle purchased during the year and which has not been previously registered, registration shall be applied for within five days after acquiring such vehicle.

In the case of a motor vehicle brought into this State for the purpose of engaging in trade or business of any kind, and any motor vehicle used by any stage or bus line having defined interstate routes, with one terminal in this State, or passing through this State with terminals outside the State, registration shall be made within five days after entering the State.

The owner or operator of any motor vehicle who shall violate any provision of this section or fail to comply therewith, shall be guilty of a misdemeanor, and punished by a fine of not less than twenty-five dollars nor more than one hundred dollars.

Also, to return Assembly Bill No. 17, which passed, as amended: Yeas, 16; nays, none; absent, 1. Amend as follows: In the title of the Act, strike out the words "and the amendments thereto," in the last line, and change the comma after "1917" to a period.

Also, to present for the consideration of your honorable body Senate Bill No. 21, which passed by the following vote: Yeas, 15; nays, none; absent, 1; not voting, 1.

ADELE CLEMONS,

Assistant Secretary of the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Geach, duly seconded and carried, the Assembly concurred in the Senate amendment to Assembly Bill No. 16.

On motion of Mr. David, duly seconded and carried, the Assembly concurred in the Senate amendments to Assembly Bill No. 17.

On motion of Mr. David, duly seconded and carried, the Assembly concurred in the Senate amendment to Assembly Joint Resolution No. 3.

On motion of Mr. David, duly seconded and carried, a recess was declared at 12:12 p. m. until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Quorum present.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to return to your honorable body Assembly Substitute for Assembly Bill No. 7, which this day passed the Senate, as amended, by the following vote: Yeas, 17; nays, none. Amend as follows: Substitute a capital "P" for the small "p" wherever the word "post" or "posts" occur in the bill or title.

ADELE CLEMONS,
Assistant Secretary of the Senate.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Enrollment has carefully compared Assembly Joint Resolution Nos. 1 and 2 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WALTER R. WHITACRE, *Chairman.*

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copies of Assembly Bills Nos. 19 and 20 and Assembly Joint Resolution No. 3, hereto attached, are correct copies of the triplicates thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

There being no objections, Mr. Speaker signed Senate Bill No. 24.

MESSAGES FROM THE GOVERNOR

STATE OF NEVADA
EXECUTIVE CHAMBER
CARSON CITY, February 2, 1928.

To the Honorable, the Senate and Assembly:

Your attention is directed to Statutes 1927, chapter 18, page 34, in view of the fact that in the legislative session of 1925 two Acts were passed with the same title as indicated in the repealing statute of 1927, and both Acts contain a section numbered 2, a great deal of ambiguity arises as to the intent of the repealing statute.

I respectfully request that this uncertainty be eliminated by the repeal of either section 8 or section 8a of this statute.

A recent fatality in our sister State of California caused by a radio aerial wire falling across a high tension power line, brings to our attention the fact that our Public Service Commission has no power within this State to prescribe regulations for the protection of the public in making such installations.

With the almost universal use of radios there has been a widespread use of

radio aerial wires, which have in many cases been attached to telephone, telegraph, and power line poles, or which cross high tension wires in disregard of all elements of safety.

I recommend that section 7 of the Public Service Commission Act be amended to give jurisdiction to that body in prescribing regulations not only as affects radio aerial wires, but over aircraft as well.

F. B. BALZAR,
Governor of Nevada.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Maupin, duly seconded and carried, the Assembly concurred in the Senate amendments to the Assembly Substitute for Assembly Bill No. 7.

Mr. Hussman asked permission to withdraw Assembly Bill No. 18 if there were no objections.

There being no objections, the bill was withdrawn.

Mr. David was granted leave to introduce two resolutions without previous notice.

By Mr. David :

Assembly Resolution No. 12 :

WHEREAS, In the performance of her duties, it will be necessary for the Journal Clerk of the Assembly to remain two days after the conclusion of the legislative session in order to complete the work of the Journal; therefore, be it

Resolved by the Assembly, That the sum of \$12 is hereby appropriated out of the Legislative Fund, already created, to be paid to Ruth Mackay, Journal Clerk of the Assembly, in full compensation for such additional services, and the State Controller is hereby authorized to issue his warrant accordingly, and the State Treasurer is hereby directed to pay the same.

On motion of Mr. David, duly seconded and carried, the resolution was adopted.

By Mr. David :

Assembly Resolution No. 13 :

WHEREAS, It will be necessary for the Chief Clerk of the Assembly to remain at the Capitol after the conclusion of the present session in order to properly complete and verify the work of the Assembly, and in the preparation and verification of the Assembly Journal to make the same ready for printing, for which services no compensation is provided by law; and

WHEREAS, It is the wish and desire of the Assembly to properly compensate those rendering services to the Assembly, so far as the same is reasonable and just; now, therefore, be it

Resolved by the Assembly, That the sum of fifty (\$50) dollars be, and is hereby, appropriated out of the Legislative Fund, already created, to be paid to John W. Wright, Chief Clerk of the Assembly, in recognition of and payment for services above mentioned, and upon presentation of certificate of the Secretary of State to the effect that said additional services have been properly performed, the State Controller is hereby authorized and directed to draw his warrant in favor of said John W. Wright in the above-mentioned sum, and the State Treasurer is hereby directed to pay the same.

On motion of Mr. David, duly seconded and carried, the resolution was adopted.

On motion of Mr. Ellis, duly seconded and carried, Assembly Resolution No. 10 was withdrawn from the Committee of the Whole, and placed on file for immediate action.

On motion of Mr. Ellis, duly seconded and carried, the resolution was adopted.

On motion of Mr. David, all rules were suspended, and all bills reported in by the various committees, Thursday morning, February 2, 1928, were placed on file for third reading and final passage.

INTRODUCTION AND FIRST READING

Senate Bill No. 21.

On motion of Mr. Proctor, duly seconded and carried, all rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Ways and Means.

GENERAL FILE AND THIRD READING

Assembly Bill No. 19 was read the third time.

The following amendment was proposed by Mr. David: Amend section 2 of Assembly Bill No. 19 by inserting after the word "Fund," in line 16, page 2, the words "which shall be expended in the county in which the additional fee originates."

Remarks by Messrs. Maupin, Hamlin, David, DeVotie, Groesbeck, and Murphy.

Mr. David stated that he objected to Mr. Murphy speaking twice on the same subject.

Mr. Speaker stated that a vote on Mr. David's objection would be taken.

Objection overruled.

Mr. Murphy continued his remarks.

Mr. David moved the adoption of the amendment.

Motion lost.

Remarks by Messrs. Kennedy, DeVotie, and Hamlin.

Mr. Neeley moved that the bill be rereferred to the Judiciary Committee.

Motion lost.

Mr. Guthrie moved that further consideration of Assembly Bill No. 19 be made a special order of business for the following morning, at 11:15 a. m.

Motion lost.

Roll call on Assembly Bill No. 19:

YEAS—Boak, Brennan, DeVotie, Duncan, Ellis, Ernst, Fanatia, Fuss, Geach, Hall, Hamlin, Marcotte, Maupin, McGill, McGuire, Murphy, Patterson, Proctor, Stack, Swallow, Whitacre, and Winter—22.

NAYS—David, Groesbeck, Guthrie, Hart, Hussman, Kennedy, Mackay, Neeley, and Robb—9.

Absent—Tobler.

Not voting—Edwards, Swick, Tranter, Yeager, and Mr. Speaker—5.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it duly passed.

The Compromise Committee of the Assembly was excused for the remainder of the legislative day to confer with the Compromise Committee of the Senate.

On request of Mr. Speaker, Mr. McGill took the chair.

Senate Joint Resolution No. 2 was read the third time.

Roll call on Senate Joint Resolution No. 2 :

YEAS—Boak, Brennan, David, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Groesbeck, Guthrie, Hall, Hart, Kennedy, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Whitacre, Winter, Yeager, and Mr. Speaker—27.

NAYS—None.

Absent—DeVotie, Geach, Hamlin, Hussman, Maupin, McGuire, Proctor, Swick, Tobler, and Tranter—10.

Senate Joint Resolution No. 2 having received a constitutional majority, the chair declared it adopted.

Senate Bill No. 22 was read the third time.

Roll call on Senate Bill No. 22 :

YEAS—Boak, Brennan, David, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Groesbeck, Guthrie, Hall, Hussman, Kennedy, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Whitacre, Winter, and Yeager—26.

NAYS—None.

Absent—DeVotie, Geach, Hamlin, Hart, Maupin, McGuire, Proctor, Swick, Tobler, and Tranter—10.

Not voting—Mr. Speaker.

Senate Bill No. 22 having received a constitutional majority, the chair declared it passed.

Assembly Bill No. 20 was read the third time.

Mr. Hussman was granted permission to have Assembly Bill No. 20 placed on the bottom of the general file.

On motion of Mr. Fuss, duly seconded and carried, the Assembly recessed at 2 : 45 p. m. subject to the call of the chair.

HOUSE IN SESSION

At 3 : 10 p. m.

Assembly called to order by Mr. Speaker.

Constitutional majority present.

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. 25, which this day passed the Senate by the following vote : Yeas, 12 ; nays, none ; not voting, 1 ; absent, 4.

Also, Senate Bill No. 26, which this day passed the Senate by the following vote : Yeas, 13 ; nays, none ; absent, 4.

ADELE CLEMONS,

Assistant Secretary of the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Hamlin gave notice that he would on the next legislative day move a reconsideration of the vote on Assembly Bill No. 19.

On motion of Mr. Hamlin, duly seconded and carried, Assembly Bill No. 19 was recalled from the Senate.

INTRODUCTION AND FIRST READING

Senate Bill No. 25.

On motion of Mr. Guthrie, duly seconded and carried, all rules were

suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Fish and Game.

Senate Bill No. 26.

On motion of Mr. Geach, duly seconded and carried, all rules were suspended, reading so far had considered first reading, rules further suspended, bill read second time by title, and referred to the Committee on Railroads and Corporations.

Mr. Fuss was granted permission to refer back to Order of Business No. 4.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Banks and Banking has had Senate Bill No. 8 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass as amended by the Senate.

Also, Senate Bill No. 9, and begs leave to report favorably on the same, with the recommendation that it do pass.

FRANK H. FUSS, *Acting Chairman.*

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bill No. 20 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Senate Bill No. 23, and begs leave to report favorably on the same, with the recommendation that it do pass as amended by the Senate.

GEO. G. HUSSMAN, *Chairman.*

On motion of Mr. Groesbeck, duly seconded and carried, the Assembly adjourned at 3:25 p. m. until Friday, February 3, 1928, at 11 a. m.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly,

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

THE NINETEENTH DAY

CARSON CITY (Friday), February 3, 1928.

Assembly called to order at 11 a. m.

Mr. Speaker in the chair.

Roll called.

By unanimous consent, all members absent were excused.

Prayer by Reverend Willis.

On motion of Mr. Geach, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk were authorized to make the necessary corrections.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Fish and Game has had Senate Bill No. 25 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

A. J. PROCTOR, *Chairman.*

Mr. Fuss reported that Senate Bill No. 7 was in the hands of the Committee on Banks and Banking, and would be reported out in the afternoon.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Hamlin moved that the Assembly direct the Committee on Banks and Banking to report Senate Bill No. 7 to the Assembly during the afternoon, to be brought up under the proper heading.

Remarks by Messrs. Kennedy, Hamlin, Fuss, and Geach.

Motion carried.

On motion of Mr. McGill, duly seconded and carried, Senate Bill No. 25 was placed on file for third reading and final passage.

Mr. Hamlin moved that the Assembly reconsider the vote on Assembly Bill No. 19.

Remarks by Mr. Murphy.

Mr. Speaker stated that the matter would be held in abeyance until the bill was returned from the Senate.

The following resolution was offered by the Committee on Claims:
Assembly Resolution No. 14:

Resolved by the Assembly, That the State Controller be, and he is hereby authorized and directed to draw his warrants on the Legislative Fund in favor of the various firms or persons named below for the amounts set opposite their names, as per itemized statements herewith, and the State Treasurer is hereby directed to pay the same:

A. G. Myers, Janitor Supplies.....	\$10.12
Underwood Typewriter Co., Typewriter Rental.....	16.25
Bell Telephone Company of Nevada, Telephone Service	9.00
	\$35.37

Assembly Resolution No. 14 was referred to the Committee of the Whole.

On motion of Mr. Groesbeck, duly seconded and carried, Rule 58 was suspended for the remainder of the legislative day.

By the White Pine Delegation :

Assembly Joint Resolution No. 4, recommending the immediate construction of the Wendover Cut-off, and memorializing the Board of County Commissioners of Elko County to proceed immediately with the financing of said construction.

On motion of Mr. Duncan, duly seconded and carried, the resolution was referred to the Elko County Delegation.

Mr. Hussman moved that hereafter no new bills be introduced without the unanimous consent of the Assembly.

Motion carried.

GENERAL FILE AND THIRD READING

Senate Bill No. 25 was read the third time.

Remarks by Mr. McGill.

Roll call on Senate Bill No. 25 :

YEAS—Boak, Brennan, DeVotie, Duncan, Edwards, Ellis, Fanatia, Geach, Groesbeck, Guthrie, Hall, Hart, Kennedy, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Stack, Swallow, Tranter, Winter, and Yeager—24.

NAYS—Ernst.

Absent—Hamlin, Maupin, McGuire, Proctor, Swick, and Tobler—6.

Not voting—David, Fuss, Hussman, Robb, Whitacre, and Mr. Speaker—6.

Senate Bill No. 25 having received a constitutional majority, Mr. Speaker declared it duly passed.

On motion of Mr. Fuss, duly seconded and carried, all rules were suspended, and Assembly Bill No. 20 was placed on file for third reading and final passage.

Assembly Bill No. 20 was read the third time.

The following amendment was offered to section 1 by Mr. Tranter: Amend section 1 of Assembly Bill No. 20 by striking out the word "and" in line 8, page 1 of the printed bill, add a comma after the word "commission," and add the words "and Clerk of the Supreme Court."

On motion of Mr. Tranter, duly seconded and carried, the amendment was adopted.

Mr. Tranter offered the following amendment to section 2: Amend Assembly Bill No. 20 by adding after section 2 a new section to be known as section "2a" as follows: SEC. 2A. There is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, the sum of five thousand (\$5,000) dollars, to be expended under the direction of the State Board of Examiners of the State of Nevada in carrying out the provisions of this Act; *provided, however*, that any surplus remaining in such fund, after complying with the provisions of this Act, shall revert to the General Fund of the State.

On motion of Mr. Tranter, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Tranter.

Roll call on Assembly Bill No. 20:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Tranter, Whitacre, Winter, and Yeager—31.

NAYS—None.

Absent—Maupin, McGuire, Proctor, Swick, and Tobler—5.

Not voting—Mr. Speaker.

Assembly Bill No. 20 having received a constitutional majority, Mr. Speaker declared it duly passed.

Senate Bill No. 8 was read the third time.

Roll call on Senate Bill No. 8:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Tranter, Whitacre, Winter, and Yeager—31.

NAYS—None.

Absent—Maupin, McGuire, Proctor, Swick, and Tobler—5.

Not voting—Mr. Speaker.

Senate Bill No. 8 having received a constitutional majority, Mr. Speaker declared it duly passed.

Senate Bill No. 9 was read the third time.

Mr. David offered the following amendment to section 1: Amend section 1 of Senate Bill No. 9 by inserting the words "or companies" after the word "company" in line 16.

On motion of Mr. David, duly seconded and carried, the amendment was adopted.

Roll call on Senate Bill No. 9:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Tranter, Whitacre, Winter, and Yeager—31.

NAYS—None.

Absent—Maupin, McGuire, Proctor, Swick, and Tobler—5.

Not voting—Mr. Speaker.

Senate Bill No. 9 having received a constitutional majority, Mr. Speaker declared it duly passed.

Mr. Hamlin asked to return to Order of Business No. 8.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to return to your honorable body Assembly Bill No. 19, as requested.

ADELE CLEMONS,

Assistant Secretary of the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Hamlin, duly seconded and carried, all supplementary messages of the Governor were ordered printed.

On motion of Mr. Hamlin, duly seconded and carried, consideration of his motion to reconsider vote on Assembly Bill No. 19 was made a special order of business for 1:45 p. m.

On motion of Mr. Groesbeck, duly seconded and carried, the Assembly adjourned at 12:05 p. m. until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Quorum present.

There being no objections offered, Mr. Speaker signed Assembly Bills Nos. 16 and 17, Assembly Substitute for Assembly Bill No. 7, and Assembly Joint Resolution No. 3.

GENERAL FILE AND THIRD READING

Senate Bill No. 20 was read the third time.

Roll call on Senate Bill No. 20:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fania, Fuss, Geach, Groesbeck, Guthrie, Hall, Hart, Hussman, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Tranter, Whitacre, Winter, and Yeager—29.

NAYS—None.

Absent—Hamlin, Maupin, McGuire, Proctor, Swick, and Tobler—6.

Not voting—Kennedy and Mr. Speaker—2.

Senate Bill No. 20 having received a constitutional majority, Mr. Speaker declared it duly passed.

On motion of Mr. Guthrie, duly seconded and carried, all rules were suspended, Senate Bill No. 23 was considered an emergency measure, considered engrossed, and placed on file for third reading and final passage.

Senate Bill No. 23 was read the third time.

Roll call on Senate Bill No. 23:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fania, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Tranter, Whitacre, Winter, and Yeager—31.

NAYS—None.

Absent—Maupin, McGuire, Proctor, Swick, and Tobler—5.

Not voting—Mr. Speaker.

Senate Bill No. 23 having received a constitutional majority, Mr. Speaker declared it duly passed.

SPECIAL ORDER

On motion of Mr. Hamlin, duly seconded and carried, Assembly Bill No. 19 was brought up for reconsideration.

Assembly Bill No. 19 was read the third time.

The following amendment was proposed by Mr. Guthrie: Amend Assembly Bill No. 19 by adding a new section to follow section 2 of said bill, to be known as section "2a" to be as follows: SEC. 2A. The additional five dollars hereby required to be paid under the provisions of section 1 hereof shall be in addition to any and all filing fees now in effect in the several counties of this State.

On motion of Mr. DeVotie, duly seconded and carried, the amendment was adopted.

Roll call was taken on Assembly Bill No. 19, as amended.

Before announcement of the vote upon Assembly Bill No. 19, as amended, three members of the Assembly demanded a call of the House.

A rising vote was taken on the call of the House, and call of the House was ordered.

Mr. Speaker asked the Chief Clerk to call the roll to ascertain what members were absent.

Roll call ordered upon call of the House:

Present—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Tranter, Whitacre, Winter, Yeager, and Mr. Speaker—32.

Absent—Maupin, McGuire, Proctor, Swick, and Tobler—5.

Roll call showed thirty-two members present and five absent.

Mr. Speaker stated that Mr. Tobler had been excused on account of illness, and that the other four absent members were members of the Compromise Committee, who were excused for the legislative day.

On motion of Mr. Guthrie, duly seconded and carried, leave of absence which had been granted the absent members was vacated.

The Sergeant-at-Arms was instructed to arrest the absent members who were in the city, and bring them before the Bar of the House.

Mr. Speaker explained to the absent members, when they were brought before him, why they were called to the Bar of the House.

On motion of Mr. McGill, duly seconded and carried, the amendment to Assembly Bill No. 19 was reread.

Roll call on Assembly Bill No. 19, as amended:

YEAS—Boak, Brennan, DeVotie, Duncan, Ellis, Ernst, Fanatia, Geach, Hamlin, Marcotte, Maupin, McGill, McGuire, Murphy, Patterson, Proctor, Stack, Swallow, and Winter—19.

NAYS—Edwards, Guthrie, Hussman, Kennedy, Neeley, Robb, Tranter, Whitacre, and Yeager—9.

Absent—Tobler.

Not voting—David, Fuss, Groesbeck, Hall, Hart, Mackay, Swick, and Mr. Speaker—8.

Assembly Bill No. 19 having received a constitutional majority, Mr. Speaker declared it duly passed.

Mr. McGill was granted permission to refer back to Order of Business No. 8.

On motion of Mr. McGill, duly seconded and carried, the members of the Compromise Committee were excused for the rest of the legislative day.

Mr. David moved to reconsider the vote on which Senate Bill No. 20 passed.

Upon unanimous consent to Mr. David's motion, Mr. Speaker stated that the vote would be reconsidered.

On motion of Mr. David, duly seconded and carried, Senate Bill No. 20 was rereferred to the Committee on Ways and Means.

Mr. Fuss was granted permission to refer back to Order of Business No. 4.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Corporations and Railroads has had Senate Bill No. 26 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass with the proposed amendment.

ROY GEACH, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Geach, duly seconded and carried, all rules were suspended, and Senate Bill No. 26 was declared an emergency measure, considered engrossed, and placed on file for third reading and final passage.

GENERAL FILE AND THIRD READING

Senate Bill No. 26 was read the third time.

Roll call on Senate Bill No. 26:

YEAS—Boak, Brenman, DeVotie, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Guthrie, Hart, Mackay, McGill, Murphy, Neeley, Patterson, Robb, Stack, Swallow, Tranter, Whitacre, Winter, and Yeager—23.

NAYS—Groesbeck.

Absent—Hamlin, Kennedy, Maupin, McGuire, Proctor, Swick, and Tobler—7.

Not voting—David, Duncan, Hall, Hussman, Marcotte, and Mr. Speaker—6.

Senate Bill No. 26 having received a constitutional majority, Mr. Speaker declared it duly passed.

On motion of Mr. Yeager, duly seconded and carried, the Assembly adjourned at 2:45 p. m. until 10 a. m. Saturday, February 4, 1928.

Approved:

DOUG. H. TANDY,

Speaker of the Assembly,

Attest: JOHN W. WRIGHT,

Chief Clerk of the Assembly.

THE TWENTIETH DAY

CARSON CITY (Saturday), February 4, 1928.

Assembly called to order at 10 a. m.

Mr. Speaker in the chair.

Roll called.

Quorum present.

Prayer by Reverend Harvey.

On motion of Mr. Fanatia, duly seconded and carried, the reading of the Journal was dispensed with, and the Speaker and Chief Clerk were authorized to make the necessary corrections.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Banks and Banking has had Senate Bill No. 7 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass, with the proposed amendments.

FRANK H. FUSS, *Acting Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Fanatia, duly seconded and carried, Mr. Tobler was excused for the remainder of the legislative day.

On motion of Mr. Tranter, duly seconded and carried, Messrs. Groesbeck and David were excused for the remainder of the legislative day.

Mr. Speaker stated that, if there were no objections, the Assembly would resolve itself into a Committee of the Whole for the consideration of Assembly Resolution No. 14.

Mr. Speaker asked Mr. Maupin to take the chair.

Mr. Hamlin moved that the Committee of the Whole rise and recommend that Assembly Resolution No. 14 pass.

Motion carried.

HOUSE IN SESSION

At 10:11 a. m.

Mr. Speaker in the chair.

Quorum present.

REPORT OF THE COMMITTEE OF THE WHOLE

Mr. Speaker:

Your Committee of the Whole has had Assembly Resolution No. 14 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

W. EDGAR MAUPIN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Geach, duly seconded and carried, Rule 58 was suspended for the remainder of the legislative day.

REPORTS OF COMMITTEES

Mr. Speaker:

The Committee on Engrossment hereby certifies that bound copy of Assembly Joint Resolution No. 4, hereto attached, is a correct copy of the triplicate thereof in its possession.

W. EDGAR MAUPIN, *Chairman.*

GENERAL FILE AND THIRD READING

Mr. Speaker requested Mr. Maupin to take the chair.

Senate Bill No. 7 was read the third time.

Unanimous consent was given Mr. Tandy to offer amendments to the bill as a whole in order to avoid delay and in order to harmonize the amendments to be proposed to the various sections.

The following amendment was proposed by Mr. Tandy: Amend Senate Bill No. 7 by inserting between section 1 and section 2 of said bill a new section to be designated as section 1a, as follows:

SEC. 1A. All moneys accruing and to accrue to the State of Nevada from the several counties of the State for the regular annual tax levy for State purposes, commonly known as the State-County Settlement, may be deposited by the County Treasurers of the several counties of the State to the credit of the State on open account, subject to check without notice, in any State or National bank or banks, doing a general banking business within the county in which such moneys are collected. Any such sums of money so deposited shall be deemed to be in the State Treasury; *provided*, that the County Treasurer so depositing such moneys shall, immediately after the quota of moneys due from his county to the State shall have been collected, notify the State Treasurer of the sums so collected and deposited, with vouchers from such depository banks: *and provided further*, that the State Treasurer in withdrawing such moneys, shall withdraw the same as nearly as may be pro rata to the amounts deposited in such several depository banks; such deposits shall be made only with the written consent and approval of the State Board of Examiners; *provided*, that not more than one-fourth of the aggregate amount of said moneys available for deposit, and on deposit, shall be deposited in any one bank; *and provided further*, that no deposit in any one bank shall exceed in amount fifty (50%) per cent of the capital and surplus of any depository bank.

The motion to adopt Mr. Tandy's amendment to the bill as a whole was unanimously carried, and the amendment adopted.

The following amendment was proposed by the Committee on Banks and Banking: Amend section 1 of Senate Bill No. 7 (reprinted with amendments) by striking out the word "any" in line 13, page 1 of the printed bill, and insert in lieu thereof the word "such."

On motion of Mr. Fuss, duly seconded and carried, the amendment was adopted.

The following amendment was proposed by the Committee on Banks and Banking: Amend section 1 of Senate Bill No. 7 (reprinted with amendments) by striking out in line 1, page 2 of the printed bill, the following: "one hundred (100%)" and insert in lieu thereof the following: "two hundred (200%)."

On motion of Mr. Fuss, duly seconded and carried, the amendment was adopted.

The following amendment was proposed by Mr. Tandy: Amend section 1 of Senate Bill No. 7 by inserting after the word "Treasurer," in line 2, page 1, of said section the following: "Not otherwise herein authorized and directed to be deposited."

On motion of Mr. Tandy, duly seconded and carried, the amendment was adopted.

The following amendment was proposed by Mr. Kennedy: Amend section 1 of Senate Bill No. 7 by striking words and figures "fifty (50%)" in line 12, page 1 of bill, and inserting in lieu thereof words and figures "one hundred (100%)."

On motion of Mr. Kennedy, duly seconded and carried, the amendment was adopted.

The following amendment was proposed by Mr. Boak: Amend section 1 of Senate Bill No. 7 by striking from lines 17 and 18 the words "not to exceed two in number."

On motion of Mr. Boak, duly seconded and carried, the amendment was adopted.

The Clerk read section 2.

The following amendment was proposed by the Committee on Banks and Banking: Amend section 2 of Senate Bill No. 7 by inserting after the word "district," page 2, line 11, the words "or Irrigation District, or Local Improvement District."

Mr. Fuss moved the adoption of the amendment.

Mr. Hamlin moved to amend the amendment by striking out the words "or Local Improvement District."

Motion carried, and the amendment to the amendment was adopted. Remarks by Mr. Fuss.

Motion on the adoption of the amendment carried.

The following amendment was proposed by Mr. Tandy: Amend section 2 of Senate Bill No. 7 by inserting after the word "Treasurer," in line 3, page 3, the following: "with the written approval of the State Board of Examiners."

On motion of Mr. Tandy, duly seconded and carried, the amendment was adopted.

The following amendment was proposed by Mr. Tandy: Amend section 2 of Senate Bill No. 7 by inserting after the word "Treasurer," in line 8, page 2, the following: "and the County Treasurers operating under the provisions of section 1a of this Act."

Mr. Tandy moved the adoption of the amendment.

Motion carried.

Amendment adopted.

The following amendments were proposed by the Committee on Banks and Banking: Amend section 2 of Senate Bill No. 7 (reprinted with amendments) by inserting on page 2, line 19 of the printed bill, the word "or" before the word "such" and strike out the word "also." Amend section 2 of Senate Bill No. 7 by inserting after the word "Treasurer," in line 3, page 3, the following: "with the written approval of the State Board of Examiners."

On motion of Mr. Fuss, duly seconded and carried, the amendments were adopted.

The following amendment was proposed by Mr. Winter: Amend section 2 of Senate Bill No. 7 by striking out after the word "bank," in line 10, page 3 of the printed bill, the period, and insert in lieu thereof a comma and the following: "together with all costs of any court action."

On motion of Mr. Winter, duly seconded and carried, the amendment was adopted.

The following amendment was proposed by Mr. Hamlin: Amend section 2 of Senate Bill No. 7 by adding after the word "company," in line 21, page 2, the words "the premium on such bond to be paid by the bank."

On motion of Mr. Hamlin, duly seconded and carried, the amendment was adopted.

Roll call on Senate Bill No. 7, as amended:

YEAS—Boak, Brennan, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, Maupin, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Yeager—33.

NAYS—None.

Absent—David, Groesbeck, and Tobler—3.

Not voting—Mr. Speaker.

Senate Bill No. 7 having received a constitutional majority, Mr. Speaker declared it duly passed.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Enrollment has carefully compared Assembly Enrolled Bills Nos. 16, 17, and Assembly Substitute for Assembly Bill No. 7; also, Assembly Joint Resolution No. 3 with the engrossed copies, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WALTER R. WHITACRE, *Chairman.*

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to advise your honorable body that the Senate has this day concurred in the Assembly amendments to Senate Bill No. 9.

Also, to return Assembly Bill No. 11, which this day passed the Senate by the following vote: Yeas, 15; nays, none; absent, 2.

ADELE CLEMONS,

Assistant Secretary of the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Yeager, duly seconded and carried, Assembly Resolution No. 14 was adopted.

On motion of Mr. Neeley, duly seconded and carried, the Assembly recessed at 12 o'clock, noon, until 1:30 p. m.

HOUSE IN SESSION

Assembly called to order at 1:30 p. m.

Mr. Speaker in the chair.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Ways and Means has had Senate Bill No. 20 under consideration, and begs leave to report favorably on the same, with the recommendation that it do pass.

Also, Senate Bill No. 21, and begs leave to report favorably on the same, with the recommendation that it do pass with the proposed attached amendment.

GEO. G. HUSSMAN, *Chairman.*

MOTIONS, RESOLUTIONS, AND NOTICES

On motion of Mr. Hussman, duly seconded and carried, all rules were suspended, and Senate Bills Nos. 20 and 21 were placed on file for third reading and final passage.

At this point Messrs. David and Groesbeck entered and were marked present.

Mr. Speaker requested Mr. Swallow to take the chair.

There being no objections, Mr. Speaker signed Assembly Bill No. 11.

GENERAL FILE AND THIRD READING

Senate Bill No. 20 was read the third time.

Remarks by Mr. David.

Roll call on Senate Bill No. 20:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Yeager—33.

NAYS—None.

Absent—Ellis, Maupin, and Tobler—3.

Not voting—Mr. Speaker.

Senate Bill No. 20 having received a constitutional majority, the chair declared it duly passed.

Senate Bill No. 21 was read the third time.

The following amendment was proposed by the Committee on Ways and Means: Amend section 1 of Senate Bill No. 21 by striking out the semicolon after the word "cents" in line 12, page 1 of the printed bill, and insert in lieu thereof a comma and the following: "five cents of which shall be allotted to the deficiency fund."

On motion of Mr. Hussman, duly seconded and carried, the amendment was adopted.

Remarks by Mr. Hussman.

Roll call on Senate Bill No. 21, as amended:

YEAS—Boak, Brennan, David, DeVotie, Duncan, Edwards, Ellis, Ernst, Fanatia, Fuss, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Hussman, Kennedy, Mackay, Marcotte, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tranter, Whitacre, Winter, and Yeager—34.

NAYS—None.

Absent—Maupin and Tobler—2.

Not voting—Mr. Speaker.

Senate Bill No. 21, as amended, having received a constitutional majority, the chair declared it duly passed.

Mr. Speaker resumed the chair.

There being no objections, Mr. Speaker signed Senate Bills Nos. 9, 25, 8, and 23, and Senate Joint Resolution No. 2.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to advise your honorable body that the Senate has this day refused to concur in the Assembly amendments to Senate Bill No. 7.

ADELE CLEMONS,
Assistant Secretary of the Senate.

On motion of Mr. Maupin, duly seconded and carried, the Assembly refused to recede from its amendments to Senate Bill No. 7, and the Speaker was authorized to appoint a conference committee to meet with a committee from the Senate.

Mr. Speaker appointed Messrs. Hamlin, Ernst, and Hussman as members of the conference committee.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 11 with the engrossed copy, finds the same correctly enrolled, and has this day delivered the same to the governor.

WALTER R. WHITACRE, *Chairman.*

Mr. David was granted leave to refer back to Order of Business No. 8.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. David was granted leave to introduce a resolution without previous notice.

By Mr. David:

Assembly Resolution No. 15, relative to the care of the Assembly Chamber after adjournment of the present Legislature.

WHEREAS, It is the desire and wish of the people of Carson City, as well as of the members of the present Assembly, that after adjournment of the present session of the Legislature that the Assembly Chamber and the furniture therein, including Legislator's desks and chairs, be left in order as indicative of the use and purpose of the Assembly Chamber, now, therefore, be it

Resolved by the Assembly of the State of Nevada, That after cleaning and renovating of the Assembly Chamber following the adjournment of the present session of the Legislature, the desks, chairs, and other furniture of the Assembly be put in place and order as near as may be after the order in which the same is now being used by the Assembly.

On motion of Mr. David, duly seconded and carried, the resolution was adopted.

On motion of Mr. Ellis, duly seconded and carried, the Assembly recessed at 2:15 p. m. subject to the call of the chair.

HOUSE IN SESSION

At 2:30 p. m.

Mr. Speaker in the chair.

Quorum present.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to advise your honorable body that the Senate

has this day appointed a conference committee consisting of Senators J. H. Miller, Scott, and Henderson to confer with a like committee from the Assembly on Senate Bill No. 7.

Also, to return to your honorable body Assembly Bill No. 20, which this day passed the Senate by the following vote: Yeas, 14; nays, none; absent, 3.

ADELE CLEMONS,
Assistant Secretary of the Senate.

On motion of Mr. David, duly seconded and carried, the Chief Clerk was authorized to strike out the word "the" in the amendment to Senate Bill No. 21, and insert in lieu thereof the article "a."

Mr. Speaker stated that the Assembly would be at ease subject to the call of the chair.

There being no objections, Mr. Speaker signed Assembly Bill No. 20.

HOUSE IN SESSION

At 3:25 p. m.

Mr. Speaker called the Assembly to order.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Enrollment has carefully compared Assembly Enrolled Bill No. 20 with the engrossed copy, finds the same correctly enrolled, and has this day delivered the same to the Governor.

WALTER R. WHITACRE, *Chairman.*

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to return to your honorable body Senate Bill No. 21 with the suggestion that the Assembly rescind its action, and change the history so as to show that "the" was changed to "a" in the original amendment.

ADELE CLEMONS,
Assistant Secretary of the Senate.

Mr. Speaker instructed the Chief Clerk to change the history in accordance with the suggestion of the Senate.

Mr. Speaker declared the Assembly at ease until the call of the chair.

HOUSE IN SESSION

At 4:05 p. m.

Mr. Speaker in the chair.

Quorum present.

There being no objections, Mr. Speaker signed Senate Bill No. 20.

Mr. Speaker declared a recess at 4:15 p. m. subject to the call of the chair.

HOUSE IN SESSION

Mr. Speaker called the Assembly to order at 4:20 p. m.

Quorum present.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Conference Committee begs leave to recommend that the Senate recede from its refusal to concur, and that it concur in substance to the amendments made to Senate Bill No. 7 by the Assembly, and that said amendments be adopted in the following form:

Section 1, page 1, line 2, after the word "Treasurer" insert the words "not otherwise herein authorized and directed to be deposited."

Page 1, lines 12 and 13, strike out words and figures "fifty (50%) per cent" and insert words and figures "one hundred per cent (100%)."

Page 1, line 13, strike out word "any" and insert the word "such."

Page 1, lines 17 and 18, strike out words "not to exceed two in number."

Page 2, line 1, strike out words and figures "one hundred (100%) per cent" and insert words and figures "two hundred per cent (200%)."

Following line 7 add a new section 2 to read as follows: "SEC. 2. All moneys accruing and to accrue to the State of Nevada from the several counties of the State for the regular annual tax levy for State purposes, commonly known as the State-County Settlement, may be deposited by the County Treasurers of the several counties of the State to the credit of the State on open account, subject to check without notice, in any State or National bank or banks, doing a general banking business within the county in which such moneys are collected. Any such sums of money so deposited shall be deemed to be in the State Treasury; *provided*, that the County Treasurer so depositing such moneys shall, immediately after the quota of moneys due from his county to the State shall have been collected, notify the State Treasurer of the sums so collected and deposited, with vouchers from such depository banks; and *provided further*, that the State Treasurer in withdrawing such moneys, shall withdraw the same as nearly as may be pro rata to the amounts deposited in such several depository banks: such deposits shall be made only with the written consent and approval of the State Board of Examiners; *provided*, that not more than one-fourth of the aggregate amount of said moneys available for deposit, and on deposit, shall be deposited in any one bank; and *provided further*, that no deposit in any one bank shall exceed in amount fifty per cent (50%) of the capital and surplus of any depository bank."

Page 2, line 8, change figure "2" to read figure "3."

Page 2, line 8, after word "Treasurer" insert the following: "and the County Treasurers operating under the provisions of section 2 of this Act."

Page 2, lines 8 and 9, strike out words "under the provisions of this Act."

Page 2, line 11, after the word "district" insert the words "or irrigation district."

Page 2, line 14, after the word "approved" insert the words "in writing."

Page 2, line 19, strike out the words "such deposits may also," and insert the words "or such deposits may."

Page 2, line 21, strike out the period following word "company," and insert a comma and the following words: "the premium on such bonds to be paid by the bank."

Page 3, line 3, after the word "Treasurer" insert a comma and the words "with the written approval of the State Board of Examiners."

Page 3, line 12, after the word "bank," substitute a comma for the period, and add the words "together with all costs of any court action."

Page 4, line 10, after the word "notice" substitute a semicolon for the period, and add the following words: "*provided*, no withdrawal of such deposit or deposits, except by Controller's warrant in the manner hereinafter set forth, shall be made by such Treasurer without the written consent of the State Board of Examiners."

Page 5, line 8, substitute the word "each" for the word "the" before words "depository bank."

Page 5, line 16, substitute the word "each" for the word "the" before words "depository bank."

Page 5, between lines 25 and 26, add a new section to read as follows: "SEC. 10. Every State or county officer or official who shall violate any of the provisions of this Act shall be guilty of malfeasance in office, and upon conviction thereof shall be punished by imprisonment for a term not exceeding fifteen years, or by a fine of not less than \$10,000, and not more than twice any amount misappropriated."

Amend numerals on sections 3, 4, 5, 6, 7, 8, 9, and 10 to read respectively 4, 5, 6, 7, 8, 9, 11, and 12.

J. H. MILLER,
A. S. HENDERSON,
A. L. SCOTT,

M. C. HAMLIN,
GEO. D. ERNST,
GEO. G. HUSSMAN.

On motion of Mr. Kennedy, duly seconded and carried, the report of the Conference Committee was adopted.

MESSAGES FROM THE SENATE

To the Honorable the Assembly:

I have the honor herewith to advise your honorable body that the Senate has this day concurred in the Assembly amendments to Senate Bill No. 21.

Also, that the Senate has this day adopted the report of the Conference Committee on Senate Bill No. 7.

ADELE CLEMONS,

Assistant Secretary of the Senate.

On motion of Mr. David, Mr. Speaker appointed a committee consisting of Messrs. David, Fanatia, and Edwards to wait upon the Governor and ascertain whether his Excellency had any message that he wished to deliver to the Special Session of the Legislature.

On motion of Mr. David, Mr. Speaker appointed a committee consisting of Messrs. Patterson, Mackay, and Stack to notify the Senate that the Assembly was about to adjourn.

On motion of Mr. David, duly seconded and carried, the Assembly declared a recess at 5:05 p. m. until 7 p. m.

HOUSE IN SESSION

Assembly called to order at 7 p. m.

Mr. Speaker in the chair.

Quorum present.

REPORTS OF COMMITTEES

Mr. David reported that the committee appointed to wait upon the Governor had performed its duties, and stated that the Governor had no further business to bring before the Legislature.

Mr. Patterson reported that the committee appointed to notify the Senate that the Assembly was about to adjourn, had done so.

Mr. Speaker stated that the Assembly would resolve itself into a Committee of the Whole to hear a few remarks from Judge Sanders.

Mr. Speaker asked Mr. Tranter to act as Chairman of the Committee of the Whole.

On motion of Mr. Guthrie, duly seconded and carried, the Committee rose and tendered thanks to Judge Sanders.

Mr. Speaker declared a recess at 7:17 p. m. subject to the call of the chair.

HOUSE IN SESSION

At 7:25 p. m.

Mr. Speaker in the chair.

Quorum present.

There being no objections, Mr. Speaker signed Senate Bill No. 7.

The Sergeant-at-Arms announced a committee from the Senate.

Senator J. H. Miller, chairman of the committee from the Senate, informed the Assembly that the Senate had completed its business and was ready to adjourn.

On motion of Mr. David, duly seconded and carried, the Special Session of the Legislature of the State of Nevada adjourned *sine die* at 7:45 p. m., February 4, 1928.

Approved:

DOUG. H. TANDY,
Speaker of the Assembly,

Attest: JOHN W. WRIGHT,
Chief Clerk of the Assembly.

PERSONNEL OF NEVADA ASSEMBLY

Special Session, 1928

MEMBERS

HON. DOUG. H. TANDY, *Speaker*; HON. J. D. YEAGER, *Speaker pro tem.*

<i>Name</i>	<i>County</i>	<i>P. O. Address</i>
Ernst, Geo. D.	Churchill	Fallon
Maupin, W. Edgar	Churchill	Fallon
Fanatia, Thos. D.	Clark	Las Vegas
Tobler, Harmon C.	Clark	Las Vegas
Hussman, George G.	Douglas	Gardnerville
Brennan, Thomas A.	Elko	Elko
Duncan, Wm.	Elko	Elko
Patterson, Webster	Elko	Lamoille
Winter, Frank H.	Elko	Jarbidge
DeVotie, Harry M.	Esmeralda	Goldfield
Geach, Roy	Esmeralda	Goldfield
Marcotte, Joseph	Esmeralda	Goldfield
Swick, W. J.	Eureka	Eureka
Guthrie, Chas. W.	Humboldt	Winnemucca
Mackay, C. D.	Humboldt	Winnemucca
Tandy, Doug. H.	Lander	Austin
Edwards, W. H.	Lincoln	Panaca
Whitaere, Walter R.	Lyon	Yerington
Yeager, J. D.	Lyon	Yerington
Hamlin, M. C.	Mineral	Hawthorne
Boak, C. C.	Nye	Tonopah
McGuire, Ethel	Nye	Tonopah
Murphy, Ambrose M.	Nye	Tonopah
Robb, Geo. W.	Nye	Tonopah
Ellis, W. W.	Ormsby	Carson City
Fuss, Frank H.	Pershing	Lovelock
Stack, William J.	Storey	Virginia City
David, William M.	Washoe	746 Ralston Street, Reno
Groesbeck, P. E.	Washoe	Colonial Apartments, Reno
Hart, Earle W.	Washoe	118 Island Street, Reno
Kennedy, Walter M.	Washoe	310 Mill Street, Reno
Tranter, Geo. F.	Washoe	345 Elm Street, Reno
Hall, G. W.	Washoe	Sparks
Neeley, W. J.	Washoe	Wadsworth
McGill, Neil	White Pine	Ely
Proctor, A. J.	White Pine	Kimberly
Swallow, R. T.	White Pine	Shoshone

INDEX TO ASSEMBLY JOURNAL

(SPECIAL SESSION, 1928)

INDEX TO ASSEMBLY JOURNAL

Special Session, 1928

A

ADJOURNMENT—

Sine die, 107.

Adjustment, Release or Compromise. See *Compromise, Adjustment or Release*.

ATTACHES—

Resolution concerning, 2.

List of names of, 15.

BANKS AND BANKING—

Report of Committee on, 56, 64, 91, 98.

BILLS—

Introduction of, without unanimous consent, 93.

B

BOAK, C. C., NYE—

Answered to name, 1.

Introduced bills or resolutions, 49, 62.

BRENNAN, THOMAS, ELKO—

Answered to name, 1.

Appointed on committee, 32.

C

CARSON VALLEY BANK—

See *Compromise, Adjustment or Release*.

CHAPLAINS—

Clergy of Carson City, 2, 3.

CLAIMS—

Committee on, offers resolutions, 92.

COMMITTEE OF THE WHOLE—

Reports of, 33, 35, 36, 50, 70, 86, 98.

COMMITTEES, STANDING—

Resolution concerning, 2.

COMMUNICATIONS—

From Universal Products Corporation, 19.

From A. G. Meyers, 40.

From Underwood Typewriter Co., 64.

From Secretary of State, 60, 66.

COMPROMISE, ADJUSTMENT OR RELEASE—

Resolutions concerning, 23, 24.

Made special orders, 23, 24.

Action upon, 30.

Adoption of resolution by Senate, 31.

Committee appointed, 32.

Reports of committee, 35, 36, 37.

Reports of chairman of committee, 40, 41, 49.

Action on Senate Bill No. 11, 53, 56.

Report of committee on, 64.

Made special order, 65, 70, 71, 72-75.

Ruling of Attorney-General, 68, 69.

Senate message concerning, 78.

Final references, 82, 83, 86.

CONFERENCE COMMITTEES—

Appointment of, 103.
Reports of, 104, 105.

CORPORATIONS AND RAILROADS—

Report of Committee on, 41, 44, 53, 57, 81, 96.

COUNTIES AND COUNTY BOUNDARIES—

Report of Committee on, 55.

D

DAVID, W. M., WASHOE—

Answered to name, 1.
Appointed on committee, 106.
Introduced bills or resolutions, 2, 77, 88, 103.

DEVOTIE, HARRY M., ESMERALDA—

Answered to name, 1.
Appointed on committee, 3.
Introduced bills or resolutions, 19.

DISKIN, M. A.—

Correspondence of, 11, 12, 13, 68, 69.

DUNCAN, WM., ELKO—

Answered to name, 1.
Appointed on committee, 47.

DURKEE, S. C.—

Addressed Committee of the Whole, 33.

E

EDWARDS, W. H., LINCOLN—

Answered to name, 1.
Appointed on committee, 106.

ELLIS, W. W., ORMSBY—

Answered to name, 1.
Appointed on committees, 2, 3, 33.
Introduced bills or resolutions, 31, 81.

ENGROSSMENT—

Reports of Committee on, 28, 37, 40, 52, 57, 66, 69, 76, 87, 99.

ENROLLMENT—

Report of Committee on, 42, 52, 69, 77, 87, 101, 103, 104.

ERNST, GEO. D., CHURCHILL—

Answered to name, 1.
Appointed on committees, 3, 103.

F

FANATIA, THOS. D., CLARK—

Answered to name, 1.
Appointed on committee, 106.

FEDERAL RELATIONS—

Report of Committee on, 85.

FISH AND GAME—

Report of Committee on, 92.

FUSS, FRANK H., PERSHING—
 Answered to name, 1.
 Appointed on committee, 4.
 Introduced bills or resolutions, 16.

G

GEACH, ROY, ESMERALDA—
 Answered to name, 1.
 Introduced bills or resolutions, 34, 59, 82.

GOVERNOR—
 Messages from, 4, 24-26, 44, 45, 71, 72, 82, 83, 87, 88.

GREATHOUSE, W. G.—
 Communications from, 60, 66.
 Communications to, 60, 61.

GROESBECK, P. E., WASHOE—
 Answered to name, 1.

GUTHRIE, CHARLES W., HUMBOLDT—
 Answered to name, 1.
 Appointed on committee, 47.

H

HALL, G. W., WASHOE—
 Answered to name, 1.
 Introduced bills or resolutions, 31.

HAMLIN, M. C., MINERAL—
 Answered to name, 1.
 Appointed on committees, 3, 32, 103.
 Introduced bills or resolutions, 19, 23, 58.

HART, EARLE W., WASHOE—
 Answered to name, 1.
 Appointed on committee, 4.
 Introduced bills or resolutions, 2.

HARVEY, REV. J. L.—
 Acted as Chaplain, 16, 40, 68, 98.

HERSEY, REV. M. J.—
 Acted as Chaplain, 1, 28, 49, 76.

HOOD & STRONG—
 Report of, ordered printed, 16.

HUSSMAN, GEORGE G., DOUGLAS—
 Answered to name, 1.
 Appointed on committee, 103.
 Introduced bills or resolutions, 1, 38, 59, 65, 84.

I

IRRIGATION—
 Reports of Committee on, 18, 20.

J

JOINT SESSION—
 To hear Governor's Message read, 4.

JUDICIARY COMMITTEE—
 Reports of, 41, 62, 81.

K

- KENNEDY, WALTER M., WASHOE—
 Answered to name, 1.
 Introduced bills or resolutions, 2, 45.

M

- MACKAY, C. D., HUMBOLDT—
 Answered to name, 1.
 Appointed on committee, 106.
- MARCOTTE, JOSEPH, ESMERALDA—
 Answered to name, 1.
- MAUPIN, W. EDGAR, CHURCHILL—
 Answered to name, 1.
 Appointed on committee, 3.
 Introduced bills or resolutions, 2, 31.
- McGILL, NEIL, WHITE PINE—
 Answered to name, 16.
- McGUIRE ETHEL, NYE—
 Answered to name, 1.
 Appointed on committees, 3, 32.
- MESSAGES—
 From Governor, 4, 24-26, 44, 45, 71, 72, 82, 83, 87, 88.
 From Senate, 17, 20, 31, 33, 40, 42, 45, 52, 57, 58, 61, 66, 67, 71, 75, 78, 80,
 81, 86, 87, 90, 94, 101, 103, 104, 106.
- MILEAGE—
 Committee on, notified by Speaker, 2.
 Reports of Committee on, 28, 29, 30, 64.
- MILITARY AND INDIAN AFFAIRS—
 Reports of Committee on, 37, 66.
- MURPHY, AMBROSE M., NYE—
 Answered to name, 1.
 Appointed on committee, 4.
 Introduced bills or resolutions, 23.
- MURPHY, REV. D. B.—
 Acted as Chaplain, 22, 35, 55, 85.

N

- NEELEY, W. J., WASHOE—
 Answered to name, 1.
 Introduced bills or resolutions, 45, 47.

O

- ORMSBY DELEGATION—
 Requested to provide Chaplains, 2.
 Report of, 3.

P

- PATTERSON, WEBSTER, ELKO—
 Answered to name, 1.
 Appointed on committees, 4, 106.
- PRESS TABLE—
 Seats assigned, 3.
- PROCTOR, A. J., WHITE PINE—
 Answered to name, 1.
 Introduced bills or resolutions, 14.

R

RELEASE, ADJUSTMENT OR COMPROMISE—

See Compromise, Adjustment or Release.

ROADS AND HIGHWAYS—

Reports of committee on, 17, 18, 32, 55, 61, 64, 66, 81.

ROBB, GEO. W., NYE—

Answered to name, 1.

RUSSELL, GEO. B.—

Correspondence of, 10, 11, 12.

RULES—

Of previous session adopted, 3.

Change effected in Rule No. 65, 58.

SANDERS, J. A.—

Addressed Committee of the Whole, 106.

S

SENATE—

Messages from, 17, 20, 31, 33, 40, 42, 45, 52, 57, 58, 61, 66, 67, 71, 75, 78, 80,
81, 86, 87, 90, 94, 101, 103, 104, 106.

STACK, WILLIAM J., STOREY—

Answered to name, 1.

Appointed on committee, 106.

SPECIAL COMMITTEES—

Reports of, 3, 4, 62, 63.

SPECIAL ORDERS—

Action concerning, 19, 23, 24, 65, 70, 71, 72-75, 95.

STANDING COMMITTEES—

Resolution concerning, 2.

SUPERINTENDENT OF STATE PRINTING—

Ordered to print list of Standing Committees, 3.

Ordered to print report of Hood & Strong, 16.

SWALLOW, R. T., WHITE PINE—

Answered to name, 1.

Appointed on committee, 3.

SWICK, W. J., EUREKA—

Answered to name, 1.

T

TANDY, D. H., LANDER—

Answered to name, 1.

Reelected Speaker, 1.

TOBLER, HARMON C., CLARK—

Answered to name, 1.

TRANTER, GEO. F., WASHOE—

Answered to name, 1.

Appointed on committee, 3.

V

VETO MESSAGES—

Communication concerning, 60, 61, 66.

W

WASHOE DELEGATION—

Reports of, 19, 69.

Introduced bills or resolutions, 15.

WAYS AND MEANS—

Reports of Committee on, 32, 37, 44, 49, 57, 66, 70, 71, 76, 81, 85, 91, 102.

WHITACRE, WALTER R., LYON—

Answered to name, 1.

Appointed on committee, 3.

WINGFIELD, GEO. W.—

Communication from, 9, 10.

WHITE, J. H.—

Message from Governor read by, 4.

WHITE PINE DELEGATION—

Introduced bills or resolutions, 14, 93.

WILLIS, REV. P. H.—

Acted as Chaplain, 19, 44, 64, 92.

WINTER, FRANK H., ELKO—

Answered to name, 1.

Introduced bills or resolutions, 31, 55.

Y

YEAGER, J. D., LYON—

Answered to name, 1.

Reelected Speaker pro tem, 1.

Appointed on committees, 4, 32, 47.