

JOURNAL

OF THE

Assembly of the State of Nevada

SPECIAL SESSION OF 1926

THE FIRST DAY

CARSON CITY (Saturday), December 4, 1926.

Pursuant to proclamation issued by the Governor on the 22d day of November, 1926, the Assembly was called to order by Secretary of State W. G. Greathouse, at 10 a. m.

Prayer by Father Murphy.

On motion of Mr. David, duly seconded by Mr. Yeager, Mr. Hussman was nominated as temporary Chairman.

There being no further nominations, on motion of Mr. Yeager, duly seconded, nominations were closed and Mr. Hussman declared elected by acclamation.

Messrs. Yeager and Fanatia were appointed a committee to escort Mr. Hussman to the chair.

On motion of Mr. Tandy, duly seconded, Mr. Whitacre was nominated as temporary Chief Clerk.

Motion unanimously carried.

On motion of Mr. Yeager, duly seconded, Mr. Maupin was nominated as temporary Sergeant-at-Arms.

Motion unanimously carried.

On motion of Mr. Yeager, duly seconded, Miss Littlefield was nominated as temporary Minute and Journal Clerk.

Motion unanimously carried.

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, McGill, McGuire, Murphy, Neeley, Patterson, Proctor, Robb, Stack, Swallow, Swick, Tandy, Tobler, Tranter, Whitacre, and Yeager.

Absent—Winter.

On motion of Mr. Yeager, duly seconded by Mr. David, a Committee on Credentials consisting of three members was appointed by the Chairman.

Messrs. Patterson, Hart, and Guthrie were appointed on such committee.

Motion was made and seconded that the Assembly take a recess until 10:15 a. m.

Motion carried, and recess taken.

HOUSE IN SESSION

At 10:15 a. m.

Roll called.

Present—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, Tandy, Tobler, Tranter, Whitacre, and Yeager.

Absent—Winter.

REPORT OF CREDENTIALS COMMITTEE

Mr. Chairman:

Your Committee on Credentials has examined the credentials of the members, and finds the following present and entitled to seats in this Assembly: 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, Tandy, Tobler, Tranter, Whitacre, Yeager, and Winter, the latter qualified, but absent temporarily.

WEBSTER PATTERSON, *Chairman.*

On motion of Mr. Yeager, duly seconded, the report of the committee was accepted and the same approved, and committee discharged with thanks.

On motion of Mr. David, duly seconded and carried, a committee of four, consisting of Messrs. Kennedy, Swallow, Swick, and Tobler, was appointed to wait upon one of the Supreme Court Justices and invite him to administer the oath of office to the members of the Assembly.

Justice Ducker appeared and administered the oath of office. Oath was taken and subscribed by the members of the Assembly.

Moved, seconded, and carried that a vote of thanks be extended to Justice Ducker.

Justice Ducker administered the oath of office to the attachés. Oath was taken and subscribed by attachés.

The Chairman stated that nominations for Speaker were now in order.

Upon motion of Mr. Tandy, duly seconded, Mr. Hussman was nominated as Speaker for the Special Session.

Upon motion of Mr. Yeager, duly seconded and carried, the temporary Chairman was made permanent Speaker of the House during the Special Session.

MOTIONS, RESOLUTIONS, AND NOTICES

By Mr. David:

Assembly Resolution No. 1:

Resolved by the Assembly of the State of Nevada, That the attachés of this Special Session be as follows: Walter Whitacre, Chief Clerk; Edgar Maupin,

Sergeant-at-Arms; Muriel Littlefield, Minute and Journal Clerk, and the foregoing constitute the attachés for this Special Session.

Mr. David moved the adoption of said resolution.
Carried.

Motion by Mr. Fanatia, duly seconded, that the rules of the 1925 Legislature be adopted for this Special Session.

Motion unanimously carried.

Mr. Neeley moved, duly seconded, that a committee of three be appointed to notify the Governor that the Assembly was in regular session, and ready to receive any communication that he might wish to deliver.

Motion carried.

The Speaker appointed Messrs. Neeley, Proctor, and Hall to act on such committee.

Mr. Tranter moved, duly seconded, that a committee be appointed to notify the Senate that the Assembly was in regular session, and ready to receive any communication that the Senate might wish to deliver.

Motion carried.

The Speaker appointed Messrs. Tranter, Duncan, and Patterson to act on such committee.

Mr. David moved, duly seconded, that a committee of five be appointed on mileage.

Motion carried.

The Speaker appointed Messrs. David, Geach, Edwards, McGill, and Murphy.

Mr. David moved, duly seconded, that a committee of five be appointed on engrossing.

Motion carried.

The Speaker appointed Messrs. DeVotie, Ellis, Groesbeck, Marcotte, and Swick.

Mr. Neeley, chairman of the committee to notify the Governor, reported that the committee had performed its duty, and that the Governor had announced that he had a message for the joint session.

Mr. David moved, duly seconded, that a committee of six be appointed on enrollment.

Motion carried.

The Speaker appointed Messrs. Boak, Fuss, McGill, Ernst, Mackay, and Mrs. McGuire to act on such committee.

Mr. Tandy moved, duly seconded, that a committee be appointed to invite the Senate to meet with the Assembly in joint session for the reading of the Governor's message.

Motion carried.

The Speaker appointed Messrs. Robb, Tobler, and Boak.

Moved by Mr. Yeager, duly seconded, that a recess be declared subject to call of the Chair.

Carried.

HOUSE IN SESSION

At 11:30 a. m.

Mr. Speaker in the chair.

Roll called.

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

Absent—Boak, Robb, Tobler, Winter, and Yeager.

Mr. David moved, duly seconded, that Assembly recess until 1:30 p. m.

Carried.

HOUSE IN SESSION

At 1:30 p. m.

Mr. Speaker in the chair.

Roll called.

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

Absent—Winter.

REPORTS OF COMMITTEES

Mr. Speaker:

Your Committee on Mileage begs leave to submit the following report:

<i>Churchill County</i>		
Geo. D. Ernst.....	182 miles	\$18.20
Edgar W. Maupin.....	182 miles	18.20
<i>Clark County</i>		
Thos. D. Fanatia.....	2148 miles	214.80
Harmon C. Tobler.....	2318 miles	231.80
<i>Douglas County</i>		
George G. Hussman.....	34 miles	3.40
<i>Elko County</i>		
Thomas Brennan.....	688 miles	68.80
Wm. Duncan.....	688 miles	68.80
Webster Patterson.....	738 miles	73.80
Frank Winter.....	1138 miles	113.80
<i>Esmeralda County</i>		
Harry M. DeVotie.....	630 miles	63.00
Roy Geach.....	630 miles	63.00
Joseph Marcotte.....	630 miles	63.00
<i>Eureka County</i>		
W. J. Swick.....	798 miles	79.80
<i>Humboldt County</i>		
Chas. W. Guthrie.....	408 miles	40.80
C. D. Mackay.....	408 miles	40.80
<i>Lander County</i>		
Doug H. Tandy.....	712 miles	71.20
<i>Lincoln County</i>		
W. H. Edwards.....	1940 miles	194.00

<i>Lyon County</i>		
Walter R. Whitacre.....	254 miles	\$25.40
J. D. Yeager.....	110 miles	11.00
<i>Mineral County</i>		
M. C. Hamlin.....	410 miles	41.00
<i>Nye County</i>		
C. C. Boak.....	570 miles	57.00
Ethel McGuire.....	570 miles	57.00
Ambrose M. Murphy.....	570 miles	57.00
Geo. W. Robb.....	570 miles	57.00
<i>Ormsby County</i>		
W. W. Ellis.....	2 miles	.20
<i>Pershing County</i>		
Frank H. Fuss.....	264 miles	26.40
<i>Storey County</i>		
William J. Stack.....	42 miles	4.20
<i>Washoe County</i>		
W. M. David.....	62 miles	6.20
P. E. Groesbeck.....	62 miles	6.20
Earle W. Hart.....	62 miles	6.20
Walter M. Kennedy.....	62 miles	6.20
Geo. F. Tranter.....	62 miles	6.20
G. W. Hall.....	68 miles	6.80
W. J. Neeley.....	132 miles	13.20
<i>White Pine County</i>		
Neil McGill.....	1144 miles	114.40
A. J. Proctor.....	1162 miles	116.20
R. T. Swallow.....	1194 miles	119.40

W. M. DAVID, *Chairman.*

Mr. Yeager moved, duly seconded, that Assembly take a recess until 2:30 p. m.

Mr. Maupin offered an amendment to the above motion to recess subject to the call of the Chair.

Roll call on amendment.

YEAS—Brennan, David, Duncan, Edwards, Ellis, Ernst, Fuss, Maupin, Proctor, Robb, Stack, Swick, and Tandy—13.

NAYS—Boak, DeVotie, Fanatia, Geach, Groesbeck, Guthrie, Hall, Hamlin, Hart, Kennedy, Mackay, Marcotte, McGill, McGuire, Murphy, Neeley, Patterson, Swallow, Tobler, Tranter, Whitacre, and Yeager—22.

Absent—Winter.

Not voting—Mr. Speaker.

Amendment lost.

Original motion carried, and recess taken until 2:30 p. m.

HOUSE IN SESSION

At 2:30 p. m.

Mr. Speaker in the chair.

Roll called.

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

Absent—Winter.

On motion of Mr. David, duly seconded and carried, a recess was taken until 4 p. m.

HOUSE IN SESSION

At 4 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

Mr. David moved, seconded by Mr. Yeager, that the Assembly adjourn until 1 p. m. Sunday, December 5, 1926.

Carried.

The Assembly adjourned at 4:10 p. m.

Approved: GEO. G. HUSSMAN,
Speaker of the Assembly.

By W. W. ELLIS,
Member Ormsby County Delegation,
(Duly Authorized)

Attest: WALTER R. WHITACRE,
Chief Clerk of the Assembly.

By W. W. ELLIS,
Member Ormsby County Delegation.
(Duly Authorized)

THE SECOND DAY

CARSON CITY (Sunday), December 5, 1926.

House called to order at 1 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

Prayer by Rev. Edwards.

Upon motion of Mr. David, duly seconded by Mr. Tandy, the reading of the Journal was dispensed with, and the Clerk authorized to make any necessary corrections.

REPORTS OF COMMITTEES

Mr. David moved, duly seconded, that Mr. Frank Winter's name be inserted in the mileage committee report.

Carried.

Mr. Yeager moved, duly seconded, that the report of the Committee on Mileage be accepted, as amended, and committee discharged with thanks.

Carried.

On motion of Mr. Yeager, duly seconded, a recess was taken subject to the call of the Chair.

HOUSE IN SESSION

At 1:15 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

A committee from the Senate arrived to notify the Assembly that the Senate was now in session and ready to receive any message that the Assembly desired to send.

Mr. Robb, chairman of the committee to invite the Senate to meet in joint session with the Assembly reported that the committee had performed its duty, and that the Senate would meet with the Assembly in about five minutes.

The Senate arrived.

The Speaker welcomed the Senate and invited them to take their places with their respective delegations.

IN JOINT SESSION

At 1:20 p. m. the Legislature convened in joint session, with President Sullivan of the Senate presiding.

On motion of Mr. David, duly seconded and carried, Mrs. McGuire, and Messrs. David and Henderson were appointed as a committee to invite the Governor to address the joint session.

The Governor, escorted by the committee arrived, and read his message, as follows:

To the Honorable, the Senate and the Assembly:

You have been called in Extraordinary Session by Executive Proclamation dated November 22, 1926, and issued pursuant to section 9, article 5, of the Constitution (Rev. Laws, 302).

As a statement to both of your houses, when organized, of the purpose for which you have been convened, I herewith incorporate the text of the call as follows:

WHEREAS, An extraordinary occasion and exigency exists for the transaction by the Legislature, in Special Session, of legislative business, to wit:

Legislation, general in nature, to permit counties and cities to deed real and other property to persons, corporations and associations, or to otherwise assist public and semipublic enterprises for the general welfare of their respective communities, more generally and more expeditiously than now permitted by law, and such other legislation and legislative action necessary and proper to carry out the foregoing-named purposes so far as the Constitution may admit, and including, if desired, the initiation of such constitutional amendments on the said subject matter as may seem proper.

The existing emergency consists of the urgent need of Clark County, Nevada, to deed without delay certain lands which it holds, so as to secure for the people thereof the advantage of a large hotel enterprise depending on the speedy granting of such deed.

Now, therefore, I, J. G. Scrugham, Governor of Nevada, by virtue of the Constitution and laws of Nevada, do by this proclamation convoke the Legislature of the State of Nevada to convene in Special Session at the Seat of Government on the fourth day of December, one thousand, nine hundred and twenty-six, at 10 o'clock a. m., for the transaction of said business solely, and such similar business as may be submitted within the authority limited by the Constitution.

On behalf of the people of Clark County, and Nevada generally, I thank you for your attendance and the general spirit which you have shown.

I trust you may dispose of the business in hand with speed and harmony.

Respectfully submitted,

J. G. SCRUGHAM, *Governor.*

Upon motion of Senator Henderson, duly seconded and carried, a vote of thanks was extended to Governor Scrugham.

Senator Henderson moved, duly seconded, that the joint session be dissolved.

Carried.

HOUSE IN SESSION

At 1:45 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

Upon motion of Mr. David, duly seconded and carried, a recess was taken, subject to the call of the Chair.

HOUSE IN SESSION

At 3 p. m.

Mr. Speaker in the chair.

Roll called.

All 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 Bills Nos. 1, 2, and 3, which this day passed the Senate by the following vote: Yeas, 15; nays, none; absent, 2.

VIVIAN RICKEY,
Secretary of the Senate.

MOTIONS, RESOLUTIONS, AND NOTICES

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

INTRODUCTION AND FIRST READING

Senate Bill No. 1.

On motion of Mr. David, 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.

Senate Bill No. 2.

On motion of Mr. Fanatia, 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.

Senate Bill No. 3.

On motion of Mr. Fanatia, 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.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. David moved, duly seconded, that the Assembly resolve itself into a Committee of the Whole to consider Senate Bills Nos. 1, 2, and 3. Carried.

Thereafter the Assembly met in Committee of the Whole.

Thereafter the Assembly reconvened in regular session.

Mr. Speaker in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE

Mr. Speaker:

Your Committee of the Whole has had Senate Bills Nos. 1, 2, and 3 under consideration, and begs leave to report favorably on the same, with the recommendation that they do pass.

W. M. DAVID, *Chairman.*

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

Mr. David proposed the following amendment to Senate Bill No. 1: "That wherever the words three thousand dollars occur amend to read three thousand five hundred dollars."

Amendment carried.

Senate Bill No. 2.

Remarks by Mr. Fanatia.

Roll call on Senate Bill No. 2:

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

NAYS—None.

Senate Bill No. 2 having received a constitutional majority, was declared passed.

Senate Bill No. 3.

Roll call on Senate Bill No. 3:

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

NAYS—None.

Senate Bill No. 3 having received a constitutional majority, was declared passed.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. David moved, duly seconded, that the actions heretofore had by the Assembly with reference to Senate Bill No. 1 be rescinded, and that this Assembly resolve itself into a Committee of the Whole for the purpose of clearing up this bill.

Carried.

The Assembly thereafter resolved itself into a Committee of the Whole.

The Assembly thereafter reconvened in regular session.
Speaker Hussman in the chair.

REPORT OF THE COMMITTEE OF THE WHOLE

Your Committee of the Whole has had Senate Bill No. 1, with amendment as follows: "That wherever the words three thousand dollars occur amend to read three thousand five hundred dollars," under consideration, and begs leave to report favorably on the same, as amended, with the recommendation that it do pass.

W. M. DAVID, *Chairman*.

Amendment adopted.

GENERAL FILE AND THIRD READING

Senate Bill No. 1.

The Secretary read the bill in full, as amended.

Roll call on Senate Bill No. 1:

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

NAYS—None.

Senate Bill No. 1 having received a constitutional majority, was declared passed.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. Maupin offered the following resolution and moved its adoption:

Resolved, That the attachés of the Assembly be allowed a per diem, to be certified by the Speaker and Chief Clerk of this Special Session.

Carried.

Mr. David offered the following resolution and moved its adoption:

Resolved by this Assembly, That the amounts certified by the Committee on Mileage be certified to the Controller, for payment, by the Speaker and Chief Clerk of this Session.

Carried.

Mr. Fanatia moved that a vote of thanks be offered on behalf of the people of Las Vegas and Clark County for the vote received on Senate Bills Nos. 2 and 3.

Motion carried by Clark County Delegation.

On motion of Mr. Ellis, duly seconded, a recess was taken at 5:15 p. m., subject to the call of the Chair.

HOUSE IN SESSION

At 5:30 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. David moved, duly seconded, that a committee of three be appointed to wait upon the Governor and notify him that the Assembly had completed its labors, and to ask him if he had any other matter to bring before the Assembly.

Carried.

The Speaker appointed the following committee: Messrs. Fanatia, Swallow, and Fuss.

Mr. David moved, duly seconded, that a committee of three be appointed to notify the Senate that the Assembly had completed its labors and was ready to adjourn.

Carried.

The Speaker appointed the following committee: Messrs. Proctor, Duncan, and Ernst.

Mr. Yeager moved that a vote of thanks be extended to Speaker Hussman for his labors here.

Carried.

MESSAGES FROM THE SENATE

To the Honorable, the Assembly:

I have the honor to notify you that the Senate has this day concurred in your amendment to Senate Bill No. 1.

VIVIAN RICKEY,
Secretary of the Senate.

Moved by Mr. David, that thanks be extended Messrs. Maupin and Whitacre for labors during this Special Session.

Carried.

On motion of Mr. Ellis, duly seconded and carried, a recess was taken at 5:45 p. m. subject to the call of the Chair.

HOUSE IN SESSION

At 6 p. m.

Mr. Speaker in the chair.

Roll called.

All present.

MESSAGES FROM THE SENATE

A committee from the Senate informed the Assembly that the Senate had completed its labors and was about to adjourn *sine die*.

MOTIONS, RESOLUTIONS, AND NOTICES

Mr. David moved, duly seconded and carried, that the Ormsby County Delegation be empowered to sign the minutes of this Special Session and correct any inaccuracies in them.

The committee appointed to advise the Senate that the Assembly had completed its labors and was about to adjourn, retired.

Committee returned and stated that they had delivered the message to the Senate.

MESSAGES FROM THE GOVERNOR

To the Speaker and Members of the Assembly:

The Governor has no more business to put before the Assembly before it adjourns, and wishes to convey a vote of thanks and appreciation to the Assembly for the work they have done during this short session.

Respectfully submitted,

JAS. G. SCRUGHAM, *Governor of Nevada.*

Mr. David moved that the Assembly adjourn *sine die*.

Motion duly seconded and carried.

Adjournment at 6 p. m.

Approved: GEO. G. HUSSMAN,
Speaker of the Assembly.

By W. W. ELLIS,
Member Ormsby County Delegation.
(Duly Authorized)

Attest: WALTER R. WHITACRE,
Chief Clerk of the Assembly.

By W. W. ELLIS,
Member Ormsby County Delegation.
(Duly Authorized)