

practice and shall receive a salary of \$5,000 per year. The equivocal or contingent provision is that in addition to such salary he shall be entitled to living quarters, household provisions, supplies, facilities and accommodations as are available at the hospital.

The living quarters of the Superintendent at the hospital were destroyed by fire. If there are no living quarters available for the Superintendent at the hospital, then the hospital boards has authority under the circumstances to furnish living quarters for the Superintendent outside the hospital, and this would be a proper charge against general support.

The definite purpose, as expressed by the Legislature is that the Superintendent shall live at the hospital, and the exception under the circumstances cannot be extended to authorize the hospital board to acquire permanent housing accommodations outside the hospital or increase the compensation of the Superintendent to maintain, as suggested, a level of household commensurate with his position.

The answer to your third question is in the negative.

State buildings are covered by blanket or group insurance, the premiums on which are paid by the State from appropriations for that purpose. The loss, if any, is paid to the State and placed to the credit of the General Fund.

Respecting the general problem of fire hazards and other purposes of construction, sufficient money may be obtained from the appropriation to be expended by the Board of Hospital Commissioners under chapter 125, Statutes of 1945, which made available \$25,000 for use in making repairs to buildings and replacing equipment at the hospital. In this connection, see our letter to you of July 3, 1946, dealing with the various sources which can be used for this purpose.

As you know, the Legislature will convene within a few months and matters which are not specifically provided in the statute, and pay desirable changes in the administration of the hospital should be presented to the Legislature for consideration and appropriate action.

Answer to your fourth question has been delayed pending receipt of further information as requested by our letter to you of today.

Very truly yours,

ALAN BIBLE, Attorney General

By: George P. Annand, Deputy Attorney General

**OPINION NO. 46-375. Elections—Secretary of State Authorized to Give Final Certifications for Nominations for General Election as of the Final Date of October 21, 1946.**

Carson City, October 4, 1946

HONORABLE MALCOLM McEACHIN, *Secretary of State, Carson City, Nevada.*

DEAR MR. McEACHIN: This will acknowledge receipt of your letter of October 3, received in t his office on the same date, respecting an opinion from this office under date of September 27, 1946.

Our opinion of September 27 specifically answered your question to the effect that nonpartisan nomination petitions to fill the vacancy on the Supreme Court of this State caused by the death of Judge Ducker could be filed if presented to you at any time 15 days before the November election. You obviously could not make a final certification of all the candidates until that day had passed. We so held then and so hold now. Likewise, your letter of October 1, 1946, to the County Clerk was entirely correct.

Honorable Elwood Beemer, County Clerk of Washoe County, now makes the suggestion that it might be possible to have a certification by you of all names now filed, with the understanding that the certification will not become final until October 21, 1946. Mr. Beemer has stated that this would enable the printers to get their type and forms all set and ready before October 21, in order that immediately after the deadline the printing could begin. If the printers are able to set up their ballots or poll books in such a manner as to leave a space for the possible inclusion of another candidate for the Supreme Court, we can see no legal objection whatsoever against proceeding in this manner. In short, the law outlined in our letter of September 27, 1946,

reaffirmed in your letter of October 1, 1946, is still absolutely correct and there is nothing in there which will in the slightest prevent you from cooperating with the County Clerks by sending them the certificates of nomination for the general election, with the express understanding that they will not be final until October 21, 1946.

If you so desire we see no reason at all why you cannot cooperate in this manner. We believe that if you will mail a copy of this opinion to each of the County Clerks that it will be of material assistance to them and that it will likewise very definitely conform with the former opinions both of this office and your office.

Very truly yours,  
ALAN BIBLE, Attorney General

**OPINION NO. 46-376. Elections—Hospital Trustees Are Nonpartisan Officers—  
Names Placed on Ballot Under Election Law Relating to Nonpartisan Offices.**

Carson City, October 7, 1946

HON. E.E. WINTERS, *District Attorney, Churchill County, Fallon, Nevada.*

DEAR JUDGE WINTERS: This will acknowledge receipt of your letter dated October 2, 1946, received in this office October 3, 1946

You state that after the approval at the election of the resolution by the county commissioners for a bond issue to establish a public hospital, the commissioners appointed a board of five trustees to carry out the establishment of such hospital. You refer to section 2226, 1919 N.C.L. 1941 Supp., which provides that such trustees shall hold their offices until the next general election.

(1) Does this section require the names be placed on the ballot for the offices of hospital trustees in the coming general election in November?

(2) If these offices must be filled by the next general election, what procedure is necessary to put their names on the ballot?

(a) Is it necessary for those desiring to run to obtain a petition signed by five percent of the total vote cast for representative in Congress at the last preceding general election in this county?; or

(b) If this not be necessary, is there any way in which the appointments by the County Commissioners may be construed as nominations of the prospective candidates?

(3) If it is necessary that these officers be chosen in the coming general election are they required to pay the filing fee necessary in filing nomination papers?

We are of the opinion that these officers come within the provisions of section 2429, N.C.L. 1929, which defines the procedure for the filling of vacancies in nonpartisan offices occurring after the primary election. Trustees of the hospital are declared in section 2226, 1929 N.C.L. 1941 Supp., to be nonpartisan officers.

There are no nominees for the office of hospital trustee and the vacancy may be filled as provided in section 2429, N.C.L. 1929, which requires a petition signed by qualified electors equal in number to five percent of total vote cast for representative in Congress at the last general election in the county.

Section 2227 N.C.L. 1929, provides that no trustee shall receive any compensation for his services, but he may be reimbursed for any compensation for his services, but he may be reimbursed for any cash expenditures actually made for personal expenses incurred as such trustee.

Section 2410, N.C.L. 1929, provides that no filing fee shall be required from a candidate for an office the holder of which receives no compensation.

Very truly yours,  
ALAN BIBLE, Attorney General  
By: George P. Annand, Deputy Attorney General