

rehabilitate the person participating. The amount necessary to meet payment of these expenses would in turn be deducted from the compensation allowance of the participant. Credit for the amount so deducted would then be given the rehabilitation agency as a part of its matching funds in applying for federal moneys available through the Federal Department of Health, Education, and Welfare. Only those persons volunteering and otherwise eligible would participate in the plan. Several questions regarding the proposed agreement have been propounded and submitted to this office, chief of which is that pertaining to the authority of the Industrial Commission to enter into this type of undertaking and which is substantially as hereinafter stated.

#### QUESTION

The Nevada Industrial Act was first enacted in 1913, and, after several amendments, was given its present wording, except for a few minor changes, in 1957. It is administered by a board of three commissioners whose powers and duties are defined in Chapter 616 NRS generally, and particularly, in 616.220 thereof. A careful reading of these fails to reveal anything that specifically delegates any power of the board or commission to enter into a cooperative agreement *with* any other state agency for rehabilitation purposes. It is a general rule that commissions and boards have only such powers as are specifically delegated to them by law or which may be reasonably implied therein.

Industrial insurance acts are in most jurisdictions, including Nevada, liberally construed. *Industrial Commission v. Adair*, [67 Nev. 259](#); *Industrial Commission v. Peck*, [69 Nev. 1](#). But a rule of liberal construction goes more to the manner or method of exercising a power than it does to its substance. Given the most liberal construction, the rule does not permit the reading into the act of something new and different than what the Legislature saw fit to provide. We feel that the powers given the Industrial Insurance Board as set forth in the statutes are exclusive.

#### CONCLUSION

For the reasons hereinabove mentioned, it is our opinion that the Nevada Industrial Commission is not authorized under the provisions of any statute or court decision to enter into the proposed agreement. The question is answered in the negative.

Respectfully submitted,

HARVEY DICKERSON, *Attorney General*

By C. B. TAPSCOTT, *Deputy Attorney General*

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**120 Election Laws; Candidate—One who is registered as the member of one political party and changes his registration subsequent to the preceding primary election cannot file as a candidate of any party at the succeeding election.**

CARSON CITY, March 16, 1964

HON. WILLIAM BEKO, *District Attorney, Nye County, Tonopah, Nevada*

DEAR MR. BEKO: You have set forth the following facts with questions related thereto as follows:

On October 4, 1962, a registered Republican voter requested his current registration cancelled. On that same date he reregistered as a Democrat. He has been and still is a registered Democrat. He now wishes to file for public office on a party ticket. The declaration of candidacy states, "that I have not changed the designation of my political party affiliation on an official affidavit of registration in any state since the date of the last primary election." My questions are:

1. Can he file on a Republican ticker?
2. If he can, is his registration of October 4, 1962, void or must he reregister as a Republican?
3. If he cannot file as a Republican, can he file as a Democratic candidate?
4. If he cannot file, as a Republican or a Democrat, under what designation can he file?

#### ANALYSIS

The primary election in 1962 was in September. The registered voter referred to in your letter changed his registration on October 4, 1962, from Republican to Democrat.

It is apparent, therefore, that having had the right under [NRS 293.540](#) to have his registration as a Republican canceled, and then having registered as a Democrat, he cannot now run as a Republican.

The question as to whether he can run as a Democrat is governed by Section 3 of Chapter 488, Statutes 1963, which provides as follows:

No person may be a candidate for a party nomination in any primary election if he has changed the designation of his political party affiliation in an official affidavit of registration in the State of Nevada or in any other state since the date of the last primary election in the State of Nevada.

Having changed the designation of his political party since the 1962 primary election, your registered voter cannot run as a Democrat.

The voter cannot file under any other designation in view of the provisions of Section 4 of Chapter 489, Statutes 1963:

Each independent candidate shall be required to state under oath that he has not been registered as a member of any political party since the date of the last primary election immediately preceding the filing of the certificate.

#### CONCLUSION

It is, therefore, the opinion of this office that questions numbers 1, 2, and 3, must be answered "No," and that question number 4 must be answered "None."

Respectfully submitted,

HARVEY DICKERSON, *Attorney General*

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**121 Insurance, Division of—The so-called "retaliatory tax law" contained in [NRS 686.010](#), subsection 3 (Chapter 472, Statutes 1963), is not applicable to Chapter 695 of NRS regulating "Title Insurance and Land Value Insurance."**

CARSON CITY, March 19, 1964

MR. PAUL A. HAMMEL, *Commissioner, Insurance Division, Department of Commerce,  
Carson City, Nevada*