

county recorder for the filing of the duplicate Notice of Location. As a result of the repeal of [NRS 517.330](#), the recording of Notices of Location of mining claims falls under the general fee provisions of [NRS 247.305](#), subsection 1, because there no longer exists any fee specifically provided for by law.

As to Location Certificates, no specific statutory fee for their recording is provided for in the Nevada Revised Statutes resulting in the recording thereof falling under the general fee provisions of [NRS 247.305](#), subsection 1.

[NRS 247.305](#), subsection 1, provides in part:

Except as otherwise specifically provided by law, county recorders shall charge and collect the following fees:

For recording any document, for the first page.....\$3.00

For each additional page\$1.00

* * *

Thus, with the repeal of the specific statutory fee provided in [NRS 517.330](#), [NRS 247.305](#), subsection 1, controls as to what recording fee is to be charged for the recording of Notices of Location and Location Certificates pertaining to mining claims, and said fee is \$3 for the first page and \$1 for each additional page that is filed.

CONCLUSION

The recording of Notices of Location and Location Certificates pertaining to mining claims comes within the provisions of [NRS 247.305](#), subsection 1, and a fee of \$3 for the first page and \$1 for each additional page that is filed is to be charged by the county recorders.

Respectfully submitted,

ROBERT LIST, *Attorney General*

By TODD RUSSELL, *Deputy Attorney General*

200 General Improvement District Elections—Candidates for general improvement district trustee do not have to pay a filing fee when filing their declarations of candidacy, regardless of whether trustees receive compensation or not. The names of candidates for general improvement district trustees are not placed on the general election ballot of the county, but on ballots used only by the general improvement district.

CARSON CITY, February 24, 1976

THE HONORABLE WM. D. SWACKHAMER, *Secretary of State*, The Capitol, Carson City, Nevada 89710

DEAR MR. SWACKHAMER:

You have requested advice on two questions relating to the election of trustees of general improvement districts.

QUESTION ONE

If members of the board of trustees of a general improvement district receive pay for their services, do candidates for the office of trustee of such a general improvement district have to pay a filing fee when they file their declarations of candidacy?

ANALYSIS—QUESTION ONE

[NRS 318.095](#) provides for the election of boards of trustees for general improvement districts. [NRS 293.193](#), subsection 1, lists various elective public offices, including “district” offices, for which filing fees are required when candidates for those offices file declarations of candidacy. The fees required are also listed therein. [NRS 293.193](#), subsection 2, provides:

No filing fee shall be required form a candidate for an office the holder of which receives no compensation.

Many general improvement districts do not provide compensation to their trustees. It is clear that, under [NRS 293.193](#), subsection 2, candidates for the office of general improvement district trustee, for which no compensation is received, do not have to pay filing fees when filing their affidavits of candidacy.

However, a few general improvement districts, and you have cited the Minden-Gardnerville Sanitation District as an example, do pay their trustees compensation for their services. In order to determine whether candidates for these compensated offices must pay filing fees, it is necessary to review the pertinent parts of [NRS 293.193](#), subsection 1. This statute provides, in part, for the following candidate filing fees:

* * *

Any state office, other than governor or justice of the supreme court.....	[\$]100
Any district office	75
Any county office.....	40
State senator	30
Assemblyman	15
Justice of the peace, constable or other town or township office.....	10

Under [NRS 318.015](#), a general improvement district is considered, as a matter of legislative declaration, a body corporate and politic and a quasi-municipal corporation. It is not, therefore, part of a county, town or township, which are political subdivisions in their own right. 56 Am.Jur.2d Municipal Corporations, etc., §§ 5, 7. The question, then, is whether the category, “district office,” used in [NRS 293.193](#), subsection 1, is applicable to general improvement districts.

The order in which [NRS 293.193](#), subsection 1, lists the offices for which filing fees are applicable is particularly important. First, state offices are listed, then district offices, followed by county, legislative, justice, constable, town and township offices. The term “district office” is listed ahead of the term “county office,” yet, under [NRS 318.050](#), the boundaries of a general improvement district must be no larger than the boundaries of the county in which it serves. In most instances, as in the case of the Minden-Gardnerville Sanitation District, the boundaries of a general improvement district are smaller than the boundaries of the county. As the case below illustrates, the placement of the term “district office” after state offices and before county offices, would thus appear to have some significance and would be indicative of legislative intent that multicounty districts were intended by the statute.

The Nevada Supreme Court has stated, in construing the term “district,” as used in Article 2, Section 1 of the Nevada Constitution:

* * * The order in which the words “state,” “district,” and “county” are placed, while by no means conclusive, is some indication that “district” was not

intended to include any subdivision of less extent than a county. State ex rel. Schur v. Payne, [57 Nev. 286](#), 297, 62 P.2d 921 (1937).

In addition, in this instance, to require a candidate for general improvement district trustee to pay the filing fee required of district officers in [NRS 293.193](#), subsection 1, would be to require them to pay a larger fee than is charged county officers. Yet, as already stated, most general improvement districts are smaller than the counties in which they are located. Statutes should be construed so as to avoid absurd results. Western Pacific R.R. v. State, [69 Nev. 66](#), 241 P.2d 846 (1952).

These factors, therefore, lead this office to conclude that the term “district,” as used in [NRS 293.193](#), subsection 1, refers to multicounty districts and does not refer to general improvement districts. This conclusion is to be differentiated from the conclusion of Attorney General’s Opinion No. 198, dated January 28, 1976, which held that the term “district,” as used in [NRS 294A.010](#) and [294A.020](#), meant not only multicounty districts, but general improvement districts as well. The conclusion to Attorney General’s Opinion No. 198 was reached because the title of the legislature enacting [NRS 294A.010](#) and [294A.020](#) indicated the legislative intent that *all* elective offices in the State were regulated by the statutes. That is not the case with [NRS 293.193](#), subsection 1.

[NRS 293.193](#), subsection 1, therefore, makes no provision for filing fees for candidates for the position of general improvement district trustee.

CONCLUSION—QUESTION ONE

It is the opinion of this office that candidates for the position of general improvement district trustee do not have to pay a filing fee when filing their declarations of candidacy, regardless of whether the trustees receive compensation for their services or not.

QUESTION TWO

Are the names of candidates for the position of general improvement district trustee placed on the general election ballot of the county, or are they placed upon ballots used only by the general improvement district?

ANALYSIS—QUESTION TWO

[NRS 318.095](#) provides that general improvement district trustee elections are to be held, “in conjunction with the first general election in the county after the creation of the district and in conjunction with every general election thereafter. * * *” The term “conjunction” means occurrence together. *Diamond T Utah, Inc. v. Canal Ins. Co.*, 12 Utah 2d 37, 361 P.2d 665 (1961). Use of the term “conjunction” is to be compared with Chapters 244, 246-250, 252-253, and 269 of Nevada Revised Statutes in which various county and town officers are to be elected, “at the next general election.” The use of these differing terms would indicate that general improvement district trustee elections, while they would be held at the same time as the general election, would not be placed on the county’s general election ballot, as in the case of county and town officers.

This conclusion is strengthened by the fact that, under [NRS 318.020](#), subsection 7, a qualified elector for general improvement district elections is one who, *except for registration*, is legally entitled to vote in Nevada and is either a resident of the district or an owner of personal property in the district. Thus, general improvement district electors need not be residents of the district or even registered voters. However, in order for a person to be able to vote on a county election ballot, he must have his name on the election board register. [NRS 293.277](#). This means he must be a registered voter and a resident of the precinct in which he is voting. To place general improvement district trustee candidates on the general election ballot of the county would be to open the county ballot to non-registered, nonresident voters.

It is, therefore, apparent from these facts that general improvement districts must maintain their own ballots for the election of their officers.

CONCLUSION

It is the opinion of this office that the names of candidates for the position of general improvement district trustee are not placed on the general election ballot of the county, but on ballots used only by the general improvement district.

Respectfully submitted,

ROBERT LIST, *Attorney General*

By DONALD KLASIC, *Deputy Attorney General*

201 Physician's Assistant—Controlled Substances; Poisons; Dangerous Drugs—A physician's assistant may not carry, possess, administer or dispense controlled substances, poisons or dangerous drugs outside the physical presence of the supervising physician.

CARSON CITY, March 10, 1976

MR. VERN CALHOUN, *Chief, Division of Investigations and Narcotics, Department of Law Enforcement Assistance, 430 Jeanell, Carson City, Nevada 89701*

DEAR MR. CALHOUN:

In your letter of December 29, 1975, you requested an opinion of this office on the following matter:

QUESTION

Does the Physicians, Physicians' Assistants and Paramedics Act ([NRS Chapter 630](#)) allow physicians' assistants to carry, possess, administer or dispense controlled substances, poisons or dangerous drugs outside the physical presence of the supervising physician?

ANALYSIS

To answer your question, it is necessary to examine the provisions of [NRS Chapter 453](#), Controlled Substances; [NRS Chapter 454](#), Poisons, Dangerous Drugs, Devices; as well as [NRS Chapter 630](#), Physicians, Physicians' Assistants, Technicians. [NRS 453.381](#) which defines the authority to prescribe, administer and dispense controlled substances, provides:

1. A *physician, dentist or podiatrist*, in good faith and in the course of his professional practice * ** may prescribe, administer and dispense controlled substances, or he may cause the same to be administered by a *nurse or interne* under his direction and supervision. (Italics added.)
(Section 2 of that statute provides similar authority for veterinarians.)

Concerning controlled substances, [NRS 453.021](#) defines "administer" to mean:

[T]he direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by: