

**OPINION  
65-10**

July 27, 1965 (OPINION)

Mr. Ralph Dewing, Director

Department of Accounts and Purchases

RE: Appropriations - Girl scout round-up commission - Expenditures

This is in reply to your letter of July 23, 1965, in regard to a voucher payable to Paul A. Ewald for services to the Girl Scout Round-Up Commission. You call our attention to the fact that the appropriation for the Girl Scout Round-Up Commission was made by the 1963 Legislative Session and will be cancelled after July 30, 1965.

You inform us that the voucher had receipts for expenditures made by Mr. Ewald in October, November and December of 1962, prior to the legislative session; receipts for expenditures made by Mr. Ewald during the legislative session; and receipts for expenditures made by Mr. Ewald after March 16, 1963, the date the Act was signed into law by the Governor. You call our attention to an opinion from this office dated July 23, 1963, which you state appears to cover the expenditures during the legislative session and subsequent to the effective date of the Act, but you indicate it is not clear to you as to expenditures made prior to the legislative session.

You therefore request an opinion from this office as to whether this individual can be reimbursed for expenditures made by him prior to the legislative session, during the legislative session, and during that period between March 16th and July 1, 1963. You state that you hope for an early reply to this request as it is necessary to process this voucher on or before July 30, 1965.

We believe it proper at this point to mention that the legislation concerned, Chapter 356 of the 1963 Session Laws and particularly Section 5 thereof, provided as follows:

"Section 5. GIRL SCOUTS ROUND-UP COMMISSION APPROPRIATION. There is hereby appropriated out of any moneys in the general fund of the state treasury, not otherwise appropriated, the sum of fifteen thousand dollars to the Girl Scouts Round-Up Commission to carry out the provisions of this Act during the period beginning July 1, 1963, and ending September 30, 1965."

We would like at this point to call to your attention the rule of construction announced at 50 Am. Jur. 276, STATUTES, Section 295, as follows:

"Section 295. HISTORY OF THE TIMES. A presumption exists that historical facts in connection with the subject matter of an act were known to the legislature at the time of the adoption of the statute, and it is a general rule of interpretation, that where the language of a statute is obscure or of doubtful meaning, the court, in construing such statute, may with propriety recur to the history of the times when it has passed.

Under this rule, it is proper to consider the attending conditions or circumstances at the time of the adoption of the law, including the social, economic, and governmental condition of the state or country. Indeed, it has sometimes been said that the first step in the application and interpretation of a statute is to consider the conditions existing prior to its adoption, and that the meaning of words in a statute must be closely related to the circumstances of their use. The circumstances attending the adoption of an act may be adverted to, not because they will in any event warrant the court in construing the act, different from what the language imports, but because they enable the court to ascertain what was meant by the legislature where the language employed by it is ambiguous and of doubtful significance. Historical facts and significant circumstances leading up to the enactment of a statute may be noticed, not only in confirmation of the meaning conveyed by the words used, but also to show that a literal interpretation of the words used is not the intended meaning."

At this point we believe it proper to point out that the above quoted statutory provision provided for expenditures during the period July 1, 1963 to September 30, 1965. Contemporary history indicates that the Girl Scouts Commission did not succeed in its basic project, to-wit: securing the so-called "Girl Scouts Round-Up" for the year 1965 for the State of North Dakota. Factually, we understand that the project as a whole had practically failed as of July 1, 1963. The efforts made to promote North Dakota as the site for this affair, as a practical matter and as was known to the legislature, had to take place prior to July 1, 1963, and as a practical matter this State's possibilities were probably more enhanced by the efforts made in 1962 than by any efforts made in the year 1963.

However, as of July 1, 1963, we believe that the Girl Scouts Commission was fully authorized by the above quoted statutory provision and Chapter 356 of the 1963 Session Laws as a whole to "buy" promotional efforts and projects designed with the end in view of obtaining the desired results, i.e., a Girl Scouts Round-Up in North Dakota. We understand that subsequent to the effective date of Section 5 of the Act, the Girl Scouts Round-Up Commission "bought" the promotional efforts expended by the individual in question by agreeing to reimburse him for actual expenses incurred. On such basis, we see no objection to paying the full amount of all such expenses including those incurred in the year 1962, prior to the meeting of the legislative assembly, those incurred after the meeting of the legislative assembly and those incurred after the effective date of the Act.

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Attorney General