

**OPINION  
47-101**

May 16, 1947 (OPINION)

EDUCATION

RE: Board of Higher - Experiment Station

You have requested the opinion of this office relative to House Bill 299 enacted at the last Legislative Session.

This bill makes an appropriation of any money in the State Treasury not otherwise appropriated, the sum of \$32,000 or so much thereof as may be necessary to be used by the sub-experiment station at Hettinger, North Dakota, for the biennium beginning July 1, 1947 and ending June 20, 1949, for the following purposes:

1. To purchase farm land at Hettinger, North Dakota, for the use of said station at a cost not to exceed twelve thousand dollars; and
2. To maintain and support said station at a cost not to exceed twenty thousand dollars.

This act was passed as an emergency measure and approved March 15, 1947.

A suitable tract of land is now available and the Board of Higher Education desires to close the deal and make payment of the purchase price which does not exceed \$12,000. The question is whether the auditor may issue a warrant for the purchase price prior to July 1, 1947.

This office has given numerous opinions on similar questions and we can see no legal reason or any other reason why an objection should be made to the issuance of a warrant in payment of the purchase price at this time. As pointed out House Bill 299 is an emergency measure and became effective immediately upon approval by the Governor. Therefore, regardless of the fact that the bill specifies that it is to be used for the biennium beginning July 1, 1947 and ending June 30, 1949, the emergency clause controls and it can be used at any time between March 15, 1947 and June 30, 1949 for the purpose of buying land and for maintenance as provided in the bill, subject only to the limitations of \$12,000 to be used for the purchase of land and \$20,000 for maintenance.

In this connection, we wish to refer to an opinion issued out of this office under date of April 17, 1947, addressed to Mr. Sherman, Member of the Board of Administration, on a similar question, a copy of which the State Auditor has, and an opinion issued out of this office under date of May 1, 1947, to Elmer Olson, Secretary of the Public Service Commission.

NELS G. JOHNSON

Attorney General