



**THE ATTORNEY GENERAL  
OF TEXAS**

**AUSTIN, TEXAS 78711**

**JOHN L. HILL  
ATTORNEY GENERAL**

August 15, 1973

The Honorable Dolph Briscoe  
Governor of Texas  
State Capitol  
Austin, Texas 78711

Opinion No. H-87

Re: Holidays for State employees

Dear Governor Briscoe:

Your letter of July 17, 1973, states as follows:

"The Sixty-third Legislature enacted Senate Bill 60 which provides that:

' . . . The first day of January, the 19th day of January, the third Monday in February, the second day of March, the 21st day of April, the last Monday in May, the fourth day of July, the 27th day of August, the first Monday in September, the second Monday in October, the fourth Monday in October, the fourth Thursday in November, and the 25th day of December, of each year, and every day on which an election is held throughout the State, are declared legal holidays, on which all the public offices of the state may be closed . . . .'

"This legislation eliminated the third day of June as a legal holiday and added the 27th day of August.

"Senate Bill 1 (the general appropriations act for the 1973 fiscal year), Acts of the Sixty-second Legislature, Third Called Session, stipulates in Section 6c of Article V:

'Holidays for State employees including hourly wage workers for each year covered by this Act shall be only those specified as follows: The first day of January, the 19th day of January, the third Monday in February, the second day in March, the 21st day of April, the last Monday in May, the third day of June, the fourth day of July, the first Monday in September, the second Monday in October, the fourth Monday of October, the fourth Thursday in November, and the 25th day of December . . . .'

"In addition House Bill 139 (the general appropriations act for the 1974-1975 fiscal years) specifies the same holidays for state employees as Senate Bill 1.

"Because of the numerous inquiries from State agencies regarding holidays, I am requesting your opinion of the following:

"(1) Is August 27, 1973, a holiday for state employees whereby state offices shall be closed?

"(2) Will the 27th day of August be a holiday for state employees during the 1974-1975 fiscal years?

"(3) Will the third day of June be a holiday for State employees during the 1974-1975 fiscal years?"

It is apparent that there is a conflict between these two statutes in that in Senate Bill 60, August 27th is made a State holiday and June 3rd is not; whereas in Senate Bill 1, June 3rd is specified as a holiday and August 27th is not.

Senate Bill 60 was passed as an amendment to Article 4591, Revised Civil Statutes of Texas, which, prior to this amendment, set forth the same State

holidays as those specified in Senate Bill 1, the General Appropriations Act for 1973, and House Bill 139, the General Appropriations Act for fiscal years 1974-1975.

The answers to your inquiries are controlled by the general principles of law which were set forth in Attorney General Opinion No. M-1199, an opinion on the validity of riders to a general appropriations act. This opinion states as follows:

"An appropriation bill may detail, limit or restrict the use of funds therein appropriated or otherwise insure that the appropriated money will be spent for the purpose intended. Moore v. Sheppard, 144 Tex. 537, 192 S. W. 2d 559 (1946); Linden v. Finley, 92 Tex. 451, 49 S. W. 578 (1899); Attorney General's Opinions O-445 (1939); V-1253 (1951); V-1254 (1951); 2959 (1935); V-1196 (1951).

" A rider attached to the general appropriation bill cannot repeal, modify or amend an existing general law. State v. Steele, 57 Tex. 203 (1882); Linden v. Finley, supra; Moore v. Sheppard, supra; Attorney General's Opinions 1745 (1917); 2787 (1929); 2965 (1935); 2970 (1935); O-445 (1939); O-1837 (1940); O-2573 (1940); O-5329 (1943); V-412 (1947); V-894 (1949); V-1196 (1951); V-1254 (1951); M-1141 (1972).

"If a bill does more than set aside a sum of money, provide the means of its distribution, and to whom it shall be distributed, then it is a general law. Attorney General's Opinions 2965 (1935); V-1254 (1951); Moore v. Sheppard, supra. The distinction between a general appropriation bill and general legislation has been recognized in this State in the simple fact that the former merely sets apart sums of money for specific objectives and uses while the latter does more than merely appropriate and limit the use of funds. General legislation constitutes a separate subject and cannot be included within a general appropriation bill. Moore v. Sheppard, supra; Attorney General's Opinions 2965 (1935); V-1254 (1951); V-1253 (1951); WW-294 (1957); WW-310 (1957); M-280A (1968). "

These principles lead us to the conclusion that Senate Bill 60, as it amends Article 4591, is the general statute on the subject of holidays for State employees. It must prevail over the provisions of the riders in the General Appropriations Act. Accordingly, the answer to your first question is that August 27, 1973, will be a legal holiday for State employees whereby State offices shall be closed.

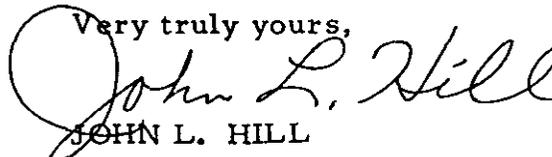
The answer to your second question involves the same principles of law. Senate Bill 60 is the last passed general statute and unless it is amended by a general statute prior to August 27, 1974, or August 27, 1975, these two days will be holidays for State employees regardless of any conflicting provision in a rider to an appropriation bill.

The answer to your third question is also controlled by these principles. It is plain that Senate Bill 60 had the effect of deleting June 3rd as a holiday from those previously listed in Article 4591, V. T. C. S. This Bill is the last passed general statute on the subject of legal holidays for State employees and accordingly neither June 3rd, 1974, nor June 3rd, 1975, will be a State holiday unless Article 4591 is again amended by general statute effective prior to one or both of these dates.

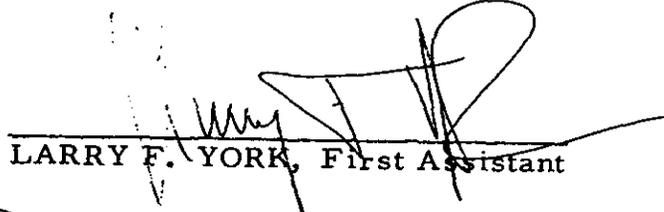
#### S U M M A R Y

1. August 27, 1973, is a holiday for State employees whereby state offices shall be closed.
2. The 27th day of August will be a holiday for State employees in the 1974-1975 fiscal years.
3. The 3rd day of June will not be a holiday for State employees during the 1974-1975 fiscal years.

Very truly yours,

  
JOHN L. HILL  
Attorney General of Texas

APPROVED:



LARRY F. YORK, First Assistant



DAVID M. KENDALL, Chairman  
Opinion Committee