



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MARK
ATTORNEY GENERAL

State Board of Barber Examiners
Austin, Texas

Gentlemen:

Opinion No. 0-1657
Re: Application of Senate Bill No. 190,
46th Legislature, Regular Session,
to the State Board of Barber Examin-
ers.

This will acknowledge receipt of your letter of November 6, 1939, wherein you state that your Board is financed entirely by funds collected from fees from the barbers of this State, deposited in a special fund in the State Treasury, and that no part of the expenses of your Board is paid from the General Revenue Fund of the State of Texas, and ask the opinion of this department upon the question whether, in view of such facts, Senate Bill No. 190, passed by the 46th Legislature, applies to your Board.

Section 3 of the Act reads as follows:

"This Act shall apply to all State departments supported by funds from the general appropriation funds, except the educational institutions of this State, and to those departments receiving special allotments of funds from the Federal government, provided, however, that nothing herein shall be construed as superseding any provisions of the Acts of Congress, through or by which such grants are made. Said Act shall also apply to all special emergency appropriations of State funds."

The phrase "general appropriation funds" was apparently intended by the Legislature to refer to the General Revenue Fund. If it had been the legislative intent to apply the Act also to State departments supported exclusively by appropriations from special funds, fees, and local receipts, it would seem that the Legislature would merely have provided that the Act should apply to all State departments except the educational institutions of the State.

State Board of Barber Examiners, Page 2

We therefore construe the Act as excluding from its operation those State departments which are financed exclusively from special funds. Therefore, in our opinion, the provisions of Senate Bill No. 190 do not apply to the State Board of Barber Examiners.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *R. W. Fairchild*
R. W. Fairchild
Assistant

RWF:pbp

APPROVED NOV 20, 1939

Gerritt B. Mann
ATTORNEY GENERAL OF TEXAS

