Under the plain and unambiguous language contained in each of the above quoted statutes, it is my opinion that it was the purpose and intention of the Legislature to exempt farm tractors from being registered under the provisions of the “Motor Vehicle Title Law” and that the only fee which is required to be paid for such “farm tractor used in transportation” is the three dollar fee specified in Section 1 of Chapter 81, Acts of 1943.

Therefore, the answer to each of your questions is in the negative.

INDIANA EMPLOYMENT SECURITY DIVISION:
Holidays: Whether Personnel Board may adopt rules contrary to state law with respect to legal holidays.

June 17, 1943.

Colonel Everett L. Gardner, Director,
Indiana Employment Security Division,
141 South Meridian Street,
Indianapolis, Indiana.

Dear Sir:

Your letter of June 3, 1943, received as follows:

“Being under the merit system, the Personnel Board establishes the policies regarding sick leave, vacation leave, and other regulations governing our personnel.

“Our state law sets aside twelve days out of each calendar year as legal holidays. Over a year ago, the Personnel Board made a ruling that only six of these twelve official holidays would be observed by this and every other division coming under its jurisdiction.

“We have felt and contended that we should have the right, as our law permits, to recognize such holidays. Would you please give us your opinion as to our rights regarding the twelve holidays permitted by our state law. Of course, during this national emergency, we do not expect to exercise the right for a legal holiday where it would interfere or slow down
our work in the interest of national defense. We would, however, like to have this clarified for our future operation."

The State Personnel Act, Section 30 of Chapter 139, Acts 1941, Section 60-1330, Burns' 1942 Supplement, provides concerning rules to be promulgated by the Personnel Board as follows:

"The rules shall provide for the hours of work, holidays, attendance regulation and leaves of absence in the various classes of positions in the classified service. They shall contain provisions for annual, sick, and special leaves of absence with or without pay or with reduced pay, and may allow special extended leaves for employees disabled through injury or illness arising out of their employment, and the accumulation of annual and sick leaves."

It is to be noted that this section does not use the term "legal holidays" but only "holidays." There is a distinction in law between a holiday, and a legal holiday.

"The term 'holiday' means: (1) A consecrated day, a religious festival. (2) A day on which the ordinary occupations are suspended, a day of exemption or cessation from work, a day of festivity, recreation, or amusement; and a legal holiday is a day designated and set apart by legislative enactment for one or more of such purposes. * * *

29 C. J. 761.

The Appellate Court of the State of Indiana, in deciding that a sale of intoxicating liquor on Labor Day was a violation of the criminal statute prohibiting sales on a "legal holiday" well distinguished between legal holidays and holidays as follows:

"'Holiday means first, a consecrated day, a general festival; and second, a day on which the ordinary occupations are suspended; a day of exemption or cessation from work; a day of festivity, recreation, or amusement.' 15 Am. and Eng. Ency. Law (2d ed.),
512. It follows that a 'legal holiday' is a day designated and set apart by legislative enactment for one or more of the purposes indicated."

State v. Shelton (1905), 38 Ind. App. 80, 87.

The legislature of Indiana has provided by law for certain legal holidays. In 1925 the legislature passed an Act concerning legal half-holidays for all state offices.

"It shall be lawful for all state offices to close their doors for business at twelve o'clock noon on each and every Saturday in the year, and each and every Saturday in the year shall, in addition to the legal holidays provided by law, be a legal half-holiday for said offices."

Sec. 49-604, Burns' Ind. St. 1933, Acts 1925, Ch. 84, Sec. 1, p. 246.

In 1931 the legislature amended the general statute concerning legal holidays as follows:

"The first day of the week, commonly called Sunday; the first day of January, commonly called New Year's Day; the fourth day of July; the twenty-fifth day of December, commonly called Christmas Day; any day appointed or recommended by the President of the United States or the Governor of Indiana as a day of public fasting or thanksgiving; the twelfth day of February, commonly called Lincoln's Birthday; the twenty-second day of February, commonly called Washington's Birthday; the thirtieth day of May, commonly called Memorial Day; the first Monday of September, commonly called Labor Day; October twelfth, commonly known as Discovery Day; the eleventh day of November, commonly called Armistice Day; and the day of any general, national or state election, shall be legal holidays within the state of Indiana for all purposes. And when any of said holidays (other than Sunday) comes on Sunday, the Monday next succeeding shall be the legal holiday. (Acts 1905, ch. 118, sec. 1, p. 196; 1907, ch. 229, sec. 1,
The 1941 session of the General Assembly created Good Friday as an additional legal holiday.

"The movable feast day of Good Friday shall be a legal holiday within the state of Indiana for all purposes."

Sec. 19-1916a, Burns' Revised Statutes 1942 Supplement; Acts 1941, Ch. 43, Sec. 1, p. 127.

The legislature has no power to delegate its power to make a law, nor may it delegate its power to amend or repeal a statute.

Kryder v. State (1938), 214 Ind. 419, 424, 425;
Town of Walkerton v. N. Y., C. & St. L. R. Co. (1939), 215 Ind. 206;
Blue v. Beach (1900), 155 Ind. 121.

Therefore, the Personnel Board could have no right or power by rule or otherwise to change the positive statutory provisions declaring certain days legal holidays for all purposes, or the provisions of the Acts of 1925 declaring Saturday a legal half-holiday for all state offices.

It should be noted that the Personnel Board is a statutory board with only such powers as the statute gives it. The legislature may properly delegate to such boards the power to make reasonable rules based upon reasonable standards provided by law, but no such board can enlarge or vary, by the operation of any rule or by-law, the powers conferred by the legislature, and "any rule or by-law which is in conflict with the State's organic law, or antagonistic to the general law of the State, or opposed to the fundamental principles of justice, or inconsistent with the powers conferred upon such boards, would be invalid."

Blue v. Beach (1900), 155 Ind. 121, 131.
Therefore, in answer to your question, it is my opinion in view of the well considered principles of law above cited, that the State Personnel Board has no power to make any provision by rule or otherwise limiting, abolishing, or amending the statutes concerning legal holidays, and that as to such legal holidays for your departments, the Personnel Board has no jurisdiction.

STATE BOARD OF ACCOUNTS: Discussion of Chapters 129 and 199 of the Acts of 1943 with respect to notice required in the case of bidding on a public contract.

June 18, 1943.

Hon. Otto K. Jensen,
State Examiner,
Department of Inspection Supervision Public Offices,
State House,
Indianapolis, Indiana.

Dear Mr. Jensen:

I am in receipt of your letter of June 3rd, 1943, requesting an interpretation of Chapters 129 and 199 of the Acts of 1943. Your specific questions are as follows:

"1. In the event of a conflict of the provisions of Chapter 199 of the Acts of 1943, and the provisions of Chapter 129 of the Acts of 1943, which act would take precedence and control?

"2. In the event articles costing in excess of $100.00, are omitted from specifications and contract awarded under Chapter 199, would the purchaser be required to comply with the provision of Chapter 129 before ordering such omitted articles?

"3. If the requirements of Chapter 129 for the issuance and delivery of a purchase order applies to a contract awarded under Chapter 199, wherein the articles contracted for are to be delivered during the year as needed should such purchase order be issued:

"(a) Within thirty days after the acceptance of the bid and contract?