

**Opinion No. 1**

**Legislative Assembly—Vacations of Employees.**

**Held:** The employees of the Legislative Assembly are employees of the State of Montana, and are entitled to annual vacation leave with full pay at the rate of one and one-quarter (1¼) working days for each month of service.

January 22nd, 1951.

Senator Don F. Valiton, Chairman  
Senate Employment Committee  
Capitol Building  
Helena, Montana

Dear Senator Valiton:

You have requested my opinion on the following question:

“Are the employees of the Legislative Assembly entitled to vacation leave under the provisions of Chapter 131, Session Laws of 1949?”

Section 1 of Chapter 131, supra, provides as follows:

“Each employee of the state, or any county or city thereof, is entitled to and shall be granted annual vacation leave with full pay at the rate of one and one-quarter (1¼) working days for each month of service, such service to be computed from the date of employment.”

Since the above quoted section provides that each employee of the State of Montana shall be entitled to vacation leave, and since the employees of the Legislative Assembly are employees of the State of Montana, it is clear that the provisions of Section 1 of Chapter 131, Session Laws of 1949 are broad enough to include employees of the Legislative Assembly.

Section 7 of Chapter 131, supra, places a limitation on the term “employee.” This Section provides that:

“The term ‘employee’, as used herein does not refer to or include elected state, county, or city officials, or school teachers.”

Hence, since the Legislature undertook to limit the meaning of the term employee by excluding certain classes

of employees of the State of Montana from the Act, but did not include within the excluded class the employees of the Legislative Assembly, it follows that the Legislature must have intended to include these employees within the provisions of the Act.

Therefore, it is my opinion that the employees of the Legislative Assembly are entitled to annual vacation leave with full pay at the rate of one and one-quarter (1¼) working days for each month of service.

Very truly yours,  
ARNOLD H. OLSEN,  
Attorney General