

Opinion No. 87

Military and Militia —

National Guard — Reserve Corps

Two Weeks Annual Military Training

HELD: Section 77-157, R.C.M., 1947, entitles all governmental employees who are members of military organizations defined in said section to attend annual training programs of fifteen days duration without loss of their governmental pay and without such period being charged against the employees annual leave.

November 5, 1956

Mr. Norman C. Robb
County Attorney
Park County
Livingston, Montana

Dear Mr. Robb:

You have asked for my official opinion on the following question:

How much military leave of absence with pay is a governmental

employee entitled to receive by virtue of Section 77-157, R.C.M., 1947?

Section 77-157, R.C.M., 1947, as amended by Section 1, Chapter 132, Laws of 1947, provide as follows:

"That any person who is a member of the organized National Guard of the State of Montana or who is a member of the organized or unorganized reserve corps or forces of the United States Army, Navy, Marine Corps, or Coast Guard, which now exists or may be created at any time in the future by proper authority, and who is an appointee of or employee of the State of Montana, or any of its departments, or any county or city within the state, shall be given leave of absence with pay for attending regular encampments, training cruises, and similar training programs authorized by the secretary of war of the United States for the Montana National Guard or by the proper legal authority in charge of the reserve corps or forces of the United States Army, Navy, Marine Corps, or Coast Guard while in attendance at such annual encampment, training cruise, and similar training program, or without the time being charged against him on his annual vacation."

The above law as originally enacted by the Twenty-Fifth Legislative Assembly in 1937 bore the following title:

"An Act Relating to the Absence From State Employment of Members of the National Guard **While Attending the Annual Encampment of the Regiment.**" (Emphasis Supplied.)

The basic training program of the National Guard provides that each member of the organization attend a minimum of forty-eight drills per year plus the regular annual encampment which must be of at least fifteen days duration.

See Title 32, Section 62, United States Code Annotated. The 1947 amendment to the basic Montana

Act merely enlarged the basic Act by including the various organized reserve units of other branches of the military organization within its provisions. The provisions for "leave of absence with pay . . . during annual encampments", set forth in the original bill passed in 1937, remain unaltered in the 1947 amendment.

It is therefore my opinion that Section 77-157, R.C.M., 1947, entitles all governmental employees who are members of military organizations defined in said section to attend annual training programs of fifteen days duration without loss of their governmental pay and without such period being charged against the employees' annual leave.

Very truly yours,
ARNOLD H. OLSEN,
Attorney General.