

**State Examiner Fund, Payment Of. Banks, Payment to Examiner Fund.**

The payment of a fee by banks subject to state supervision according to their capital stock becomes due immediately upon the organization of the bank and is not subject to be prorated according to the length of time between date of organization and November 1st.

Helena, Montana, October 31, 1910.

Hon. E. E. Esselstyn,  
State Treasurer,  
Helena, Montana.

Dear Sir:—

I am in receipt of your letter of October 25th, wherein you ask my construction of Section 215, of the Revised Codes, relating to the "State Examiner Fund" and the payment of this fee by banks which are in process of liquidation, or which have been organized and doing business less than a year.

The purpose of the legislature in enacting this statute was to provide a fund, which would in part defray the expense of conducting the state examiner's office. Counties contribute to this fund on the basis of their classification, and banks subject to the supervision of the state examiner contribute to this fund on a basis of their capitalization. The law does not provide that these banks shall pay an examination fee, or fee for the actual work of conducting an examination,

but rather that all banks subject to the supervision of the bank examiner shall contribute in proportion to their capital stock to a fund known as the state examiner fund, irrespective of whether or not they are examined each year by the state examiner.

You are advised, therefore, that all banks subject to the supervision of the state examiner are required to pay this fee, and it becomes due immediately upon the organization of the bank and the payment becomes delinquent upon November 1st, and the bank liable for penalties imposed for non-payment. The fact that the payment becomes due immediately upon the organization of the bank irrespective of the date of organization and that the fee is based on capital stock and not subject to an actual examination by the state examiner leads me to advise you that the entire amount of the fee provided by Section 215 is due immediately upon the organization and that banks in process of liquidation who have not paid for the current year are liable for the fee.

Yours very truly,

ALBERT J. GALEN,  
Attorney General.