

Taxation, Net Premiums Insurance Companies. Insurance Companies, Taxation of Premiums Of. Chapter 67, Laws of 1911, Construction Of.

By the provisions of Chapter 67, Laws of 1911, Section 4073 Revised Codes of 1907 was repealed, said chapter having been

approved and having become a law on March 2, 1911 and the first Monday of March 1911 being four days subsequent thereto the net premiums collected by insurance companies during the calendar year 1911 are not subject to taxation on first Monday of March 1911.

April 11, 1911.

Hon. Harry R. Cunningham,
State Auditor and Commissioner of Insurance, Ex-Officio,
Helena, Montana.

Dear Sir:

I am in receipt of your letter of April 10th, requesting an opinion from this department upon the following question:

"Whether the net premiums collected by insurance companies during the calendar year 1910 are returnable for assessment and subject to taxation on the first Monday of March, 1911?"

Prior to March 2nd, 1911, by the provisions of Sec. 4073 of the Revised Codes of Montana of 1907, relative to the taxation of insurance companies on excess premiums, it was the duty of such insurance companies to furnish statements to the assessor of the county wherein such insurance company was engaged in business, showing the amount of net business transacted by such company in said county. However, by the provisions of Chap. 67, Laws of 1911, said Section 4073 of the Revised Codes has been repealed. This Chap. 67 was approved and became a law on March 2nd, 1911.

By the provisions of Sec. 2510, Revised Codes, it is the duty of the assessor to ascertain and list all property in his county subject to taxation and assess the same to the person by whom it was owned or claimed, or in whose possession or control such property was at twelve o'clock, noon, on the first Monday of March. The first Monday of March, 1911, fell upon the 6th day of March. The provisions of Sec. 4073 then having been repealed by Chap. 67, Laws of 1911, on March 2nd, 1911, there was no provision for the taxation of property of such insurance company in the county that would, or could be, listed by the assessor under the provisions of said Section 2510, and for the foregoing reason it is my opinion that the net premiums collected during the calendar year 1910 by the various insurance companies throughout the state are not returnable for assessment, nor are they subject to taxation on the first Monday of March, 1911.

Yours very truly,

ALBERT J. GALEN,
Attorney General.