

Assessor — County Taxpayer's Statement — Property Omitted—Money, Foreign—Assessable—Status Of.

Assessor is authorized to correct statement of taxpayer, but must give notice as required by Section 2743.

Money loaned in this state for the purpose of loaning may be taxed if in county at noon of first Monday of March.

March 8th, 1919.

Mr. John Kennedy,
County Assessor,
Kalispell, Montana.

Dear Sir:

I am in receipt of your letter of the 7th inst., submitting the following:

1. Is the ruling of the supreme court on the real estate of National Banks still in force under this new House Bill No. 30?

Section 1 of Chapter 31, Session Laws 1915, has been declared unconstitutional by our supreme court in a case just recently decided. However, H. B. 30 contains provisions for taxing shares of stock of National Banks and the Moneyed Capital of State Banks. The State Board of Equalization will send out to all assessors within a short time full instructions regarding the taxation of banks under the provisions of H. B. 30 and these instructions will explain the method to be followed in making such assessments.

2. If, in my judgment, a person does not turn in a true statement, have I the power to use Section 2515 of the Political Code of Montana?

In my opinion Section 2515 only applies to cases where the taxpayer refuses to give a statement, or to sign it, etc., and does not apply to cases where property is omitted from a statement given, or to cases where the statement is given but the true value of the property is not given. In such cases the assessor may correct the statement by adding the property omitted, or by increasing the value to the true

value, but if the assessor does so he must give the taxpayer notice as required by Section 2743 as amended by Chapter 135, Session Laws 1909.

3. Can I assess monies from the outside for the purpose of lending?

Yes, if the money was actually in your county at noon of the first Monday of March.

4. Can I tax parties residing here and lending monies in the names of parties outside of the State?

I do not know as I fully understand your question. If you mean that the money belongs to parties living outside of the state and is being loaned through persons residing in this state, such persons acting merely as agents in making the loans, my answer is yes, if the money was actually in your county at noon of the first Monday of March. If you mean that the money belongs to parties residing in your county and that it is being loaned in the names of parties residing outside of the state, my answer is yes, provided you can show that the money does not belong to the outside parties, but belongs to the parties living in your county and that it is being loaned in the names of the outside parties to escape taxation or to cover up the name of the true owner. This, however, does not apply to money loaned and secured by mortgages, real or personal, as these are credits exempted from taxation.

Respectfully,

S. C. FORD,

Attorney General.