

Opinion No. 212
Corporations—Foreign Corporations—
Capital Stock—Fees—Secretary
of State.

HELD: The basis of computing fees

for the increase of capital stock of foreign corporations is that authorized by subsection 4 of section 145, R. C. M. 1921.

May 18, 1933.

You request an opinion as to the construction of Chapter 169, Laws of 1931, and also advice as to the construction of Section 145, R. C. M. 1921, on the matter of the fees to be charged foreign corporations on increase of capital employed in Montana as shown by the last annual report.

Your attention is called to Opinion No. 177, dated April 24, 1933, which covers a part of your present inquiry. The question you submit at this time has to do with the Ohio Oil Company, and the correspondence with that company attached to your request, gives the following facts: The Ohio Oil Company has heretofore qualified to do business in this state: its capital employed in Montana up to 1932 is reported as \$588,600.00; its annual report for 1932 shows its capital employed here of \$1,106,836.90, an increase over any previous year of \$518,236.90, and you have demanded fees for the increase computed as follows:

\$100,000	@ \$1.00 per \$1,000—	\$100.00
\$150,000	@ 80c per \$1,000—	120.00
\$250,000	@ 60c per \$1,000—	150.00
\$ 18,236.90	@ 40c per \$1,000—	7.29
Nominal fee	_____	1.00

Total—\$378.29

The basis of computing fees for the increase of capital stock is authorized by subsection 4 of section 145, R. C. M. 1921, as interpreted by our Supreme Court in *Missouri River Power Company v. Yoder*, 41 Mont. 245, and has been uniformly followed since. Your computation, as submitted and shown above, states the correct amount due from the Ohio Oil Company.