

Opinion No. 442.

**Banks and Banking—Closed Banks—
Taxation.**

HELD: A bank closed on March 4, 1933, by proclamation of the Governor,

which did not re-open for business, cannot be assessed on its moneyed capital but must be assessed on its solvent credits like any other corporation.

February 6, 1934.

On Saturday, March 4, 1933 at 9:45 A. M., the Governor of the State of Montana declared a bank holiday commencing immediately. The Conrad Banking Company of Great Falls, in accordance with the proclamation of the Governor, did not open the bank for business on that day and thereafter remained closed and was placed in charge of a liquidating agent under the Superintendent of Banks. The question you have submitted is whether the Conrad Banking Company should be assessed as a bank on its moneyed capital or as any other corporation on its solvent credits.

Assessment of property is made on the status existing at 12:00 o'clock M., on the first Monday of March each year. (Section 2002 R. C. M. 1921.)

Section 95, Chapter 89, Laws of 1927 provides:

"Whenever any bank ceases to do business as a bank no taxes shall be levied or collected in accordance with the laws governing the assessment of banks, but its property shall be assessed in accordance with the laws governing the assessment of similar property of private corporations."

Since the Conrad Banking Company had ceased to do business as a bank before the first Monday of March, 1933, under the provisions of the foregoing quoted statute, taxes could not be levied on its moneyed capital as a banking institution but its property should have been assessed in accordance with the laws governing the assessment of similar property of private corporations. The bank should therefore have been assessed on its solvent credits.