

Opinion No. 48-5166

September 1, 1948

BY: C. C. McCULLOH, Attorney General

TO: John B. Wright Assistant District Attorney Eighth Judicial District Raton, New Mexico

{*160} In your letter of August 19, 1948 you request an opinion from this office concerning the interpretation of that portion of Section 15-4103 (Sec. 1, Ch. 180, Laws of 1947) which reads:

"Provided, further, that in any county where the assessed valuation of property for purposes of taxation is in excess of twenty million dollars (\$ 20,000,000) the officers of said county in addition to the allowance provided herein for deputies shall receive not to exceed the following:

Treasurer and ex officio collector for additional deputy or deputies twenty-seven hundred dollars (\$ 2700.00)."

Colfax County, according to your letter, has assessed valuations of property for purposes of taxation as follows:

Gross valuation \$ 23,058,236.00
Exemptions 3,880,324.00
Net valuation 19,179,912.00

The question presented is whether the phrase "**assessed valuation of property for purposes of taxation**", as that phrase is used in Section 15-4103, supra, means **gross valuation** or **net valuation** (gross valuation less exemptions).

Although there may be some conflict as to a strict definition of terms, the courts seem to hold consistently that "taxable property" or "assessed valuation **for purposes of taxation**" means property or valuation of property **not lawfully exempted from taxation**. Pullman Car & Mfg. Corp. v. Hamilton, (Ala.) 155 So. 616; State v. City of Pompano (Fla.), 188 So. 610; McKinney v. McClure (Iowa) 220 N.W. 354; Trepp v. Ind. School Dist. of Pocahontas (Iowa), 240 N.W. 247, Williams v. School Dist. (Wyo.) 102 P. 2d 48; 41 Words & Phrases.

The courts also seem to hold quite consistently that "assessed valuation" means a **completed assessment**, that is, one which has passed through all agencies employed in determining the amount and value of property available for taxation. 4 Words & Phrases 418.

This office has heretofore indicated that it agrees with the rules set out above. See Opinions of the Attorney General, 1937-1938, page 137 at page 140, and 1931-1932, page 68.

In view of the above, it is my opinion that the phrase "assessed valuation of property for purposes of taxation", as that phrase is used in Section 15-4103, 1941 Compilation, means net assessed valuation, that is, gross valuation less exemptions.