

## Opinion No. 65-173

September 3, 1965

**BY:** OPINION OF BOSTON E. WITT, Attorney General Oliver E. Payne, Deputy Attorney General

**TO:** Mr. Don Hancock, Assistant District Attorney, P.O. Box 808, Alamogordo, New Mexico

### QUESTION

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Will the tax levy for the Indigent Hospital Claims Act, which will be voted on at the special election on September 28, 1965 apply to veterans whose exemption is sufficient to exempt all their property from ad valorem taxation?

#### CONCLUSION

No.

### OPINION

#### {\*286} ANALYSIS

The Indigent Hospital Claims Act (Chapter 234, Laws 1965) provides in Section 9 that:

"The board of county commissioners, upon the certification of the board as to the amount needed in the fund, shall impose a levy against the **taxable value of the property** in the county sufficient to raise the amount certified by the board." (Emphasis added).

In this State, real and personal property are assessed at a percentage of the actual value -- usually thirty-three and one-third percent. The property is listed on the tax rolls at that figure. For example, if the actual value of a house is \$ 6,000, it is listed on the tax rolls of most counties at \$ 2,000. If the person has a veteran's exemption, a zero is inserted under the column "tax due".

We conclude then that in this State the "taxable value" of property is the assessed value of the property of one who has no tax exemption. If the person does have a tax exemption, the taxable value of the property is the assessed value less the amount of the exemption.

Other states which assess property at a percentage of actual value have so held. See for example, **N. W. Halsey Co. v. City of Belle Plaine**, 128 Iowa 467, 104 N.W. 494 and **State ex rel. Judd v. Cooney**, 97 Mont. 75, 32 P. 2d 851.

Therefore, in answer to your question, veterans are subject to the Indigent Hospital Claims Act levy only to the extent that the {287} assessed value of their real and personal property exceeds the amount of their exemption.