

## Opinion No. 13-1005

April 5, 1913

**BY:** FRANK W. CLANCY, Attorney General

**TO:** Honorable Charles W. G. Ward, District Attorney, Las Vegas, N. M.

### EXEMPTION.

\$ 200.00 exemption should be deducted from the full amount of property owned by the head of a family.

### OPINION

{\*169} Your letter of the 30th ult. was received while I was absent in attendance upon the District Court in Lincoln County, and since my return I have been unable, until now, to find any time to write to you.

The subject of your letter is as to the construction of the exemption {\*170} clause in Section 5 of the act recently adopted by the legislature, which was House Substitute for House Bill No. 344 and became a law on March 18th, 1913, and I will say, at the outset, that I agree with you as to what that clause means, and I consider your reasoning on the subject entirely conclusive.

The said Section 5 provides that "There shall be exempted from taxation, property of each head of a family to the amount of two hundred dollars," while Section 2 of the same act makes it the duty of the county assessor to fix the valuation for purposes of taxation of all property at one-third of the actual cash value thereof. It appears from what you write that the contention is made that the amount of the two hundred dollar exemption, should be deducted from the one-third of the actual cash value of the property, which would, in effect, exempt from taxation much more than the \$ 200.00. The illustration which you give, of a possible owner of property to the amount of \$ 600.00, is, in itself, convincing that the legislature could not have intended that the \$ 200.00 should be deducted from one-third of the value of the property. It is apparent, if that view could be maintained as the correct one, that the owner of \$ 600.00 worth of property would pay no taxes whatever. As stated by you, in substance, the statute does not intend to provide that two-thirds of the property in the state shall be exempt from taxation, but that all property is subject to taxation upon a basis of a valuation of one-third of its full value, and both the Constitution and this statute provide merely for an exemption from taxation of property to the amount of \$ 200.00.

I have no doubt that the deduction of the \$ 200 must be made from the full amount of property owned by the head of a family, leaving the remainder which is taxable and that remainder is to be valued for purposes of taxation at one-third of the actual cash value thereof.