

Opinion No. 13-1029

May 1, 1913

BY: FRANK W. CLANCY, Attorney General

TO: Mr. William P. Keil, Lake Valley, N. M.

TAXATION.

Wool is a subject of taxation and cattle whether from Mexico or not should be assessed at its actual value.

OPINION

{*194} Yesterday I received your letter of the 29th ultimo and take the earliest possible moment to answer.

You say that the goat and sheep people of your county understand that they are to be taxed on the wool shorn from their stock and that they claim this should not be done as they ship the wool immediately after shearing. Until the recent legislation on the subject all property was assessed for purposes of taxation as it existed on the first day of March, but by the last statute this was changed so that the assessment must be made as of the first day of January. Sheep must be assessed at one-third of what they were worth on the first day of January. Unless your sheep people had some wool on hand on the first day of January, I do not see how it could be reached by the assessor. It sometimes happens that people do hold their wool over from one season to another in the hope of higher prices, and in such a case that wool would be taxable, whether in the possession of the wool grower, or in the possession of a wool buyer who raises no sheep at all.

Your other question is with reference to the value for purposes of taxation of Mexico cattle which come into the southern border counties, it being claimed, as you say, that they should not be assessed as high as the regular native range stock, and you ask my opinion so they will be assessed alike in all of the counties. In the assessment of cattle, whether they come from Mexico or not, the only standard to be applied is their actual value. In pursuance of the duty imposed upon the State Board of Equalization by a very recent act of the legislature, that board attempted on April 3, 1913, to fix the value of range cattle, horses, sheep and goats and other live stock throughout the state, but the board found itself unable to do better than fix minimum values. I will enclose a printed copy of the proceedings of that meeting from which you will see that the value fixed on common range cattle is not less than \$ 27.00 per head, and this must apply to cattle from Mexico as well as other range cattle. If they are worth more, or if any other range cattle are worth more, {*195} they should be valued accordingly, and you will notice this is quite clearly stated in the records of the proceedings of the board.

P. S. -- I will give this letter to the press in accordance with your request.