

**Opinion No. 34-754**

May 8, 1934

**BY:** E. K. NEUMANN, Attorney General

**TO:** Marron & Wood, Attorneys at Law, Albuquerque, New Mexico. Attn.: Mr. Owen B. Marron

{\*130} With reference to your letter of May 7, 1934, relating to the New Mexico School Emergency Tax, regarding the tax upon the business of insurance agents.

According to the act, in our opinion, the gross premium receipts of {\*131} insurance companies where such premiums are otherwise taxed, as in Section 71-127, 1929 Code, are not subject to tax, but, for the privilege of conducting an insurance agency in this state, the person so engaged must pay a two per cent tax upon the total receipts of such person as commission upon insurance sold.

Section 71-127 is only a legislative act which, as I view it, can be changed at any time, and the legislature had apparently seen fit to change it as evidenced by the new tax act.