

**Opinion No. 34-758**

May 12, 1934

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

**TO:** Honorable R. W. Heflin, Special Assistant, State Bank Examiner, Santa Fe, New Mexico.

{\*132} Referring to your letter of May 11, 1934, relative to the applicability of the School Emergency Tax Act with reference to the operations of the National Securities Service, Inc.

You state that said Company deals in stocks, bonds and other securities upon a partial payment plan and on a strictly commission basis.

The proceeds from the sale of {\*133} stocks, bonds and other securities are exempt from the tax, as set forth in Section 212 (G). It is our opinion, however, that a commission earned by either an individual or corporation handling such securities is taxable under the act. They are simply rendering a service for which they are paid a fee or commission: See Section 201 (I) of the act.

Any legislative act, heretofore enacted, which allows all exemption from tax by reason of a tax otherwise imposed, may be modified at any time, or entirely repealed, by another legislative act, and, in my opinion, the 1934 law imposing a tax on various businesses and transactions has the effect of modifying or repealing any legislative exemption heretofore in force.