

**Opinion No. 45-4695**

April 18, 1945

**BY:** C. C. McCULLOH, Attorney General

**TO:** Mr. Harrold B. Sellers Chief Tax Commissioner State Tax Commission Santa Fe, New Mexico

{\*51} I have your letter of April 6, 1945 wherein you request an opinion of this office concerning the legality of including in the assessed valuation of a particular district the valuation placed on the oil and gas production contained in that district in determining the total value of the particular district for bond limitation purposes.

The provisions of our law (See Sec. 11, Art. 9 of the N.M. Constitution and Sec. 55-739 of the 1941 Compilation) concerning the limitation of bond issues in connection with the assessed valuation do not provide for a failure to consider particularly items going into the total valuation such as the items that you refer to. While it has been considered a sound matter of policy in issuing bonds not to consider such items because of the temporary nature of such valuations, there is still nothing in our statutes prohibiting the inclusion of the assessed valuation of oil and gas production and, therefore, such items may be considered in determining the amount of bonds which may be issued by any district.

By HARRY L. BIGBEE,

Asst. Atty. General