

Opinion No. 12-883

April 24, 1912

BY: FRANK W. CLANCY, Attorney General

TO: W. S. Crandell, Treasurer, U. S. Light & Heating Company, 30 Church St., New York City.

TAXATION.

Property of citizens residing outside of New Mexico shall not be taxed at a higher rate than property belonging to residents.

OPINION

{*26} I have your letter of the 19th inst. asking for a copy of the foreign corporation tax law of New Mexico. I will send you a copy of the general corporation law which is the nearest I can come to complying with your request. Beyond the provisions therein contained we have no tax law specially applicable to foreign corporations, and by Section 2 of Article XXI of the Constitution of the State it is provided "that the lands and other property belonging to citizens of the United States residing outside this State shall never be taxed at a higher rate than the lands and other property belonging to residents thereof." While it may be contended that citizens do not include corporations, yet it certainly would be a violation of the spirit of the Constitution to tax foreign corporations differently from domestic corporations. Moreover, Section 1 of Article VIII of the Constitution provides that the rate of taxation shall be equal and uniform upon all subjects of taxation.