

Opinion No. 26-3885

May 6, 1926

BY: ROBT. C. DOW, Assistant Attorney General

TO: Hon. D. H. Wolford, Assistant District Attorney, Socorro, New Mexico.

This office is in receipt of your letter of April 27th wherein you desire an opinion relative to the limitation of indebtedness which may be incurred by any county under our present tax laws.

The Constitution of New Mexico prescribes a limitation of 4%; Legislature of New Mexico would have authority to prescribe any limitation less than 4%, but any act of the Legislature fixing a limitation more than 4% would be unconstitutional.

I am of the opinion that Chapter 68 of the Laws of 1919 is now effective in so far as this limitation is concerned. This law provides that no county, incorporated city, town or village shall ever become indebted to an amount in the aggregate including existing indebtedness, exceeding one and one-third per centum on the actual value of the taxable property within such county, city, town or village, as shown by the last preceding assessment roll, and all bonds and obligations issued or contracted in excess of such amount, after the time the act took effect, shall be void; this, however, does not apply to indebtedness for the construction or purchase of a system for supplying water or a sewer system for any city, town or village.