

**Opinion No. 35-1120**

August 1, 1935

**BY:** FRANK H. PATTON, Attorney General

**TO:** Mr. George Cory, County Assessor, Gallup, New Mexico.

{\*76} We have your letter of July 31st asking the opinion of this office as to whether or not Indian traders on the Navajo Reservation in your county are subject to county occupation tax. This matter will turn upon the geographical situation of each particular store. If the store or place of business of the trader in question is upon the Indian Reservation, then the county and state have no jurisdiction to require the owner of such store to pay an occupation tax if he is exclusively within the jurisdiction of the Federal Government.

On the other hand, if the trading post or store is located upon privately owned ground within the exterior boundaries of the Indian Reservation, the owner thereof is subject to the payment of an occupation tax regardless of the fact that his business is solely that of an Indian trader.

It is immaterial whether any particular trading post is owned by an Indian or not. Even though the trading post or store is owned and operated by an Indian, if it is located on privately owned land which would be within the jurisdiction of the county, it is subject to the occupation tax.

By J. R. MODRALL,

Asst. Atty. General