

Opinion No. 41-3743

March 21, 1941

BY: EDWARD P. CHASE, Attorney General

TO: Mr. Richard F. Rowley District Attorney Ninth Judicial District Clovis, New Mexico

{*48} This will acknowledge receipt of your letter of March 18 wherein you inquire as to the proper method to be used in assessing improvements, the construction of which were begun in 1940 but not completed until 1941.

Section 3, Chapter 86 of the Laws of 1933, as amended by Section 6 (b) of Chapter 190 of the Session Laws of 1939, reads in part as follows to-wit:

"Section 6 (b) That Section 3, Chapter 86, Laws of 1933, be and the same hereby is amended to read as follows:

'Each of the three years following any years in which its value is fixed, the assessor shall add to the value of all real property the actual value of any or all improvements which may be placed thereon during the preceding year, and shall deduct from such value the value of all improvements which may have been destroyed or removed during the preceding year'."

So far as I have been able to ascertain our Supreme Court has never passed on the question which you have propounded, but in view of the decisions rendered in other states and by virtue of the above statute, I am of the opinion that the assessor should assess such partially constructed improvements according to their actual value on January 1, 1941, and in the future follow the procedure as outlined under Section 6 (b), Chapter 190, 1939 Session Laws above quoted.

Trusting that the foregoing sufficiently answers your inquiry and with best wishes, I am

By Howard F. Houk,

Asst. Atty. General