



**THE ATTORNEY GENERAL
OF TEXAS**

AUSTIN 11, TEXAS

GROVER SELLERS

~~XXXXXXXXXXXX~~
WILL WILSON

ATTORNEY GENERAL

Honorable S. K. Long
County Attorney
Jefferson County
Beaumont, Texas

Dear Sir:

Opinion No. 0-7085

Re: Are Taxes on Intangibles included
in the 8/9's to be refunded to the
Port Arthur Sea Wall District?

We have your request of February 2, 1946 wherein you request the opinion of this office on the above captioned subject. Your letter reads in part as follows:

"The question has arisen in Jefferson County as to the interpretation of the above named House Bill relative to the meaning of "8/9's of ad valorem taxes collected on property both real and personal." The State Comptroller questions the meaning of this part of the bill as quoted from the caption as to whether or not it includes intangible properties, a list of which is furnished by the State Comptroller's Department to the Assessor's Office of Jefferson County and is never broken down in any way as to the precincts but a total for Jefferson County.

"My question is as to whether or not ad valorem taxes on intangible properties is included in the 8/9 to be refunded to the Port Arthur Sea Wall District."

Section 1, House Bill 410, passed at the regular session of the 49th Legislature, ch. 353, p. 615 of Vernon's Texas Session Laws reads as follows:

"That commencing with the fiscal year beginning September 1, 1929, and ending August 31, 1961, there be and hereby are donated and granted by the State of Texas to the City of Port Arthur, Texas, situated in Jefferson County, Texas, eight-ninths (8/9) of the net amounts of the State ad valorem taxes collected on all property, both real and personal, in Commissioner's Precinct No. 2 of Jefferson County, Texas, as it existed on January 1, 1945, which

shall be ascertained and apportioned as now provided by law; provided that from and after August 31, 1949, Three Thousand Dollars (\$3,000) of the assessed taxable value of all residence homesteads, as now defined by law, in said Precinct No. 2 shall be exempt from all taxation for the purpose enumerated in this Act as well as for all State purposes."

Taxes on intangible assets have been held to be ad valorem taxes on personal property. 40 Tex. Jur. Sec. 60, p. 91 and cases there cited. It is therefore the opinion of this office that taxes on intangible property are included in the 8/9 to be refunded to the Port Arthur Sea Wall District as provided by House Bill 410, Acts 49th Legislature.

Yours very truly

ATTORNEY GENERAL OF TEXAS

By Robert T. Donahue
Robert T. Donahue
Assistant

RTD:ms:wc

APPROVED FEB 9, 1946
s/Carlos C. Ashley
FIRST ASSISTANT
ATTORNEY GENERAL

Approved Opinion Committee By s/BWB Chairman