

March 12, 1940

Mr. Joe Peggs, Director
Income Tax Division,
State Tax Commission,
Phoenix, Arizona.

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ARIZONA ATTORNEY GENERAL

Dear Mr. PEGGS:

RE Income taxes on salaries of Indian
Employees of the federal government
residing on Indian Reservations.

Under date of February 12 you requested the opinion of
this office as to whether the 5th section of Article
XX of the Constitution prohibited the state from col-
lecting income tax from Indian employees of the federal
government who reside on Indian Reservations.

You are advised that in our opinion the constitutional
prohibition is against taxing "any lands or other
property within an Indian Reservation owned or held
by an Indian." The tax imposed by the Arizona Income
Tax Act has been construed as an excise tax and not a
property tax. Therefore, it is not within the con-
stitutional prohibition above mentioned.

Respectfully,

JOE CONEAY
Attorney General of Arizona

ALLAN K. PERRY
Special Assistant Attorney General

AKP:AM

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