

**Opinion No. 53-5663**

February 9, 1953

**BY:** RICHARD H. ROBINSON, Attorney General

**TO:** Hon. W. Morris Schillinglaw House of Representatives Santa Fe, New Mexico

{\*53} This is in answer to your inquiry regarding HB-70 now pending before the House of Representatives in Santa Fe. You specifically request an opinion of this office as to whether or not the bracketed part of the Act, running from Lines 13 to 21, is discriminatory against certain motion picture theaters, if the Act remains as presently written.

It is the opinion of this office that the bracketed part applying to bona fide motion picture theaters which are and for more than one year have been engaged in business at the same location in the State of New Mexico, etc., is definitely discriminatory against new motion picture theaters that do not meet this requirement. What I mean by this is the fact that only motion picture theaters that had been in existence for more than one year at the time of the passage of the Act would be included in the exception and that any new motion picture theaters would be discriminated against.

I hope that this satisfactorily answers your question and if we may be of further assistance, please call upon us.