

Opinion No. 45-4719

May 17, 1945

BY: C. C. McCULLOH, Attorney General

TO: Mr. W. L. Barrowman Chairman, Dry Cleaning Board Roswell, New Mexico

{*71} I have your letter wherein you ask me to study the general question concerning the power of the Dry Cleaning Board to enforce the rules and regulations which they may legally make. You ask me to review certain regulations which are 4, 6, 7 and 8, and advise you concerning whether these regulations are effected by the decision of the State Supreme Court in the case of State v. Alexander, 46 N.M. 156, 123 P. 2d, 724.

I wish to point out that the only effect of this case was to invalidate the provisions concerning price fixing only. The Supreme Court stated that the entire act, with the exception of the minimum price provisions, is valid and enforceable.

In view of this holding, it is my opinion that any rule and regulation made pursuant to the Dry Cleaning Act is valid except insofar as such rule or regulation pertains to price fixing.

By HARRY L. BIGBEE,

Asst. Atty. General