

Opinion No. 63-26-L
L-R-5
January 23, 1963

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ARIZONA ATTORNEY GENERAL

REQUESTED BY: THE HONORABLE MARSHALL SIMMS
State Senator

OPINION BY: ROBERT W. PICKRELL
The Attorney General

- QUESTIONS: 1. Which law pertains to the State Fair Commission, enabling them to award contracts for carnivals, commissions and other functions which are held at the State Fair grounds?
2. Is the State Fair Commission permitted to negotiate contracts, and in what category, and as in some cases, are they required to advertise and call for bids for services desired?

- ANSWERS: 1. See body of opinion.
2. Yes.

The general powers and duties of the Arizona State Fair Commission are outlined specifically in A.R.S. § 3-1003. A few of these powers which cover the functions you mention include:

- (a) "2. Direct and conduct state fairs, exhibits, contests and entertainments for the purposes of promoting and advancing the pursuits and interests of the several counties and of the state, and of producing revenue."
- (b) "3. When deemed advisable, charge entrance fees and gate money, temporarily lease, stalls, stands, booths and sites, and give prizes or premiums for exhibits and contests."
- (c) "6. Have power to lease the state fair grounds, for rodeos, civic exhibitions, fireworks displays and other purposes it deems proper."

In order to carry out these specific functions the commission has by implication the power to enter into contracts to

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accomplish their duties and powers. In addition, the commission's power to contract is mentioned in A.R.S. § 3-1002 wherein it prohibits State Fair Commissioners from being directly or indirectly interested in a contract made by the commission. We are of the opinion the State Fair Commission has the power to contract within the realm of its duties as found in the statutes.

The statutes covering the State Fair Commission are silent as to the method the commission shall follow in formulating a contract and whether the contract shall be negotiated or advertised. Since there is no statutory method prescribed or prohibited the commission may use either method in obtaining a contract for the services sought. The only exception would be in the area of a public building or improvement under Title 34, A.R.S. where bids are required if the amount is in excess of \$2,500.00.


ROBERT W. PICKRELL
The Attorney General

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