August 23, 1946

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ARIZONA ATTORNEY GENERAL

Mr. Paul F. Jones, Secretary
State Fair Commission
Phoenix, Arizona

Dear Mr. Jones:

We acknowledge receipt of your letter of August 23, 1946, requesting our opinion as to whether the State Fair Commission can purchase additional land in the immediate vicinity of the State Fair Grounds.

It is the opinion of this office that the Commission does not have the power to purchase real estate. There is no such power set out in Section 8-703, A.C.A.1939.

As a general rule, boards and commissions, which are creatures of statute, have only those powers expressly granted or necessarily implied from granted powers... The Department of Public Works vs. Schlech, 194 N. E. 537 (Illinois); Anderson vs. State Roads Commission of Maryland, 137 Atl. 353.

Where the powers are clearly expressed, as in Sec. 8-703, supra, it is a rule of statutory construction that other powers, not mentioned, have been withheld... State vs. Clayne, 134 N.E. 676 (Illinois).

Using the same reasoning, the Arizona Supreme Court examining the Secretary of State's powers in the case of Sims Printing Company v, Frohmiller, 58 Pac. (2d) 519, has this to say:

> "A searching examination of Chap. 22 of the Revised Code of 1928, and of the different session laws referred to, fails to disclose any direct legislative authority for the incurring by the Secretary of State of an indebtedness for voters' registration cards".

In the search of this office, there was no statutory authority found, giving the State Fair Commission the power to purchase additional land.

Very truly yours,

JOHN L. SULLIVAN
Attorney General

WILLIAM P. MAHONEY, Jr.,
Assistant Attorney General

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