

Opinion No. 65-230

December 7, 1965

BY: OPINION OF BOSTON E. WITT, Attorney General George Richard Schmitt,
Assistant Attorney General

TO: Mr. Finlay MacGillivray, Manager, New Mexico State Fair, P.O. Box 8546,
Albuquerque, New Mexico

QUESTION

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1. May the New Mexico State Fair obtain a Federal government grant to revise its water system or to make additions and/or improvements to facilities on the Fair Grounds?
2. May the New Mexico State Fair obtain a Federal government loan for similar purposes as described above?
3. Is the New Mexico State Fair so legally constituted as to be capable of entering into an agreement with the Federal government?

CONCLUSIONS

1. Yes.
2. Yes.
3. Yes.

OPINION

{*377} ANALYSIS

The New Mexico State Fair is "constituted and confirmed a body politic and corporate and separate," Section 45-20-13 N.M.S.A., 1953 Compilation. The powers of the New Mexico State Fair are vested in and exercised by the New Mexico State Fair Commission, Section 45-20-13, supra, and such members "shall constitute a body corporate under the name {*378} and style of the 'New Mexico State Fair' with the right, as such, of suing and being sued, of contracting and being contracted with, of making and using a common seal, and altering the same at pleasure." Section 45-20-10, N.M.S.A., 1953 Compilation.

Under Section 45-20-14 N.M.S.A., 1953 Compilation, the New Mexico State Fair has the express power:

"(b) To build, construct, improve, repair, maintain, buildings, structures, improvements, grounds and equipment, which may be required by or convenient for the purpose of operating a state fair;

* * *

(f) To perform all acts and do all things necessary or convenient to carry out the powers herein granted, or heretofore granted, to obtain loans or grants or both from any federal agency, and to accomplish the purposes of this act and secure the benefits of the Recovery Act."

In addition to the above, attention is also called to Section 45-20-12 N.M.S.A., 1953 Compilation, which defines various terms used in the foregoing sections of the law including the word "project" and "federal agency". "Project" means "improvements, and equipment of every kind, nature and description, which may be required by or convenient for the purpose of the New Mexico state fair". The term "federal agency" means any federal agency "as may have been designated or may be designated or created to make loans or grants or both pursuant to the Recovery Act." Finally, "Recovery Act" means "the Act of the Congress of the United States of America, approved June 16, 1933 . . . acts amendatory thereof and . . . supplemental thereto, and revisions thereof, and any further Act of the Congress of the United States to encourage public works or to reduce unemployment and providing for the making of loans or grants or both."

Thus, as is plainly observed under the statutes cited above, the answers to all three of your questions are in the affirmative.