

**OPINION
66-311**

May 31, 1966 (OPINION)

Mr. John Greenslit

State Liaison Officer

North Dakota State Outdoor Recreation Agency

RE: State Fair - Association - State Agency

This is in reply to your request for an opinion on the legal entity of the North Dakota State Fair. You indicate your interest in this regard is motivated by their contacting your offices in regard to the possibility of sponsorship of a project under the Land and Water Conservation Fund Act of 1964.

Section 4-02.1-16 of the North Dakota Century Code, 1965 Supplement, provides as follows:

ORGANIZATION UNDER CORPORATION LAWS - REAL PROPERTY TRANSACTIONS - CONTRACTS. The state fair association shall possess all the rights, privileges, and liabilities pertaining to corporations under the corporation laws of this state except as may be limited or specified by this chapter. The association may purchase, hold, lease, exchange, trade, or sell real estate for the purpose of promoting and conducting a state fair. Buildings and real estate controlled by the state fair association may be leased, subleased, rented, or used for purposes other than the conducting of the fair during such times when the property is not needed for fair purposes. The state fair association may contract in its own name, but as an agency of the state, and shall make all of its purchases pursuant to the purchasing laws of the state through the department of accounts and purchases, except as may be exempted therefrom by the director of the department of accounts and purchases as provided by law."

Section 4-02.1-17 of the 1965 Supplement to the North Dakota Century Code provides as follows:

NAME IN WHICH BUSINESS CONDUCTED AND TITLES TAKEN - EXECUTION OF WRITTEN INSTRUMENTS. All business of the association shall be conducted under the name of 'North Dakota State Fair Association'. Title to property obtained in regard to the operation of the association shall be obtained and conveyed in the name of the State of North Dakota, doing business as the North Dakota State Fair Association. Written instruments shall be executed in the name of the State of North Dakota."

Thus it would appear that the North Dakota State Fair Association, as such, for practical legal purposes can be considered an entity, analogous to a private corporation, though such entity, as set out in

the statutes quoted above acts on behalf of and as an agency of the State of North Dakota within the limits set out in said statutes, and for the corporate purposes set out therein.

HELGI JOHANNESON

Attorney General