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DEPARTMENT OF LAW  
OFFICE OF THE  
**Attorney General**  
STATE CAPITOL  
Phoenix, Arizona 85007

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BRUCE S. BABBITT  
ATTORNEY GENERAL  
ARIZONA ATTORNEY GENERAL

February 22, 1978

Michael A. Ramnes  
State Parks Director  
1688 West Adams Street  
Phoenix, Arizona 85007

Re: 78- 34 (R78-38)

Dear Mr. Ramnes:

This letter is in response to your request for an opinion from this Office regarding the interpretation of Arizona Revised Statutes Section 41-511.06.B. The factual situation within which you have framed your request for interpretation is essentially as follows: The State Parks Board is seeking to establish a state park on privately owned land that is to be acquired by the State Land Department through an exchange of state-owned land for the privately owned land. The privately owned land is within a legislatively mandated state park boundary. The state-owned land which is to be exchanged currently is subject to a lease to another person. In connection with the transfer of the state-owned land under lease to the owner of the private land being exchanged, the lease covering the state-owned land will be terminated. The specific question which you have asked to be answered is:

Does the Arizona State Parks Board have the legal responsibility, authority or obligation, under the provisions of A.R.S. § 41-511.06.B to compensate a state lessee for the cancellation of a lease when that lease is unrelated to the property upon which the State Parks Board is seeking to establish a state park?

The fundamental rule in interpreting any statute is to ascertain and give effect to the Legislature's intent. Flournoy v. Mangum, 133 Ariz. 151, 548 P.2d 1148 (1976); State v. Deddens, 112 Ariz. 425, 542 P.2d 1124 (1975). The statutory provision in question reads as follows:

B. In seeking to establish a state park or monument on state or federally owned land, the board shall not request the termination or cancellation of any valid lease, permit, government land entry, mining claim, privilege or other right unless fair and adequate compensation is awarded to the holder of such lease, permit, privilege or other right. If the amount of the compensation cannot be determined by agreement, the board may proceed to cause such lease, permit, privilege, government land entry, mining claim or right to be terminated or cancelled if such can be lawfully done by the state or federal agency having jurisdiction thereof, or the board may proceed to acquire the same by eminent domain. In any event the holder of such lease, permit, privilege, government land entry, mining claim or right shall receive fair and adequate compensation for the cost of and damage to his property interest or loss of his lease, privilege, government land entry, mining claim or permit. In determining the amount of such compensation, consideration shall be given to any preferential rights of renewal and other preferential rights of the owner or holder thereof, the damage to the remaining land, damage by access roads, and damage to the rights and operation which such owner may have and all other relevant factors.

A.R.S. § 41-511.06.

In the interpretation of a statute the intent of the Legislature is primarily determined from the language of the statute itself. When that language is plain and unambiguous and conveys a clear and definite meaning, there is generally no occasion for resorting to rules of statutory construction, and the statute is given its plain and obvious meaning. Dewitt v. Magma Copper Co., 16 Ariz.App. 305,308, 492 P.2d 1243, (1972), quoting Automatic Registering Machine Co., Inc. v. Pima County, 36 Ariz. 367, 370-71, 285 P. 1034,1035 (1930).

Mr. Michael A. Ramnes

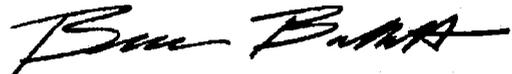
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The language of A.R.S. § 41-511.06.B appears to provide that the Board must compensate a leaseholder only when the Board is attempting to establish a state park on state land upon which a leasehold interest is operative. Because the land upon which the State Parks Board wishes to establish a state park is not the land upon which a leasehold interest is claimed, it would appear that A.R.S. § 41-511.06.B is not applicable.

Accordingly, it is the opinion of this Office that in situations in which the Arizona State Parks Board seeks the termination or cancellation of a lease on state land upon which it is seeking to establish a state park, it has the duty and the responsibility to compensate for the damage to the lessee for the loss of his lease. However, the Parks Board has no legal responsibility, authority or obligation under A.R.S. § 41-511.06.B to compensate a lessee upon the termination or cancellation of a lease upon land other than the land upon which the Board is seeking to establish a state park.

Sincerely,



BRUCE E. BABBITT  
Attorney General

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