

August 14, 1959  
Opinion No. 59-134

REQUESTED BY: Honorable Glenn Blansett, State Senator  
OPINION BY: WADE CHURCH, The Attorney General  
QUESTION: Does the lessee of State lands possess the authority to grant licenses or permits for the placing of signs on said State lands?  
CONCLUSION: No.

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ARIZONA ATTORNEY GENERAL

The statutes applicable to the leasing and use of State lands and the Land Department rules and regulations adopted pursuant thereto specifically provide that State lands can only be used for the purpose for which the lease or other permit is issued and that the right to grant permits for the purpose of signs is retained by the Land Department. The lessee of State land is chargeable with notice of applicable statutes and rules and regulations which become a part of the lease, whether specifically set forth therein or not. The applicable statutory provisions and rules and regulations follow:

"A.R.S. §37-281. Lease of state lands for certain purposes without advertising; term; application.

\* \* \*

D. No lessee shall use lands leased to him except for the purpose for which the lands are leased."

Article II, Subchapter B, Chapter II, Rules and Regulations Governing Grazing leases.

"Rule 10. Rights of Grazing Lessee. All grazing leases granted by the Commissioner are only a license to graze livestock and to use the land described in the lease in a manner compatible with the terms of the lease. The State of Arizona reserves the right to grant other forms of leases or permits for the use of said lands or the removal of natural products therefrom. No grazing lessee has the authority or right to issue to any person any rights to the use of said lands or the removal of any products therefrom, but such right of use vests solely in the Commissioner and must be granted by the Commissioner in writing."

Article III, Subchapter B, Chapter II, Rules and Regulations Governing Agricultural Leases.

"Rule 13. Rights of Agricultural Lessee or permittee. All agricultural leases or permits granted by the Commissioner are only a license or permit to use the land described in the lease or permit for raising crops, fruits, grains and similar ranch products,

for commercial purposes, in the manner compatible with the terms of said lease or permit. The State of Arizona reserves the right to grant other leases or permits for the use of said lands or the removal of natural products therefrom. No lessee or permittee has the authority or right to issue to any person any right to the use of said land or the removal of any products therefrom, but such right of use vests solely in the Commissioner and must be granted by the Commissioner in writing."

Other applicable statutory provisions:

"A.R.S. §13-712. Trespass upon property; methods; punishment.

A person is guilty of a misdemeanor who wilfully commits any trespass by either:

\* \* \*

5. Putting up, affixing, fastening, printing or painting upon any private or public property, without license from the owner, a notice, advertisement or designation of, or a name for any commodity whether for sale or otherwise, or any picture, sign or device intended to call attention thereto." (Emphasis Added)

"A.R.S. §18-160. Misuse of highway defined; abatement; penalties.

A. A person who commits any of the following acts is guilty of a misdemeanor:

\* \* \*

5. Place on a state right of way a signal, sign or advertisement without authority of law or permission of the department."

It is therefore, the opinion of the Attorney General that the lessee of State lands has no rights with reference to the granting or refusal of licenses or permits for the erection of signs on the State land leased, whether adjacent to a state or federal highway or not.

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The Attorney General