

# Office of Attorney General Terry Goddard



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FOR IMMEDIATE RELEASE

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## Terry Goddard Issues Opinion on Air Quality Control Measure

(Phoenix, Ariz. - Dec. 15, 2008) Attorney General Terry Goddard today released a legal Opinion making clear that enforcement of a 2007 state law requiring the paving and stabilization of parking lots and driveways to help control air pollution would not result in a taking of property requiring compensation.

State Senator Carolyn S. Allen requested the Opinion to clarify the relevant state statutes, and specifically, whether they would be considered a taking that would require compensation.

The Opinion concludes that under the United States Constitution (Fifth Amendment), the Arizona Constitution (Article II) and an Arizona property rights statute approved with Proposition 207 in 2006, implementation of the air quality law requiring the paving and stabilization measures would not result in a taking requiring compensation as long as landowners were not deprived of beneficial or economic use of their property.

A copy of the Opinion is available on the Attorney General's Web site, [www.azag.gov](http://www.azag.gov). For more information, please contact Anne Hilby at (602) 542-8019.

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