

PROPOSITION ____
SENATE CONCURRENT RESOLUTION 1047
state lands; military installation preservation

ANALYSIS BY LEGISLATIVE COUNCIL

1 In 1910, the United States Congress passed the Arizona-New Mexico Enabling
2 Act, allowing Arizona to become a state. The Enabling Act granted Arizona
3 approximately 10.9 million acres of land, referred to as "state trust land". The state land
4 trust is intended to produce revenue for various public institutions (schools, colleges,
5 prisons, etc.). The state can lease or sell trust land, and the natural products (timber,
6 minerals, etc.) of the land, only to the "highest and best bidder" at public auction.

7 In 1936, Congress amended the Enabling Act to give Arizona more flexibility in
8 managing and disposing of trust land by allowing the state to exchange trust land for
9 other public or private lands. Arizona did not amend its state Constitution to incorporate
10 that authority for land exchanges. The Arizona Supreme Court has determined that
11 without amending the Arizona Constitution the state cannot conduct land exchanges.

12 Proposition ____ would amend the Arizona Constitution to allow the state to
13 dispose of (for example, sell or lease) state trust land or interests in trust land or to place
14 restrictions on interests or rights in trust lands, without advertisement or auction, in order
15 to avoid incompatible use of the trust land that would interfere with military installations,
16 facilities, ranges, airspace or operations or to enable military combat readiness and allow
17 full spectrum test and training operations.

18 Proposition ____ would also amend the Arizona Constitution to allow the state to
19 exchange state trust land for other public land. The exchange must be in the best interest
20 of the state land trust. The purpose of the exchange must be to either assist in preserving
21 and protecting military facilities in this state from encroaching development or for the
22 proper management, protection or public use of state lands. There must be two
23 independent appraisals that show that the true value of the land the state receives in the
24 exchange is equal to or greater than the true value of the trust land the state conveys.
25 There must also be two independent analyses that detail the income to the state land trust
26 before and the projected income to the trust after the exchange, the financial impact of the
27 exchange on each county, city, town and school district in which the lands are located,
28 the physical, economic and natural resource impacts of the exchange on the local
29 community and the impacts on local land uses and land use plans. A detailed public
30 notice of a proposed exchange must be given, public hearings must be held and an
31 opportunity for public comment must be given. A proposed exchange is not effective
32 unless it is approved by the voters at a statewide November general election.