

PROPOSITION 100
OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1012

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE LANDS.

TEXT OF PROPOSED AMENDMENT

Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article X, Constitution of Arizona, is proposed to be amended by adding section 12 as follows if approved by the voters and on proclamation of the Governor:

12. Land exchanges for military airport or conservation purposes

SECTION 12. A. AFTER PUBLIC NOTICE, THE STATE MAY EXCHANGE LANDS GRANTED OR CONFIRMED BY THE ENABLING ACT FOR OTHER PUBLIC LANDS AS THE LEGISLATURE MAY PROVIDE BY LAW IF THE FOLLOWING CONDITIONS ARE MET:

1. THE EXCHANGE IS IN THE BEST INTEREST OF THE STATE LAND TRUST.

2. THE PURPOSE OF THE EXCHANGE IS TO CONSERVE OPEN SPACE ON TRUST LANDS OFFERED BY THE STATE IN THE EXCHANGE OR TO ASSIST IN PRESERVING MILITARY AIRPORTS IN THIS STATE.

3. AT LEAST TWO INDEPENDENT APPRAISALS SHOW THAT THE TRUE VALUE OF ANY LANDS RECEIVED IN THE EXCHANGE EQUALS OR EXCEEDS THE TRUE VALUE OF THE LANDS THE STATE EXCHANGES.

4. AN ANALYSIS OF THE PROPOSED EXCHANGE SHOWS:

(a) THAT THE PROJECTED INCOME TO THE TRUST AFTER THE EXCHANGE EQUALS OR EXCEEDS THE INCOME TO THE TRUST BEFORE THE EXCHANGE.

(b) THE FISCAL IMPACT OF THE EXCHANGE ON EACH COUNTY, CITY, TOWN AND SCHOOL DISTRICT IN

WHICH ALL THE LANDS INVOLVED IN THE EXCHANGE ARE LOCATED.

(c) THE PHYSICAL, ECONOMIC AND NATURAL RESOURCE IMPACTS OF THE PROPOSED EXCHANGE ON THE SURROUNDING OR DIRECTLY ADJACENT LOCAL COMMUNITY AND THE IMPACTS ON LOCAL LAND USES AND LAND USE PLANS.

B. LAND MAY NOT BE EXCHANGED UNLESS:

1. PUBLIC NOTICE OF THE PROPOSED EXCHANGE IS PROVIDED THAT INCLUDES A LEGAL AND GENERAL DESCRIPTION OF THE LOCATION OF THE LANDS TO BE EXCHANGED, THE APPRAISED VALUE OF ALL PARCELS OF THE LANDS AND THE TIME AND PLACE OF THE PUBLIC HEARINGS DESCRIBED IN PARAGRAPH 2 OF THIS SUBSECTION. THE NOTICE SHALL BE GIVEN BEGINNING AT LEAST SIX WEEKS BEFORE THE PROPOSED EXCHANGE IN A MANNER PRESCRIBED BY LAW. DURING THIS PERIOD, A COMMENT AND HEARING PROCESS SHALL BE PROVIDED FOR PUBLIC COMMENT ON THE PROPOSED EXCHANGE.

2. PUBLIC HEARINGS ARE HELD AT THE STATE CAPITOL AND IN A LOCATION OF GENERAL ACCESSIBILITY IN THE VICINITY OF THE STATE LANDS BEING EXCHANGED.

C. LAND EXCHANGES ARE NOT CONSIDERED TO BE SALES FOR PURPOSES OF THIS ARTICLE.

2. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.

ANALYSIS BY LEGISLATIVE COUNCIL

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

In 1936, Congress amended the Enabling Act to give Arizona more flexibility in managing and disposing of trust land by allowing the state to exchange trust land for other public or private lands. Arizona did not amend its state Constitution to incorporate that authority for land exchanges, but the state did enact statutes to provide for these exchanges of land. Acting under its statutory authority, the State Land Department has periodically exchanged state trust land with the federal government and with private landowners. In 1990, the State Supreme Court determined that without amending the Arizona Constitution the state cannot conduct land exchanges. Subsequently, the State Land Department ceased the land exchange program.

Proposition 100 would amend the Arizona Constitution to allow the state to exchange state trust land for other public land. The exchange must be in the best interest of the state land trust and the exchange must either conserve open space on the trust land offered by the state or assist in preserving military airports in Arizona. In order to permit the exchange, there must be public hearings to provide for public comment on the proposed exchange, the appraised value of the land the state receives in the exchange must at least equal the appraised value of the trust land the state exchanges, the state trust income must not be reduced, the financial impact of the exchange on each county, city or town and school district in which the lands are located must be analyzed and the physical, economic and natural resource impacts of the exchange on the surrounding community and local land uses and land use plans must be analyzed.



Arguments "For" Proposition 100

ARGUMENTS "FOR" PROPOSITION 100

The Arizona Farm Bureau supports proposition 100: The Arizona Farm Bureau believes some potential exchanges of state land have merit where the criteria is carefully defined and the process is completely open and deliberate for each exchange being contemplated. Where this occurs, we can achieve all of the following: a) the mission of the state land trust can be fulfilled to preserve value and income for the beneficiaries; b) local impacts can be balanced and protected; (c) certain larger public benefits of preservation of open space and military facilities can accrue.

Vote YES on Proposition 100

Kevin Rogers, President, Arizona Farm Bureau, Mesa

Jim Klinker, Chief Administrative Officer, Arizona Farm Bureau, Higley

Paid for by "Arizona Farm Bureau"

Vote Yes on conservation land exchanges

As your public servant on the Central Arizona Project board many opportunities exist to plan and protect our natural resources. In addition to water conservation, we have the opportunity to preserve lands and protect our military bases with land exchanges with this Land Exchange proposal.

I have studied this proposal and concluded this proposition would be an acceptable way to conduct government to government land exchanges while protecting Arizona's cultural and military heritage. The only other option is to buy more land with taxpayer funds.

We don't need more government land we need to re arrange 70% of the government lands we already have in Arizona. We need sensible land preservation tools. This proposal is it.

Let's make a government trade, vote YES on the Land Exchange proposal.

For more information contact me at mark@marklewis.com

Mark Lewis, Director representing Maricopa County Central Arizona Water Conservation District, Phoenix

ARGUMENTS "AGAINST" PROPOSITION 100

PROP 100 is titled the Military Base Preservation Initiative, but the proposed amendment to the Arizona Constitution is adding "Section 12: Relating to State Lands". This proposition is very wrong and is very misleading because the Arizona State Land Department has no responsibilities that establish, eliminate or preserve any U.S. military bases.

In the text Section 12 begins "Land Exchanges". Arizona has seen this same proposal of land exchanges on several prior ballot initiatives. Voters have defeated those previous propositions because of land-assessment and control issues. When exchanges causes losses, the Public loses.

Political deceit has been added to PROP 100 via wording that exchanges are "for military airport or conservation purposes". Neither military airports nor conservation equals military bases. Since 100 would apply to State Trust Lands, where is the income to the Trust Fund from exchanges? Az. Taxpayers would be burdened for the missed income. These omissions from Section 12 are political deceptions incompatible with Arizonans' standards and expectations. Section 12 is distressingly incomplete, and unacceptable.

The question of "honesty" also lingers over PROP 100, which as is should not be on the Nov. 2004 ballot. The Arizona Responsible Voters Association is against the proposition. Join ARVA and vote "No" against PROP 100.

Edith Reeves, Phoenix

Tony Snelling, Mesa

Don Begalke, Phoenix

Leland Wilson, Gold Canyon

Eileen Mitchell, Phoenix

Bill Gill, Tempe

Frances Colley, Tempe

Paid for by "Arizona Responsible Voters Association"

Proponents of SCR 1012 state that this proposition is needed to assist in the preservation of military airports. Why is this necessary?

Arizona statute already limits encroachment on military bases and airfields.

In a state where only 13% of the land is in private hands, simply trading one piece of government controlled property for another accomplishes nothing. There is no benefit to be gained by creating additional open space public lands.

The LIE: "Public lands," according to the mantra of the Bureau of Land Management and other federal agencies of that ilk, belong to everyone, and are being set aside for "future generations."

The Truth: Public Lands are un-appropriated lands that are meant to be accessible to everyone of every generation.

J P Melchionne, Secretary, Yuma Chapter, People for the USA, Yuma

Dale Marler, Vice President, Yuma Chapter, People for the USA, Yuma

Paid for by "Yuma Chapter, People for the USA"



Defeat this for the 5th time!

As an elected Representative, I voted against this land exchange proposal in the Legislature. It failed!

Don't be fooled by the phrase "or assists in preserving military airports" that was tossed into this measure. Except for that line, this proposition is the IDENTICAL constitutional amendment voters rejected in 2002. Before that defeat, similar versions failed in 1992, 1994, and 2000. After four unsuccessful tries, I don't think they can pull the whole sheep over the voters' eyes in 2004.

Voters are being misled into believing they are getting more open space. Think again. The idea is to swap some of the 400,000 or so acres of state trust land that is surrounded by national monuments for other federal land. These new state trust lands will not be conserved as open space. They will be sold for development.

Until there is a restriction on what can be done with the land RECEIVED IN LAND SWAPS, VOTE NO! (again)

Ted Downing, State Representative, Tucson

Folks rarely have any opportunity to visit the Az. Legislative halls, and have hopes that "all is legitimate". From the 2003 session PROP. 100 fails the Public's criteria.

100 is titled the "military base preservation initiative", but clearly states it is "for state lands". Just from those phrases, this proposition is a recognizable lie.

Legislators were informed from the initial committee hearing that the Offices of Senators Jon Kyl and John McCain reported that 100 would not preserve military bases in Arizona as the State Land Dept. is not a voting participant of the federal commission deciding base issues. Indeed the Dept. never advocated nor testified for 100 at hearings.

100 is the same, old "land swap deal" proposal that Az. Voters have "defeated with good cause" at 5 previous ballots. Political sleaze, to stuff the deal down Arizona throats, tries to conceal the truth about 100.

During 2004 both the U.S. Congress and the Az. Legislature passed legislations to protect military bases in Az. Both 2004 efforts are earnest and legitimate. Yet Arizonans are still confronted by this 2003 sleaze, PROP. 100.

The Az. Legislature should not lie to Arizonans, and that lie should never be on our ballot. Ultimately, Voters must rebuke PROP. 100 and defeat the lie. Vote "NO" on 100!!!!

Don Begalke, Voter, Phoenix

VOTE NO ON PROPOSITION 100

Proposition 100 is a deceptive bill that will do nothing to preserve sensitive state lands. In fact, it will have quite the opposite effect.

The measure will change the Arizona Constitution and allow the state to enter into land exchange deals. Though proponents of the measure will lead you to believe this will conserve land and help us protect military bases, this is not the case.

First of all, Proposition 100 will allow three-way land swaps with the federal government. Three-way land swaps are almost always a losing deal for the public – land is not conserved and taxpayers foot a large portion of the bill.

Second, taxpayers almost always lose money in land exchange deals. Public lands are often undervalued while the private lands are overvalued. For example, the sale of state land near Desert Ridge brought in over \$100 million at a public auction. However, this land was appraised at only \$36 million prior to this auction. Had this land been swapped at its appraised value, the trust beneficiaries (primarily Arizona's schoolchildren) would have lost almost \$70 million in revenue.

Finally, land exchange measures, at least in the form proposed by Proposition 100, often do nothing to conserve open space for the public. Proposition 100 does not require that the land acquired by the state be conserved.

Arizonans understand the problems with bad land exchange measures, and that's why voters have said "no" to similar propositions five times since 1990.

The Arizona Advocacy Network Foundation (AzAN), a non-partisan coalition of community organizations, asks that you please vote no for the sixth time and defeat Proposition 100.

*Joel Foster, President, Arizona Advocacy Network
Foundation, Phoenix*

*Eric Ehst, Treasurer, Arizona Advocacy Network
Foundation, Phoenix*

Paid for by "Arizona Advocacy Network Foundation"

Sixth Time Is Not A Charm

The public has rejected state land exchange authority at the ballot five times over the past decade. It is clear that Arizona voters are skeptical of land swaps, and rightly so. Without adequate safeguards and appropriate public processes in place, land exchanges can shortchange the taxpayers and rarely serve the public interest. The Legislature recognizes that Arizonans are suspicious of this authority, and thus the very title of Proposition 100, "military base preservation initiative," is intended to mislead the public.

Prop 100 has very little to do with protecting military bases. This measure authorizes only public to public land exchanges, which would not address the private lands surrounding our military bases and the encroaching urban development. Unless, of course, you allowed the state to get away with three-way land swaps, which are extremely difficult for the public to monitor and problematic in terms of properly valuing the properties exchanged. We do not need any more back-room land swaps that result in losses to the taxpayers and the public. The three-way land exchanges that would be possible



Arguments “Against” Proposition 100

under Prop 100 would open the door to such shenanigans.

Essentially, Prop 100 is a ruse to get the voters to approve something that has been rejected at the ballot many times already. Do not be fooled. VOTE NO ON PROPOSITION 100.

Jeff Williamson, President, Arizona League of Conservation Voters Education Fund, Phoenix

Carolyn Campbell, Secretary, Arizona League of Conservation Voters Education Fund, Tucson

Paid for by “Arizona League of Conservation Voters Education Fund”

**VOTE NO ON PROPOSITION 100
STOP MORE BAD LAND DEALS**

Arizonans have rejected bad land exchange proposals five times since 1990. Proposition 100 is another bad land deal. Inappropriately called the “military base preservation initiative,” it will do little to protect military bases. What it will do is change the Arizona Constitution to allow the state to swap state trust lands.

Sound familiar? Depending on how long you have lived in Arizona, you probably voted against similar measures in the past and a nearly identical measure in November of 2002.

Why call it the “military base preservation initiative”? In the words of the bill's sponsor Senator Robert Blendu, “**I do know that calling it the land swap bill didn't work.**” It doesn't work because Arizona voters understand that these land exchanges are not to their advantage.

The measure says that state trust land exchanges must be for public lands. What it does not say is that three-way swaps using the federal government as the “middleman” will allow private developers to benefit and the public to lose. This is how it works. First, State trust lands are exchanged for federal lands. Next, the federal government sells the newly acquired state trust lands to private developers. Finally, the public lands that become state lands in the exchange will likely be auctioned for development.

The federal government's experience with exchanges provides numerous examples of bad land swaps. Although the government is required to conduct thorough reviews, ensure that the trade is in the public interest, and that the lands are of equal value, auditors in the General Accounting Office found numerous cases where the public lands were undervalued while the private lands were overvalued, resulting in significant losses to taxpayers.

Please vote no on Proposition 100.

Kenneth P. Langton, Chairperson, Sierra Club – Grand Canyon Chapter, Tucson

Don Steuter, Conservation Chair, Sierra Club – Grand Canyon Chapter, Phoenix

Paid for by “Sierra Club – Grand Canyon Chapter”



BALLOT FORMAT

PROPOSITION 100

**PROPOSED AMENDMENT TO THE CONSTITUTION
BY THE LEGISLATURE**

OFFICIAL TITLE

SENATE CONCURRENT RESOLUTION 1012
PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE X, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12; RELATING TO STATE LANDS.

DESCRIPTIVE TITLE

PERMITS STATE LAND EXCHANGE FOR OTHER PUBLIC LANDS IF IN BEST INTEREST OF STATE LAND TRUST, CONSERVES OPEN SPACE ON TRUST LANDS, PRESERVES MILITARY AIRPORTS; VALUE OF LANDS RECEIVED AND PROJECTED INCOME MUST EQUAL OR EXCEED STATE LAND VALUE; PUBLIC NOTICE AND HEARINGS AT CAPITOL AND VICINITY OF EXCHANGED LANDS.

PROPOSITION 100

<p>A “yes” vote shall have the effect of permitting the exchange of state lands for other public lands if it is in the best interests of the state land trust, it conserves open space on trust lands offered in the exchange, or it assists in preserving military airports, and appraisals show the lands received and projected income and value will equal or exceed that of the state lands.</p>	<p>YES <input type="checkbox"/></p>
<p>A “no” vote shall have the effect of not permitting exchange of state lands for other public lands.</p>	<p>NO <input type="checkbox"/></p>

