

House Engrossed Senate Bill

FILED

**KEN BENNETT
SECRETARY OF STATE**

State of Arizona
Senate
Fiftieth Legislature
Second Regular Session
2012

SENATE CONCURRENT RESOLUTION 1001

A CONCURRENT RESOLUTION

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

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

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

6 12. Land exchanges; purposes; notice; hearings;
7 submission to the voters

8 SECTION 12. A. THE LEGISLATURE SHALL PROVIDE A PROCESS
9 BY LAW FOR EXCHANGING LANDS GRANTED OR CONFIRMED BY THE ENABLING
10 ACT FOR PUBLIC LANDS IN THIS STATE UNDER THE TERMS AND
11 CONDITIONS PRESCRIBED BY THIS SECTION.

12 B. THE PURPOSE OF THE EXCHANGE MUST BE EITHER:

13 1. TO ASSIST IN PRESERVING AND PROTECTING MILITARY
14 FACILITIES IN THIS STATE FROM ENCROACHING DEVELOPMENT.

15 2. TO IMPROVE THE MANAGEMENT OF STATE LANDS FOR THE
16 PURPOSE OF SALE OR LEASE OR CONVERSION TO PUBLIC USE OF STATE
17 LANDS.

18 C. BEFORE THE PUBLIC HEARINGS ARE HELD PURSUANT TO
19 SUBSECTION D, PARAGRAPH 3 OF THIS SECTION:

20 1. AT LEAST TWO INDEPENDENT APPRAISALS MUST BE MADE
21 AVAILABLE TO THE PUBLIC SHOWING THAT THE TRUE VALUE OF ANY LANDS
22 THE STATE RECEIVES IN THE EXCHANGE EQUALS OR EXCEEDS THE TRUE
23 VALUE OF THE LANDS THE STATE CONVEYS.

24 2. AT LEAST TWO INDEPENDENT ANALYSES OF THE PROPOSED
25 EXCHANGE MUST BE MADE AVAILABLE TO THE PUBLIC SHOWING:

26 (a) THE INCOME TO THE TRUST BEFORE THE EXCHANGE FROM ALL
27 LANDS THE STATE CONVEYS AND THE PROJECTED INCOME TO THE TRUST
28 AFTER THE EXCHANGE FROM ALL LANDS THE STATE RECEIVES.

29 (b) THE FISCAL IMPACT OF THE EXCHANGE ON EACH COUNTY,
30 CITY, TOWN AND SCHOOL DISTRICT IN WHICH ALL THE LANDS INVOLVED
31 IN THE EXCHANGE ARE LOCATED.

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

36 D. LAND MAY NOT BE EXCHANGED UNLESS:

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

39 2. PUBLIC NOTICE OF THE PROPOSED EXCHANGE INCLUDES FULL
40 DISCLOSURE OF ALL DETAILS OF THE TRANSACTION, THE OWNERSHIP OF
41 ALL PARCELS OF THE LANDS INVOLVED IN THE EXCHANGE, INCLUDING
42 INDEPENDENT AND ANCILLARY PARTIES, A LEGAL AND GENERAL
43 DESCRIPTION OF THE LOCATION OF ALL PARCELS OF THE LANDS AND THE
44 APPRAISED VALUE OF ALL PARCELS OF THE LANDS.

1 3. PUBLIC HEARINGS ARE HELD AT THE STATE CAPITAL AND IN A
2 LOCATION OF GENERAL ACCESSIBILITY IN THE VICINITY OF THE STATE
3 LANDS BEING EXCHANGED. NOTICE OF THE TIME AND PLACE OF THE
4 HEARINGS MUST BE GIVEN BEGINNING AT LEAST SIX WEEKS BEFORE EACH
5 HEARING IN A MANNER PRESCRIBED BY LAW. DURING THIS PERIOD, A
6 PROCESS SHALL BE PROVIDED FOR PUBLIC COMMENT ON THE PROPOSED
7 EXCHANGE.

8 4. THE EXCHANGE IS APPROVED BY THE QUALIFIED ELECTORS OF
9 THIS STATE IN THE MANNER OF A REFERENDUM PURSUANT TO ARTICLE IV,
10 PART 1, SECTION 1 AT THE NEXT REGULAR GENERAL ELECTION. TO BE
11 APPROVED, THE PROPOSITION MUST RECEIVE AN AFFIRMATIVE VOTE OF A
12 MAJORITY OF THE QUALIFIED ELECTORS VOTING ON THE MEASURE.

13 E. LAND EXCHANGES ARE NOT CONSIDERED TO BE SALES FOR THE
14 PURPOSES OF THIS ARTICLE.

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

PASSED BY THE HOUSE APRIL 23, 2012.

SENATE CONCURS IN HOUSE AMENDMENTS AND FINAL PASSAGE APRIL 25, 2012.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 1, 2012.

Passed the House April 23, 2012,

Passed the Senate February 27, 2012,

by the following vote: 50 Ayes,

by the following vote: 25 Ayes,

0 Nays, 9 Not Voting
1 vacant

5 Nays, 0 Not Voting

[Signature]
Speaker of the House

[Signature]
President of the Senate

[Signature]
Chief Clerk of the House

[Signature]
Secretary of the Senate

S.C.R. 1001

~~EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE~~

~~This Bill was received by the Secretary of State
this _____ day of _____, 20____,~~

~~at _____ o'clock _____ M.~~

~~_____
Secretary of State~~

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate April 25, 20 12

by the following vote: 17 Ayes,

11 Nays, 2 Not Voting

Steve Pierce
President of the Senate

Charmian Ballington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Resolution received by the Secretary of State

this 1st day of May, 20 12

S.C.R. 1001

at 8:10 o'clock a M.

John Blumenthal
Secretary of State