

**PROPOSITION \_\_\_\_**  
**C-20-2008; CONSERVING ARIZONA'S WATER AND LAND**

**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 10.9 million acres of land, referred to as "state trust land", to be held in trust for the benefit of the named beneficiaries, primarily the public schools, as well as other public institutions (colleges, hospitals, prisons, etc.). Both the Enabling Act and the Arizona Constitution provide that the state can lease or sell trust land, and the natural products (timber, minerals, etc.) of the land, to the "highest and best bidder" at advertised public auction and lands and products offered for sale must be appraised at and sold for not less than "true value".

Proposition \_\_\_\_ would amend the Arizona Constitution to:

1. Designate approximately 570,000 acres of state trust land as permanent conservation lands without required beneficiary compensation to be used in a manner consistent with the conservation of the natural, cultural and historical assets of the land. This land would be restricted from development. This land would no longer be available for sale to benefit public schools and other beneficiaries although some revenue from leasing may be realized.
2. Allow a public auction of state trust land to take place at a location other than the county seat of the county where the land is located.
3. Eliminate the current requirement that all state trust land leases, including grazing, go to a public auction.
4. Allow the sale of land designated for conservation purposes to a state agency, county, city or town without advertisement or public auction, provided that the land is restricted against development, used in a manner consistent with conservation and subject to reasonable public access.
5. Allow for the disposition of a right-of-way or easement on, over or across state trust land for certain purposes without advertisement or public auction.
6. Allow participation agreements so that the true appraised value of state trust land or an interest in the land to account for the nonmonetary value would be received if the land was sold, leased or otherwise transferred.
7. Require the state to prepare plans for the development of state trust land in cooperation with the county, city or town in which the land is located according to generally applicable regulations that apply equally to similar private property in the jurisdiction.
8. Allow an unspecified percentage of monies derived from rentals, interest on installment sales and distributions from the permanent fund to be used to enhance, maintain or protect the value of the state trust land or the revenues derived from the land. The Legislature would appropriate these monies and the expenditures would be annually published.

Proposition \_\_\_\_ does not become fully effective unless the United States Congress amends the Arizona-New Mexico Enabling Act before January 1, 2015 to authorize the changes contained in this proposal.