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# Court OKs ballot description of Prop. 106 land initiative

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PHOENIX — Home builders have won a crucial victory in their effort to defeat an initiative to set aside up to 690,000 acres of state trust land as off-limits to development.

The Arizona Supreme Court has ruled the description of Proposition 106 crafted by the Legislative Council can stand. The justices, without comment, rejected arguments by attorneys for Conserving Arizona's Future that the wording was deliberately biased.

Technically, the lawsuit was against the lawmakers who make up the council — and, more to the point, against the Republican majority that adopted the language describing Proposition 106.

It was the GOP-controlled Legislature that put its own alternative on the ballot as Proposition 105 — a measure pushed by the Homebuilders Association of Central Arizona. And at least some of the language the council adopted to explain Proposition 106 was suggested by a representative of the homebuilders.

The ruling is significant, since this description is what appears in a publicity pamphlet mailed to all registered voters before the Nov. 7 general election. While proponents and opponents of any ballot measure are entitled to include their own arguments, for a fee, the language adopted by the Legislative Council is presented as being a neutral description of the measure.

But backers of Proposition 106 contend the verbiage is anything but that.

For example, the explanation notes the initiative would create a new seven-member board of trustees, appointed by the governor, to plan and dispose of state trusts lands. But lawmakers added language saying the costs of the board would be paid for from the sale of trust lands — funds that now go to schools.

Attorney Chuck Blanchard said that fails to mention that only a small percentage of the proceeds would be required.

It also says the 694,000 acres of land that would be available for conservation "would no longer be available for sale to provide revenue for schools and other public institutions." Blanchard said that ignores the fact that lease agreements would continue to produce revenues.

And Blanchard objected to language that says the public would not necessarily have access to the conservation lands.

But Mike Braun, attorney for the Legislative Council, said the sponsors of Proposition 106 could have drafted their measure to require reasonable public access to the land before it is sold off "but they did not."

Blanchard also complained because the explanation of Proposition 106 starts with the creation of the board of trustees. Only later is the 694,000 acres mentioned.

By contrast, the description of Proposition 105 — the one put on the ballot by the Legislature at the behest of the

home builders — starts off with explaining it would set aside up to 400,000 acres.

He said that "manipulation" was done deliberately "because average voters are much more likely to care about conservation issues as opposed to the administrative detail of state land trust oversight."

That parallels arguments made by Proposition 106 supporters that Proposition 105 was placed on the ballot largely to confuse voters. Spencer Kamps, lobbyist for the Home Builders Association of Central Arizona, denied that is the case.

He said certain unique areas of the state should be placed off-limits to development.

But Kamps said the mission of the Land Department is to manage the property for maximum benefit of the trust, whose proceeds are earmarked for education. The initiative, said Kamps, changes the whole focus to conservation, with procedures that potentially could place state lands off-limits for the homes needed as people arrive in the state.

"You shouldn't freeze and tie up land," Kamps said.

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