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LEGISLATIVE GENERAL COUNSEL
Approved for Filing: R.H. Rees
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H.J.R. 15

1 **PROPOSAL TO AMEND UTAH CONSTITUTION --**

2 **MUNICIPAL WATER AMENDMENT**

3 2018 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Keven J. Stratton**

6 Senate Sponsor: _____

7

8 **LONG TITLE**

9 **General Description:**

10 This joint resolution of the Legislature proposes to amend the Utah Constitution to
11 modify a provision relating to municipal waterworks, water rights, or sources of water
12 supply.

13 **Highlighted Provisions:**

14 This resolution proposes to amend the Utah Constitution to:

- 15 ▶ eliminate a restriction against a municipal corporation leasing its waterworks, water
- 16 rights, or sources of water.

17 **Special Clauses:**

18 This resolution directs the lieutenant governor to submit this proposal to voters.

19 This resolution provides a contingent effective date of January 1, 2019 for this proposal.

20 **Utah Constitution Sections Affected:**

21 AMENDS:

22 **ARTICLE XI, SECTION 6**

23

24 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
25 *of the two houses voting in favor thereof:*

26 Section 1. It is proposed to amend Utah Constitution, Article XI, Section 6, to read:

27 **Article XI, Section 6. [Municipalities forbidden to sell waterworks or rights.]**

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28 _____ No municipal corporation, shall directly or indirectly, [~~lease,~~] -sell,
 2829 _____ alien, or dispose of
 2930 ~~any waterworks~~, water rights, or sources of water supply now, or hereafter to be owned or
 3031 controlled by it; but all such ~~waterworks~~, water rights and sources of water supply now owned
 31 _____ or hereafter to be acquired by any municipal corporation, shall be preserved, ~~and~~ maintained ~~and~~
 32 ~~operated~~ by it for supplying ~~its the~~ inhabitants of its designated service area,
 3233 with water at reasonable charges: Provided, ~~That~~ nothing herein contained shall be construed to
 3334 prevent any such municipal corporation from:

• ~~(a) Contractually committing water currently in excess of the needs of the inhabitants of~~
 35 ~~and retail customers within its designated service area for use outside its designated service area;~~

6 ~~(b) selling the commodity of water to retail consumers within its designated service area,~~
 7 ~~which service area is defined by that geographic area to which the municipal corporation~~
 438 ~~has extended its water distribution infrastructure; -or~~

3539 ~~(c) exchanging water rights, or sources of water supply, for other water rights or sources~~
 3640 ~~of water supply of equal value, and to be devoted in like manner to the public supply of theits~~
 3741 ~~inhabitants of and retail customers within its designated service area;~~

3842 _____ Section 2. **Submittal to voters.**
 3943 _____ The lieutenant governor is directed to submit this proposed amendment to the voters of
 4044 the state at the next regular general election in the manner provided by law.

4145 _____ Section 3. **Contingent effective date.**
 4246 _____ If the amendment proposed by this joint resolution is approved by a majority of those
 4347 voting on it at the next regular general election, the amendment shall take effect on January 1,
 42 20219.