

LEGISLATIVE GENERAL COUNSEL

Approved for Filing: R.H. Rees

02-15-18 10:59 AM

H.J.R. 15

June 28, 2018 combined edits

**PROPOSAL TO AMEND UTAH CONSTITUTION--
MUNICIPAL WATER AMENDMENT**

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keven J. Stratton

Senate Sponsor: _____

LONG TITLE

General Description:

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

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

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

Special Clauses:

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

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

Utah Constitution Sections Affected:

AMENDS:

ARTICLE XI, SECTION 6

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

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

Article XI, Section 6. [Municipalities **authorization to sell water for public water** ~~supply purposes to its designated service area.~~ ~~forbidden to sell waterworks or rights.~~]

H.J.R. 15

HJR015 H.J.R. 15 02-15-18 10:59 AM

2829 _____ No municipal corporation, shall directly or indirectly, [lease,] sell, alien, or dispose of
2930 ~~any waterworks~~, water rights, or sources of water supply now, or hereafter to be owned or
31 controlled by it for the public supply of water; but all such ~~waterworks~~, water rights and
3032 sources of water supply now owned

3133 or hereafter to be acquired by any municipal corporation, shall be preserved, and maintained ~~and~~
34 ~~operated~~ by it for supplying its designated water service area inhabitants with water at
35 ~~reasonable charges~~;

36 (2) Each municipal corporation may define by ordinance the limits of its designated water
37 service area and terms of service.

32 — Provided, That

38 (3) Nothing herein contained shall be construed to prevent ~~any such a~~ municipal corporation from:

39 (a) Contractually committing water currently in excess of the needs of its designated water
40 service area for use outside its designated water service area;

41 (b) Selling the commodity of water to retail consumers within its designated water service area; or

42 (c) exchanging water-rights, or sources of water supply, for other water-rights or sources of water

43 supply of equal value in meeting a municipality's needs, and to be devoted in like manner to

44 the public supply of its ~~inhabitants~~ designated service area.

3345

3424 ~~exchanging water rights, or sources of water supply, for other water rights or sources of water~~

3524 ~~supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.~~

3646 _____ Section 2. **Submittal to voters.**

3747 _____ The lieutenant governor is directed to submit this proposed amendment to the voters of

3848 the state at the next regular general election in the manner provided by law.

3949 _____ Section 3. **Contingent effective date.**

4050 _____ If the amendment proposed by this joint resolution is approved by a majority of those

4151 voting on it at the next regular general election, the amendment shall take effect on January 1,

42 of the following calendar year 2019.

Legislative Review Note
Office of Legislative Research and General Counsel

