

August 23, 2018 –
Constitutional Amendment Study Committee
Recommended Language

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

2019 GENERAL SESSION
STATE OF UTAH

Chief Sponsor:
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 forbidden~~ to supply water for public watersell-
waterworks or rights.]
supply purposes to its designated service area.]**

(1)
~~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

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31 controlled by it for the public supply of water; but all such ~~waterworks~~, water rights and
3032 sources of water supply now owned
3433 or hereafter to be acquired by any municipal corporation, shall be preserved, and maintained and
3234 ~~operated~~ by it for supplying its designated water service area ~~inhabitants~~ with water at reasonable charges. ~~Provided, That~~
35 (2) Each municipal corporation may define by ordinance the limits of its designated water
36 service area and terms of service.
3337 (3) ~~Nothing~~ nothing herein contained shall be construed to prevent any such municipal corporation from:
38 (a) Contractually committing water currently in excess of the needs of its
39 designated water service area for use outside its designated water service area;
40 (b) Supplying the commodity of water to retail consumers within its designated water
41 service area at reasonable rates as established by ordinance; or
42 (c) exchanging water-rights, or sources of water supply, for other water-rights or sources of water
34 supply of equal
43 value in meeting a municipality's needs, and to be devoted in like manner to
3544 the public supply of its designated service area ~~inhabitants~~.

46 Section 2. Submittal to voters. If this proposal to amend the Constitution is approved by two-thirds
47 majority of both the Senate and the House, the ~~The~~ lieutenant governor is directed to submit this proposed
37 ~~48~~ amendment to the voters of
38 the state at the next regular general election in the manner provided by law.

3946 Section 3. Contingent effective date.
40 If the proposed amendment proposed by this joint resolution is approved by a majority of registered
votersthose
47 voting on it at the next regular general election,
4448 the amendment shall take effect on January 1, of the following calendar year ~~2019~~.

Legislative Review Note
Office of Legislative Research and General Counsel

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