August 23, 2018 –
Constitutional Amendment Study Committee
Recommended Language
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 are forbidden to supply water for public waterworks or rights.]

supply purposes to its designated service area.]

(1) No municipality shall directly or indirectly lease, sell, alien, or dispose of any waterworks, water rights, or sources of water supply now, or hereafter to be owned or
controlled by it for the public supply of water; but all such waterworks, water rights and sources of water supply now owned or hereafter to be acquired by any municipal corporation, shall be preserved, and maintained and operated by it for supplying its designated water service area inhabitants with water at reasonable charges.

Provided, That

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

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

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

(b) Supplying the commodity of water to retail consumers within its designated water service area at reasonable rates as established by ordinance; or

(c) Exchanging water-rights, or sources of water supply, for other water-rights or sources of water supply of equal value in meeting a municipality’s needs, and to be devoted in like manner to the public supply of its designated service area inhabitants.

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

Section 3. Contingent effective date. If the proposed amendment proposed by this joint resolution is approved by a majority of registered voters, the amendment shall take effect on January 1, of the following calendar year.