

LEGISLATIVE GENERAL COUNSEL
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[August 23, 2018 Edits to League of
C&T Amendments](#) **H.J.R. 15**

~~June 28, 2018 combined edits
August 6, 2018 League of C&T
Amendments~~

[August 23, 2018 Committee Edits
to League of C&T Amendments](#)

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 authorization to supply sell-water for public water**
28 **supply purposes to its designated service area.**

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29 No municipal corporation, shall directly or indirectly, ~~lease, [lease,]~~ sell, alien, or dispose of
30 ; 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, water rights and
32 sources of water supply now owned
33 or hereafter to be acquired by any municipal corporation, shall be preserved, and maintained
34 by it for supplying its designated water service area with water at reasonable charges.

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

37 (3) Nothing herein contained shall be construed to prevent a municipal corporation from:

38 (a) Contractually committing ~~the commodity of~~ water currently in excess of the needs of its
3839 designated water service area for use outside its designated water service area;

3940 (b) ~~Supplying Selling~~ the commodity of water to retail consumers within its designated water
4041 service area at reasonable rates as established by ordinance; or

4142 (c) exchanging water-rights, or sources of water supply, for other water-rights or sources of water
4243 supply of equal value in meeting a municipality's needs, and to be devoted in like manner to
4344 the public supply of its designated service area.

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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
47 amendment to the voters of the state at the next regular general election in the manner provided
by law.

48 Section 3. **Contingent effective date.**

49 If the proposed amendment ~~proposed by this joint resolution~~ is approved by a majority of ~~those~~
50 ~~registered voters voting on it~~ at the next regular general election, the amendment shall take
effect on January 1, of the following calendar year.

Legislative Review Note
Office of Legislative Research and General Counsel