

**RESOLUTION AMENDING PROVISION ON
MUNICIPAL WATER RIGHTS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kay L. McIff

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 water rights.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ authorize a municipality to lease, on a short term basis, water rights owned or controlled by the municipality, and to renew the lease; and
- ▶ make technical changes.

Special Clauses:

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

This resolution provides a contingent effective date of January 1, 2011 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 forbidden to sell waterworks or rights.]



28 ~~[No municipal corporation, shall]~~
 29 (1) (a) Except as provided in Subsection (2), a municipality:
 30 (i) may not, directly or indirectly, lease, sell, alien, or dispose of any waterworks, water
 31 rights, or sources of water supply ~~[now, or hereafter to be]~~ owned or controlled by ~~[it, but all~~
 32 ~~such]~~ the municipality; and

33 (ii) shall preserve, maintain, and operate those waterworks, water rights, and sources of
 34 water supply ~~[now owned or hereafter to be acquired by any municipal corporation, shall be~~
 35 ~~preserved, maintained and operated by it]~~ for supplying its inhabitants with water at reasonable
 36 charges~~[- Provided, That nothing herein contained shall].~~

37 (b) Subsection (1)(a) may not be construed to prevent ~~[any such municipal corporation]~~
 38 a municipality from exchanging ~~[water rights,]~~ water rights or sources of water supply~~[-]~~ for
 39 other ~~[water rights]~~ water rights or sources of water supply of equal value, and to be devoted in
 40 like manner to the public supply of its inhabitants.

41 (2) (a) A municipality may lease water rights that the municipality owns or controls, if
 42 the leased water rights are for use within the state.

43 (b) A lease of water rights under Subsection (2)(a) may be renewed one or more times.

44 (c) (i) The term of a lease under Subsection (2)(a) may not exceed seven years.

45 (ii) The term of any renewed lease under Subsection (2)(b) may not exceed seven
 46 years.

47 **Section 2. Submittal to voters.**

48 The lieutenant governor is directed to submit this proposed amendment to the voters of
 49 the state at the next regular general election in the manner provided by law.

50 **Section 3. Effective date.**

51 If the amendment proposed by this joint resolution is approved by a majority of those
 52 voting on it at the next regular general election, the amendment shall take effect on January 1,
 53 2011.

H.J.R. 16 - Resolution Amending Provision on Municipal Water Rights

Fiscal Note

2009 General Session
State of Utah

State Impact

Publication and distribution costs to put this resolution on the ballot will require a one-time FY 2011 appropriation of \$14,700 from the General Fund.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
General Fund, One-Time	\$0	\$0	\$14,700	\$0	\$0	\$0
Total	\$0	\$0	\$14,700	\$0	\$0	\$0

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.