

**JOINT RESOLUTION AMENDING PROVISION  
ON MUNICIPAL WATER RIGHTS**

2010 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Kay L. McIff**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**Committee Note:**

The Utah Constitutional Revision Commission recommended this bill.

Membership: 6 legislators 8 non-legislators

Legislative Vote: 2 voting for 0 voting against 4 absent

**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**

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

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

31 **Article XI, Section 6. [Municipalities forbidden to sell waterworks or rights.]**

32 [~~No municipal corporation, shall~~]

33 (1) (a) Except as provided in Subsection (2), a municipality:

34 (i) may not, directly or indirectly, lease, sell, alien, or dispose of any waterworks, water  
35 rights, or sources of water supply [~~now, or hereafter to be~~] owned or controlled by [~~it, but all~~  
36 such] the municipality; and

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

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

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

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

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

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

51 Section 2. **Submittal to voters.**

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

54 Section 3. **Effective date.**

55 If the amendment proposed by this joint resolution is approved by a majority of those  
56 voting on it at the next regular general election, the amendment shall take effect on January 1,  
57 2011.

**Legislative Review Note**  
as of 5-13-09 12:56 PM

**Office of Legislative Research and General Counsel**

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**H.J.R. 1 - Joint Resolution Amending Provision on Municipal Water Rights**

**Fiscal Note**

2010 General Session  
State of Utah

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**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>FY 2010 Approp.</u>	<u>FY 2011 Approp.</u>	<u>FY 2012 Approp.</u>	<u>FY 2010 Revenue</u>	<u>FY 2011 Revenue</u>	<u>FY 2012 Revenue</u>
General Fund, One-Time	\$0	\$14,700	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$14,700</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**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.