

RESOLUTION ON MUNICIPAL WATER**RIGHTS**

2003 GENERAL SESSION

STATE OF UTAH

Sponsor: Scott K. Jenkins

This joint resolution proposes to amend the Utah Constitution to repeal a provision prohibiting municipal corporations from disposing of waterworks, water rights, or sources of water supply and requiring municipal corporations to preserve, maintain, and operate its waterworks, water rights, and sources of water supply for supplying its inhabitants with water. This joint resolution directs the lieutenant governor to submit this proposal to voters and provides an effective date.

This resolution proposes to change the Utah Constitution as follows:

REPEALS:

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 repeal Utah Constitution Article XI, Section 6:

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

~~[No municipal corporation, 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; 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, maintained and operated by it for supplying its inhabitants with water at reasonable charges. Provided, That nothing herein contained shall be construed to prevent any such municipal corporation from exchanging water rights, or sources of water supply, for other water rights or sources of water supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.]~~

Section 2. **Submittal to voters.**



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

30 Section 3. **Effective date.**

31 If the amendment proposed by this joint resolution is approved by a majority of those
32 voting on it at the next regular general election, the amendment shall take effect on January 1,
33 2005.

Legislative Review Note
as of 12-3-02 9:07 AM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel

State Impact

It is estimated that publication and distribution costs to put this resolution on the ballot would be \$11,500 from the General Fund.

	<u>FY 04 Approp.</u>	<u>FY 05 Approp.</u>	<u>FY 04 Revenue</u>	<u>FY 05 Revenue</u>
General Fund	\$0	\$11,500	\$0	\$0
TOTAL	<u>\$0</u>	<u>\$11,500</u>	<u>\$0</u>	<u>\$0</u>

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst