

MUNICIPAL WATER RIGHTS

STATE OF UTAH

Senate Sponsor: _____

ARTICLE XI, SECTION 6

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



[No municipal corporation, shall]

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

(i) may not, 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]~~ the municipality; and

(ii) shall preserve, maintain, and operate those 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].~~

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

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

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

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

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

Section 2. **Submittal to voters.**

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. **Effective date.**

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

Legislative Review Note

as of 2-5-09 12:30 PM

Office of Legislative Research and General Counsel

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 Approp.</u>	<u>2010 Approp.</u>	<u>2011 Approp.</u>	<u>2009 Revenue</u>	<u>2010 Revenue</u>	<u>2011 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.