

1                   **PROPOSAL TO AMEND UTAH CONSTITUTION -- WATER**  
2                                   **RESOURCES OF MUNICIPALITIES**

3   2020 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Keven J. Stratton**

6   Senate Sponsor: Ralph Okerlund

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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 water rights and sources of water supply.

12   **Highlighted Provisions:**

13           This resolution proposes to amend the Utah Constitution to:  
14           ▶ rewrite a provision relating to municipal water rights and sources of water supply;  
15           ▶ eliminate references to municipal waterworks; and  
16           ▶ specify the circumstances under which a municipality may supply water outside its  
17   boundary or commit to supply water outside its water service area.

18   **Special Clauses:**

19           This resolution directs the lieutenant governor to submit this proposal to voters in the  
20   place of H.J.R. 1, Proposal to Amend Utah Constitution -- Municipal Water Resources,  
21   passed during the 2019 General Session.

22           This resolution provides a contingent effective date of January 1, 2021 for this proposal.

23   **Utah Constitution Sections Affected:**

24   AMENDS:

25           **ARTICLE XI, SECTION 6**

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

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

30 **Article XI, Section 6. [Municipal water rights and sources of water supply.]**

31 [~~No municipal corporation, shall directly or indirectly, lease, sell, alien or dispose of~~  
32 ~~any waterworks, water rights, or sources of water supply now, or hereafter to be owned or~~  
33 ~~controlled by it; but all such waterworks, water rights and sources of water supply now owned~~  
34 ~~or hereafter to be acquired by any municipal corporation, shall be preserved, maintained and~~  
35 ~~operated by it for supplying its inhabitants with water at reasonable charges: Provided, That~~  
36 ~~nothing herein contained shall be construed to prevent any such municipal corporation from~~  
37 ~~exchanging water-rights, or sources of water supply, for other water-rights or sources of water~~  
38 ~~supply of equal value, and to be devoted in like manner to the public supply of its inhabitants.]~~

39 (1) A municipality that owns, acquires, or controls water rights or sources of water  
40 supply to supply water to the public:

41 (a) may not directly or indirectly lease, sell, alienate, or dispose of any of those water  
42 rights or sources of water supply;

43 (b) shall preserve and maintain those water rights and sources of water supply to  
44 supply water to the municipality's inhabitants and others within the municipality's designated  
45 water service area; and

46 (c) may by ordinance designate the geographic limits of the municipality's water  
47 service area and define the terms of service, including water service charges that are  
48 reasonable.

49 (2) Nothing in Subsection (1) may be construed to prevent a municipality from:

50 (a) supplying water to retail consumers outside the municipality's boundary but within  
51 the municipality's designated water service area for reasonable charges established by  
52 ordinance;

53 (b) contractually committing to supply water outside the municipality's designated  
54 water service area, if the water supplied is in excess of the water needed for the municipality's  
55 designated water service area; or

56 (c) exchanging water rights or sources of water supply for other water rights or sources  
57 of water supply that the municipality determines will equally enable the municipality to meet

58 the needs of its designated water service area.

59           Section 2. **Replacing previous resolution -- Submittal to voters**

60           The lieutenant governor is directed to submit this proposed amendment to the voters of  
61 the state at the next regular general election in the manner provided by law and to withdraw  
62 and not submit to voters H.J.R. 1, Proposal to Amend Utah Constitution -- Municipal Water  
63 Resources, passed during the 2019 General Session. This joint resolution replaces and  
64 supersedes H.J.R. 1, Proposal to Amend Utah Constitution -- Municipal Water Resources.

65           Section 3. **Contingent effective date.**

66           If the amendment proposed by this joint resolution is approved by a majority of those  
67 voting on it at the next regular general election, the amendment shall take effect on January 1,  
68 2021.