

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

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Keven J. Stratton**

Senate Sponsor: Ralph Okerlund

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**LONG TITLE**

**Committee Note:**

The Legislative Water Development Commission recommended this bill.

Membership: 13 legislators 11 non-legislators

Legislative Vote: 8 voting for 0 voting against 5 absent

The Natural Resources, Agriculture, and Environment Interim Committee recommended this bill.

Legislative Vote: 15 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 and sources of water supply.

**Highlighted Provisions:**

This resolution proposes to amend the Utah Constitution to:

- ▶ rewrite a provision relating to municipal water rights and sources of water supply;
- ▶ eliminate references to municipal waterworks; and
- ▶ specify the circumstances under which a municipality may supply water outside its

boundary or commit to supply water outside its water service area.

**Special Clauses:**

This resolution directs the lieutenant governor to submit this proposal to voters in the place of H.J.R. 1, Proposal to Amend Utah Constitution -- Municipal Water Resources,



28 passed during the 2019 General Session.

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

30 **Utah Constitution Sections Affected:**

31 AMENDS:

32 **ARTICLE XI, SECTION 6**



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

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

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

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

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

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

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

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

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

57 (a) supplying water to retail consumers outside the municipality's boundary but within  
58 the municipality's designated water service area for reasonable charges established by

59 ordinance;

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

63 (c) exchanging water rights or sources of water supply for other water rights or sources  
64 of water supply that the municipality determines will equally enable the municipality to meet  
65 the needs of its designated water service area.

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

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

72 **Section 3. Contingent effective date.**

73 If the amendment proposed by this joint resolution is approved by a majority of those  
74 voting on it at the next regular general election, the amendment shall take effect on January 1,  
75 2021.