# August 23, 2018 –

# Constitutional Amendment Study Committee Recommended Language

1. **PROPOSAL TO AMEND UTAH CONSTITUTION --**
2. **MUNICIPAL WATER AMENDMENT**
3. 2019 GENERAL SESSION
4. STATE OF UTAH

# Chief Sponsor:

1. Senate Sponsor:

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## LONG TITLE

1. **General Description:**
2. This joint resolution of the Legislature proposes to amend the Utah Constitution to
3. modify a provision relating to municipal waterworks, water rights, or sources of water
4. supply.

## Highlighted Provisions:

1. This resolution proposes to amend the Utah Constitution to:
2. ► eliminate a restriction against a municipal corporation leasing its waterworks, water
3. rights, or sources of water.

## Special Clauses:

1. This resolution directs the lieutenant governor to submit this proposal to voters.
2. This resolution provides a contingent effective date of January 1, 2019 for this proposal.

## Utah Constitution Sections Affected:

1. AMENDS:

## [ARTICLE](#_bookmark0) XI, SECTION 6

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1. *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*
2. *of the two houses voting in favor thereof:*
3. Section 1. It is proposed to amend Utah Constitution, Article XI, Section 6, to read:

## Article XI, Section 6. [Municipalities authorization to supply water for public water

## supply purposes to its designated service area.

1. (1) No municipal corporation, shall directly or indirectly, lease, sell, alien, or dispose of
2. water rights, or sources of water supply now, or hereafter to be owned or
3. controlled by it for the public supply of water; but all such, water rights and
4. sources of water supply now owned
5. or hereafter to be acquired by any municipal corporation, shall be preserved, and maintained
6. by it for supplying its designated water service area with water at reasonable charges.
7. (2) Each municipal corporation may define by ordinance the limits of its designated water
8. service area and terms of service.
9. (3) Nothing herein contained shall be construed to prevent a municipal corporation from:
10. (a) Contractually committing water currently in excess of the needs of its
11. designated water service area for use outside its designated water service area;
12. (b) Supplying the commodity of water to retail consumers within its designated water
13. service area at reasonable rates as established by ordinance; or
14. (c) exchanging water-rights, or sources of water supply, for other water-rights or sources of water
15. supply of equal value in meeting a municipality’s needs, and to be devoted in like manner to
16. the public supply of its designated service area.
17. 46 Section 2. **Submittal to voters.** If this proposal to amend the Constitution is approved by two-thirds

47 majority of both the Senate and the House, the lieutenant governor is directed to submit this proposed

 48 amendment to the voters of the state at the next regular general election in the manner provided by law.

1. Section 3. **Contingent effective date.**
2. If the proposed amendment is approved by a majority of registered voters at the next regular general election,
3. the amendment shall take effect on January 1, of the following calendar year.

## Legislative Review Note

**Office of Legislative Research and General Counsel**

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