

USE OF COUNTY NAME RESTRICTED

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: David H. Steele

AN ACT RELATING TO COUNTIES, SPECIAL DISTRICTS, AND THE STATE SYSTEM OF PUBLIC EDUCATION; RESTRICTING THE USE OF "COUNTY" IN THE NAME OF CERTAIN POLITICAL SUBDIVISIONS OF THE STATE; AND PROVIDING EXCEPTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

53A-2-108, as enacted by Chapter 2, Laws of Utah 1988

ENACTS:

17-15-28, Utah Code Annotated 1953

17A-1-204, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **17-15-28** is enacted to read:

17-15-28. Use of "county" prohibited -- Legal action to compel compliance.

(1) For purposes of this section:

(a) (i) "New local entity" means a city, town, school district, special district, local district under Title 17B, Chapter 2, Local Districts, or other political subdivision of the state created on or after May 1, 2000.

(ii) "New local entity" does not include a county.

(b) (i) "Existing local entity" means a special district, local district, or other political subdivision of the state created before May 1, 2000.

(ii) "Existing local entity" does not include a county, city, town, or school district.

(c) (i) "Special district" means a special district under Title 17A, Special Districts, that:

(A) by statute is a political and corporate entity separate from the county that created it;
and

(B) by statute is not subject to the direction and control of the county that created it.

(ii) The county legislative body's statutory authority to appoint members to the governing

body of a special district does not alone make the special district subject to the direction and control of that county.

(2) (a) A new local entity may not use the word "county" in its name.

(b) After January 1, 2005, an existing local entity may not use the word "county" in its name unless the county whose name is used by the existing local entity gives its written consent.

(3) A county with a name similar to the name of a new local entity or existing local entity in violation of this section may bring legal action in district court to compel compliance with this section.

Section 2. Section **17A-1-204** is enacted to read:

17A-1-204. Name of special district.

(1) The name of each special district created on or after May 1, 2000 shall comply with Subsection 17-15-28(2)(a).

(2) The board of each special district affected by Subsection 17-15-28(2)(b) shall ensure that after January 1, 2005 the special district name complies with the requirements of that subsection.

Section 3. Section **53A-2-108** is amended to read:

53A-2-108. School districts independent of municipal and county governments -- School district name -- Control of property.

(1) (a) Each school district shall be controlled by its board of education and shall be independent of municipal and county governments.

(b) The name of each school district created after May 1, 2000 shall comply with Subsection 17-15-28(2)(a).

(2) The local school board shall have direction and control of all school property in the district.