

**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 A COUNTY NAME 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" or county name 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 §**



28 h [name of a county] h in its name h UNLESS THE COUNTY WHOSE NAME IS USED BY THE  
28a EXISTING LOCAL ENTITY GIVES ITS WRITTEN CONSENT h .

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

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

33 **17A-1-204. Name of special district.**

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

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

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

40 **53A-2-108. School districts independent of municipal and county governments --**  
41 **Control of property.**

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

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

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

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**Legislative Review Note**  
**as of 12-29-99 8:39 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**