

59 (5) (a) Notwithstanding Subsections (1)(a)[;] and (b)[, and (c)] and subject to  
 60 Subsections (5)(b), (c), and (d), for fiscal years 2010-11 and 2011-12, a local school board may  
 61 use the proceeds of the local school board's capital outlay levy for general fund purposes if the  
 62 proceeds are not committed or dedicated to pay debt service or bond payments.

63 (b) If a local school board uses the proceeds described in Subsection (5)(a) for general  
 64 fund purposes, the local school board shall notify the public of the local school board's use of  
 65 the capital outlay levy proceeds for general fund purposes:

66 (i) prior to the board's budget hearing in accordance with the notification requirements  
 67 described in Section 53A-19-102; and

68 (ii) at a budget hearing required in Section 53A-19-102.

69 (c) A local school board may not use the proceeds described in Subsection (5)(a) to  
 70 fund the following accounting function classifications as provided in the Financial Accounting  
 71 for Local and State School Systems guidelines developed by the National Center for Education  
 72 Statistics:

73 (i) 2300 Support Services - General District Administration; or

74 (ii) 2500 Support Services - Central Services.

75 (d) A local school board may not use the proceeds from a distribution described in  
 76 Section 53A-16-107.1 for general fund purposes.

77 (6) ~~H→~~ (a) ~~←H~~ In addition to the uses described in Subsection (1), a local school board  
 77a of a school  
 78 district with an enrollment of fewer than 2,500 students, may use the proceeds of the local  
 79 school board's capital outlay levy ~~H→~~ , in fiscal years 2011-12, 2012-13, and 2013-14, ~~←H~~ for  
 79a expenditures made within the accounting function  
 80 classification ~~H→~~ [;] ~~←H~~ 2600 ~~H→~~ , ~~←H~~ Operation and Maintenance of Plant Services,  
 80a of the Financial Accounting  
 81 for Local and State School Systems guidelines developed by the National Center for Education  
 82 Statistics, excluding expenditures for mobile phone service and vehicle operation and  
 83 maintenance.

83a **~~H→~~ (b) If a local school board of a school district with an enrollment of fewer than 2,500**  
 83b **students uses the proceeds of a capital outlay levy for the operation and maintenance of plant**  
 83c **services as described in Subsection (6)(a), the local school board shall notify the public of the**  
 83d **local school board's use of the capital outlay levy proceeds for operation and maintenance of**  
 83e **plant services:**

83f **(i) prior to the board's budget hearing in accordance with the notification**

83g **requirements described in Section 53A-19-102; and**

83h **(ii) at a budget hearing required in Section 53A-19-102.** ←H

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**Legislative Review Note**  
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**Office of Legislative Research and General Counsel**