

SENATE FILE NO. SF0083

K-12 school facility leasing.

Sponsored by: Senator(s) Rothfuss and Pappas and
Representative(s) Brown, Olsen and Walters

A BILL

for

1 AN ACT relating to K-12 school facility leasing; modifying
2 leasing agreements; requiring approval for major
3 maintenance expenditures on leased facilities; requiring
4 separate accounting; requiring reporting; and providing for
5 an effective date.

6

7 *Be It Enacted by the Legislature of the State of Wyoming:*

8

9 **Section 1.** W.S. 21-3-110(a)(x)(intro) is amended to
10 read:

11

12 **21-3-110. Duties of boards of trustees.**

13

14 (a) The board of trustees in each school district
15 shall:

1

2 (x) Subject to review by the state construction
3 department under W.S. 21-15-117 for any project involving
4 state capital construction assistance, fix the site of each
5 school building and facility considering the needs of the
6 people of each portion of the district. If the district
7 enters into an agreement to lease buildings and facilities
8 owned by the district and the buildings and facilities are
9 included within the statewide database maintained by the
10 state construction department under W.S. 21-15-123(f)(iv),
11 the district shall, except as provided under W.S.
12 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease
13 agreement requires sufficient payment from the lessee to
14 cover expenses necessary to adequately maintain the
15 facility or building in accordance with statewide adequacy
16 standards prescribed by the commission. If the district or
17 a charter school operating within the boundaries of the
18 district enters into an agreement to lease buildings and
19 facilities under which the district or the charter school
20 is the lessee and the building is to be used for the
21 provision of the required educational program within the
22 district, the lease agreement shall require the lessor to
23 adequately maintain the buildings and facilities in

1 accordance with standards prescribed by the commission. The
2 lease agreement shall separately identify the amount to be
3 expended on the major maintenance of the building or
4 facility during the term of the lease. The amount of the
5 total lease agreement to be expended on the major
6 maintenance shall be accounted for and reported separately
7 and shall not be transferred or expended for any purpose
8 other than major maintenance of the leased building or
9 facility. No expenditure shall be made from the funds
10 dedicated for major maintenance of a leased facility
11 without the approval of the district or the charter school.
12 A district or charter school may request review of the
13 amount to be expended on major maintenance for a lease by
14 the school facilities division of the state construction
15 department to determine the reasonableness of the major
16 maintenance expense. The district shall be reimbursed for
17 the lease payment of the district or the charter school if
18 the square footage of the leased facility is not included
19 within the district's total square footage for purposes of
20 major maintenance computations under W.S. 21-15-109,
21 subject to the following:

22

1 **Section 2.** This act is effective July 1, 2023.

2

3

(END)