

HOUSE BILL NO. HB0071

Leasing of equipment.

Sponsored by: Representative(s) Stubson, Blikre, Brown and
Moniz and Senator(s) Landen and Perkins

A BILL

for

1 AN ACT relating to capital leasing by school districts;
2 clarifying leasing authority by school districts; modifying
3 school facility commission approval for the lease of
4 equipment; and providing for an effective date.

5

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

7

8 **Section 1.** W.S. 21-3-111(a)(ii), 21-15-112(a)(intro),
9 (iii) and (viii) and 21-15-119(a)(ii)(C) are amended to
10 read:

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12 **21-3-111. Powers of boards of trustees.**

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14 (a) The board of trustees in each school district
15 within the state may:

16

1 (ii) Acquire, hold, convey, lease, rent, and
2 manage property, real and personal, for the benefit of the
3 school district in the name by which the district is
4 designated, either alone or jointly with another public or
5 private agency, institution, person, or corporation. This
6 includes ~~capital~~-leasing of real property under W.S.
7 21-15-112;

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9 **21-15-112. Leasing of real property.**

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11 (a) At the request of the school facilities
12 commission, any school district shall lease any land,
13 building, ~~equipment or other capital asset~~ or fixture from
14 the nonprofit corporation approved by the state building
15 commission pursuant to 1997 Wyoming session laws, chapter
16 94, section 3, as amended by 1998 Wyoming session laws,
17 chapter 35, subject to the following conditions:

18
19 (iii) The financing for the land, building,
20 ~~equipment or other capital asset~~ or fixture to be leased
21 under the lease may only involve private funds and may not
22 involve the creation of any indebtedness or debt within the
23 meaning of any constitutional or statutory provision or
24 limitation;

1

2 (viii) The lease shall provide that all bonds or
3 any other obligations of the lessor relating to the land,
4 building, ~~equipment or other capital asset~~ or fixture to be
5 leased under the lease contain disclaimers describing the
6 limitations set forth in paragraphs (i) through (vii) of
7 this subsection.

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9 **21-15-119. Commission budget and funding**
10 **recommendations.**

11

12 (a) Notwithstanding W.S. 9-2-1012, the commission
13 shall annually, not later than September 1, develop and
14 submit a recommended budget for projects and school capital
15 construction financing to the governor, through the budget
16 division of the department of administration and
17 information and to the select committee on school
18 facilities. The department shall prepare and provide
19 information as requested by the commission. The commission
20 shall include with its recommended budget to the select
21 committee the comprehensive assessment specified in W.S.
22 21-15-115(b), the prioritized list of projects specified in
23 W.S. 21-15-117 including the amounts allocated to each
24 project and the annual building status report specified

1 under W.S. 21-15-121. The recommended budget submitted by
2 the commission shall include:

3
4 (ii) Financing alternatives for funding the
5 recommended budget, which uses any combination of the
6 following financing alternatives:

7
8 (C) ~~Capital~~Real property leasing under
9 W.S. 21-15-112. Any payments for ~~capital~~real property
10 leasing shall be made from the school capital construction
11 account subject to W.S. 21-15-112. For the purpose of this
12 section, ~~capital~~real property leasing includes payments
13 sufficient for the exercise of a purchase option under the
14 lease.

15
16 **Section 2.** This act is effective July 1, 2014.

17
18 (END)