

ENROLLED ACT NO. 77, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING  
2023 GENERAL SESSION

AN ACT relating to K-12 school facility leasing; modifying leasing agreements; modifying the duties of the state construction department as specified; modifying use of school district facilities by charter schools as specified; requiring approval for major maintenance expenditures on leased facilities; requiring separate accounting; requiring reporting; and providing for an effective date.

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

**Section 1.** W.S. 21-3-110(a)(x)(intro), 21-3-304(k) and 21-15-123(f) by creating a new paragraph (ix) are amended to read:

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

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

(x) Subject to review by the ~~state construction department~~ school facilities commission under W.S. 21-15-117 for any project involving state capital construction assistance, fix the site of each school building and facility considering the needs of the people of each portion of the district. If the district enters into an agreement to lease buildings and facilities owned by the district and the buildings and facilities are included within the statewide database maintained by the state construction department under W.S. 21-15-123(f)(iv), the district shall, except as provided under W.S. 21-15-109(c)(i)(A)(II) and (III) and (B), ensure the lease agreement requires sufficient payment from the lessee to cover expenses necessary to adequately maintain the facility or building in accordance with statewide adequacy standards prescribed by the commission. If the district or

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a charter school operating within the boundaries of the district enters into an agreement to lease buildings and facilities under which the district or the charter school is the lessee and the building is to be used for the provision of the required educational program within the district, the lease agreement shall require the lessor to adequately maintain the buildings and facilities in accordance with standards prescribed by the commission. The lease agreement shall separately identify the amount to be expended on the major maintenance of the building or facility during the term of the lease. The amount of the total lease agreement to be expended on the major maintenance shall be accounted for and reported separately and shall not be transferred or expended for any purpose other than major maintenance of the leased building or facility. No expenditure shall be made from the funds dedicated for major maintenance of a leased facility without the approval of the district or the charter school. A district or charter school may request review of the amount to be expended on major maintenance for a lease by the school facilities division of the state construction department to determine the reasonableness of the major maintenance expense. The district shall be reimbursed for the lease payment of the district or the charter school if the square footage of the leased facility is not included within the district's total square footage for purposes of major maintenance computations under W.S. 21-15-109, subject to the following:

**21-3-304. Charter school; requirements; authority.**

(k) Except as provided in subsection (j) of this section, a charter school shall not be required to pay rent for space which is deemed available, ~~as negotiated by contract, in school district facilities~~ and adequate by the

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state construction department within the applicable district for operation of the charter school. All other costs for the improvement, modification, operation and maintenance of school district facilities used by the charter school shall be subject to negotiation between the charter school and the district board.

**21-15-123. State construction department; duties and authority relating to school facilities.**

(f) The state construction department shall:

(ix) Review requests submitted by charter schools pursuant to W.S. 21-3-110(a)(x) and 21-3-304(k) to determine whether space exists within the applicable district for operation of the charter school that is available and adequate.

ORIGINAL SENATE  
FILE NO. SF0083

ENGROSSED

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**Section 2.** This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

(END)

\_\_\_\_\_  
Speaker of the House

\_\_\_\_\_  
President of the Senate

\_\_\_\_\_  
Governor

TIME APPROVED: \_\_\_\_\_

DATE APPROVED: \_\_\_\_\_

I hereby certify that this act originated in the Senate.

\_\_\_\_\_  
Chief Clerk