

**Effective 5/10/2016**

**53B-2a-113 Applied technology colleges -- Leasing authority -- Lease-purchase agreements -- Report.**

- (1) In accordance with Subsection 53B-2a-112(2), an applied technology college may enter into a lease with other higher education institutions, school districts, charter schools, state agencies, or business and industry for a term of:
  - (a) one year or less with the approval of the applied technology college board of directors; and
  - (b) more than one year with the approval of the board of trustees and:
    - (i) the approval of funding for the lease by the Legislature prior to an applied technology college entering into the lease; or
    - (ii) the lease agreement includes language that allows termination of the lease without penalty.
- (2)
  - (a) In accordance with Subsection 53B-2a-112(2), an applied technology college may enter into a lease-purchase agreement if:
    - (i) there is a long-term benefit to the state;
    - (ii) the project is included in both the applied technology college and Utah College of Applied Technology master plans;
    - (iii) the lease-purchase agreement includes language that allows termination of the lease;
    - (iv) the lease-purchase agreement is approved by the applied technology college board of directors and the board of trustees; and
    - (v) the lease-purchase agreement is:
      - (A) reviewed by the Division of Facilities Construction and Management;
      - (B) reviewed by the State Building Board; and
      - (C) approved by the Legislature.
  - (b) An approval under Subsection (2)(a) shall include a recognition of:
    - (i) all parties, dates, and elements of the agreement;
    - (ii) the equity or collateral component that creates the benefit; and
    - (iii) the options dealing with the sale and division of equity.
- (3)
  - (a) Each applied technology college shall provide an annual lease report to the board of trustees that details each of the applied technology college's leases, annual costs, location, square footage, and recommendations for lease continuation.
  - (b) The board of trustees shall compile and distribute an annual combined lease report for all applied technology colleges to the Division of Facilities Construction and Management and to others upon request.
- (4) The board of trustees shall use the annual combined lease report in determining planning, utilization, and budget requests.

Amended by Chapter 236, 2016 General Session