



Senate

General Assembly

File No. 375

February Session, 2006

Substitute Senate Bill No. 316

Senate, April 5, 2006

The Committee on Government Administration and Elections reported through SEN. DEFRONZO of the 6th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING THE USE OF MILITARY FACILITIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 27-39 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2006*):

3 (a) As used in this section "military facility" means any state-owned
4 military building.

5 [(a)] (b) The Adjutant General is charged with the responsibility for
6 the use and maintenance of all armories, rifle ranges, reservations and
7 other military property under the provisions for such use imposed by
8 the statutes. Each [armory] military facility shall be under the charge of
9 a commissioned officer, designated by the Adjutant General, and may
10 be [rented] leased by him as herein prescribed. Each application for the
11 [rental of an armory] lease of such facility shall be made to the officer
12 in charge of such [armory] facility, who shall forward such application
13 [, with recommendations,] to the Adjutant General, who shall approve

14 or disapprove such application and so advise the applicant. [through
15 such armory officer.] The Adjutant General shall limit the lease of
16 military facilities to military and nonprofit organizations,
17 organizations receiving state aid and governmental agencies. Proceeds
18 from the [rental of armories] lease of military facilities shall be paid to
19 the Adjutant General, [and shall be by him paid promptly] who shall
20 promptly pay such proceeds into the Treasury of the state. The
21 Adjutant General shall, in [state armories] military facilities where
22 space is available, assign [quarters to camps and posts of war veterans]
23 space to veterans' service organizations for their joint uses, subject to
24 the regulations concerning [armories] military facilities. [Such quarters
25 shall be provided for in any new armory which may be built.] Units of
26 the armed forces of the state and [veteran] veterans' organizations
27 [quartered in armories, or entitled by law to quarters,] jointly utilizing
28 military facilities shall be allowed the use of the drill shed and such
29 other portions of the building as are usually included when [armories]
30 military facilities are leased, upon proper application through regular
31 channels and subject to the following conditions and terms: When no
32 admissions are charged, [rental] the lease shall be free up to midnight
33 on the regular meeting night of the organization making application. If
34 the use of the [armory] military facility is required after midnight, the
35 regular military [rental] rate shall be charged. At all other times and
36 for entertainments when admissions are charged, the military [rental]
37 rate shall be charged [units of the armed forces of the state or veteran]
38 veterans' organizations [quartered in or entitled by law to quarters in
39 an armory] jointly using the military facility. Nothing in this chapter
40 shall be construed as allowing the [rental] lease of any [armory]
41 military facility (1) on the drill night of any active military organization
42 stationed in the [armory] facility or in a manner that conflicts with the
43 military usage of the facility, or [the use of any armory] (2) at a
44 reduced [rental] rate by any [veteran] veterans' organization for the
45 purpose of conducting any athletic contest or other entertainment for
46 which full nonmilitary [rental] rate is charged military organizations.
47 In no case shall any [veteran] veterans' organization be allowed use of
48 any [armory] military facility for the purpose of subleasing.

49 [(b)] (c) Agricultural and other associations that receive state aid
 50 [shall] and military organizations may be allowed the use of [state
 51 armories for exhibition purposes] military facilities at a cost not
 52 exceeding the actual maintenance cost of such [armories] facilities
 53 during the period of such use. Applications for such use [shall] may be
 54 made to the Adjutant General through the officer in charge of the
 55 [armory] military facility desired to be used. In all cases when
 56 admission is charged, a certificate of insurance, approved by the
 57 Adjutant General, indemnifying the state against injuries to person and
 58 damage to property shall be furnished, the cost of the certificate to be
 59 in addition to the [rental] leasing or maintenance charge. The Adjutant
 60 General may allow the use of any [state armory] military facility,
 61 without charge, [for rental,] by (1) any public or private nonprofit
 62 elementary or secondary school or any [regional community-technical
 63 college] public institution of higher education for purposes of athletic
 64 events with respect to which no admission is charged, [and] (2) the
 65 American [National] Red Cross for purposes of blood supply
 66 programs, and (3) any local, state or federal governmental agency,
 67 provided any such use does not conflict with the use of such [armory]
 68 facility for military purposes.

69 (d) Not later than August 1, 2007, and annually thereafter, the
 70 Adjutant General shall submit a report of the amount of proceeds
 71 received from leasing each military facility and the expenses of each
 72 such facility, for the twelve-month period ending on June thirtieth of
 73 the same year, to the Military Department, the joint standing
 74 committee of the General Assembly having cognizance of matters
 75 relating to public safety and the select committee of the General
 76 Assembly having cognizance of matters relating to veterans' affairs, in
 77 accordance with the provisions of section 11-4a.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2006	27-39

Statement of Legislative Commissioners:

In Subsec. (b) of section 1, "(2) the use of any [armory] military facility" was changed to "[the use of any armory] (2)" for statutory consistency and clarity.

VA *Joint Favorable Subst. C/R*

GAE

GAE *Joint Favorable Subst.-LCO*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill expands the types of facilities that the Adjutant General can lease to various organizations, and makes several technical and conforming changes. The bill conforms statute to practice, and is not anticipated to result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 316*****AN ACT CONCERNING THE USE OF MILITARY FACILITIES.*****SUMMARY:**

This bill expands the types of facilities that the adjutant general of the Connecticut National Guard may let organizations use, from armories to military facilities. It limits the leasing of the facilities to government agencies, military and nonprofit organizations, and organizations receiving state aid. The bill specifies that it must not be construed to allow leases that conflict with military use.

By August 1, 2007 and annually afterwards, the bill requires the adjutant general to submit annual reports showing each military facility's lease revenue and expenses for the 12-month period ending on June 30 of the same year. The reports go to the Military Department and the Veterans' and Public Safety and Security committees.

The bill deletes obsolete language and makes conforming, related, and technical changes.

EFFECTIVE DATE: October 1, 2006

USE OF MILITARY FACILITIES***Rental Applications***

Under current law, the adjutant general may rent armories to certain organizations subject to certain procedures and standards. The bill allows him to lease, instead of rent, armories and to lease any other state-owned military building as well. It generally retains, with minor changes, the requirements that currently apply to armory rentals.

Under current law, the officer in charge of an armory receives and forwards rental applications, with his recommendations, to the

adjutant general who responds to applicants through the officer. The bill eliminates the requirement for the officer to make recommendations, and it requires the adjutant general to respond directly to applicants.

Quarters for Veterans

The bill eliminates a provision requiring the adjutant general to provide “quarters to camps and posts of war veterans” in new armories. Also, under current law, he must provide quarters to such veterans in existing armories for their joint use, if space is available. The bill instead, requires him to provide space in military facilities, if available, to veterans’ service organizations for their joint uses.

Fee for Use

Under current law, army units and veterans’ organizations quartered, or entitled to quarters, in armories must be allowed use of the armory and other areas usually included in armory rentals on certain terms and conditions. The bill, instead, requires army units and veterans’ organizations jointly using the facilities to be allowed use of the facilities under these terms. (It is unclear if veterans’ organizations and veterans’ service organizations mentioned above are synonymous.)

Under current law, agricultural and other associations that receive state aid must be allowed to use the armories for exhibition purposes at no more than it costs to maintain the armory during the rental period. The bill allows, rather than requires, that they be charged this rate for leasing military facilities, and it allows military organizations to be charged this rate as well. Under current law, army units are charged the military rate (not defined) for use of the armory after midnight.

Under current law, the adjutant general may allow the following to use state armory without charge: (1) public or private nonprofit elementary or secondary schools or regional community-technical colleges for athletic events for which no admission is charged and (2)

the American Red Cross for blood supply programs. The bill broadens the groups that he may allow free use of the facilities to include all public colleges and any local, state, or federal government agency.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0 (03/07/2006)

Government Administration and Elections Committee

Joint Favorable

Yea 18 Nay 0 (03/17/2006)