



House of Representatives

General Assembly

File No. 479

February Session, 2012

Substitute House Bill No. 5173

House of Representatives, April 17, 2012

The Committee on Government Administration and Elections reported through REP. MORIN of the 28th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING STATE MILITARY FACILITIES.

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

1 Section 1. Section 27-39 of the 2012 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective from passage*):

4 (a) As used in this section "military facility" means any state-owned
5 or controlled military building, structure or training site.

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

14 to] the Adjutant General, who shall approve or disapprove such
15 application and so advise the applicant. The Adjutant General shall
16 limit the lease of military facilities to military and nonprofit
17 organizations, organizations receiving state aid and governmental
18 agencies. Proceeds from the lease of military facilities shall be paid to
19 the Adjutant General, who shall promptly [pay] transmit such
20 proceeds [into the Treasury of the state] to the State Treasurer for
21 deposit in the military facilities account established under subsection
22 (e) of this section. The Adjutant General shall, in military facilities
23 where space is available, assign space to veterans' service
24 organizations for their joint uses, subject to the regulations concerning
25 military facilities. Units of the armed forces of the state and veterans'
26 organizations jointly utilizing military facilities shall be allowed the
27 use of the drill shed and such other portions of the [building] facility as
28 are usually included when military facilities are leased, upon proper
29 application through regular channels and subject to the following
30 conditions and terms: (1) When no admissions are charged, the lease
31 shall be free up to midnight on the regular meeting night of the
32 organization making application; [. If] (2) if the use of the military
33 facility is required after midnight, the regular military rate shall be
34 charged; [. At] and (3) at all other times and for entertainments when
35 admissions are charged, the military rate shall be charged to veterans'
36 organizations jointly using the military facility.

37 (c) Nothing in this chapter shall be construed as allowing the lease
38 of, or assignment of space in, any military facility (1) on the drill night
39 of any active military organization stationed in the facility or in a
40 manner that conflicts with the military usage of the facility, [or] (2) at a
41 reduced rate by any veterans' organization for the purpose of
42 conducting any athletic contest or other entertainment for which full
43 nonmilitary rate is charged military organizations, or (3) in a manner
44 that conflicts with federal military regulations. In no case shall any
45 veterans' organization be allowed use of any military facility for the
46 purpose of subleasing.

47 [(c)] (d) Agricultural and other associations that receive state aid

48 and military organizations may be allowed the use of military facilities
49 at a cost not exceeding the actual maintenance cost of such facilities
50 during the period of such use. Applications for such use may be made
51 to the Adjutant General, [through the officer in charge of the military
52 facility desired to be used.] In all cases [when admission is charged] of
53 lease or use of a facility by a nongovernmental entity, a certificate of
54 insurance, approved by the Adjutant General, indemnifying the state
55 against injuries to person and damage to property shall be furnished,
56 the cost of the certificate to be in addition to the leasing or maintenance
57 charge. The Adjutant General may allow the use of any military
58 facility, without charge, by (1) any public or private nonprofit
59 elementary or secondary school or any public institution of higher
60 education for purposes of athletic events with respect to which no
61 admission is charged, (2) the American Red Cross for purposes of
62 blood supply programs, and (3) any local, state or federal
63 governmental agency, provided any such use does not conflict with
64 the use of such facility for military purposes or with federal military
65 regulations. The Adjutant General shall allow the use of the military
66 facilities associated with the first and second companies of the
67 Governor's Horse Guards in the towns of Avon and Newtown,
68 without charge, by nonprofit organizations receiving contributions to
69 support such Horse Guards for purposes of fundraising, provided
70 such use does not conflict with the use of such facilities for military
71 purposes.

72 (e) There is established an account to be known as the "military
73 facilities account" which shall be a separate, nonlapsing account within
74 the General Fund. The account shall contain (1) any amounts
75 appropriated or otherwise made available by the state for the purposes
76 of the account, (2) any moneys required by law to be deposited in the
77 account, and (3) gifts, grants, donations or bequests made for the
78 purposes of the account. Moneys in the account shall be expended by
79 the Military Department for the maintenance and renovation of
80 military facilities.

81 [(d)] (f) Not later than August [1, 2007, and] first, annually,

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 13 \$	FY 14 \$
Military Dept.	Military Facility Account (non-appropriated fund) - Revenue Gain	Less than \$10,000	Less than \$10,000
Military Dept.	GF - Revenue Loss	Less than \$10,000	Less than \$10,000

Note: GF=General Fund

Municipal Impact: None

Explanation

The bill results in a revenue reallocation from the general fund to a non-appropriated account of less than \$10,000 annually. The Military Department currently generates approximately \$8,000 in unallocated General Fund revenue annually related to lease of military facilities. The bill establishes a fund specifically for the deposit of these funds. Assuming no corresponding reduction to the Military Department's expenditures, the bill results in a net revenue loss to the general fund.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5173

AN ACT CONCERNING STATE MILITARY FACILITIES.

SUMMARY:

This bill addresses the funding, lease, and use of military facilities.

It creates the “militaries facilities account” as a separate, nonlapsing account within the General Fund and requires the Military Department to use it to maintain and renovate military facilities.

The bill requires nongovernmental entities leasing or using a military facility to obtain an insurance certificate indemnifying the state against personal injuries and property damage. It also makes a minor change to the application process for leasing, or using without charge, the various military properties.

The bill eliminates the requirement to report to the Military Department and Public Safety and Security Committee on proceeds received from leasing each military facility and expenses for maintaining facilities, but leaves the requirement to report this information to the Veterans’ Affairs Committee.

It specifies that a “military facility” is any state-owned or controlled military building, structure, or training site and that the adjutant general is responsible for using, maintaining, and leasing the facilities. Existing law does not include military structures and training sites and the adjutant general has this responsibility for armories, rifle ranges, reservations, and other military property.

The bill makes minor, technical, and conforming changes.

EFFECTIVE DATE: Upon passage

MILITARY FACILITIES ACCOUNT

Under the bill, the account must contain:

1. any amounts appropriated or otherwise made available by the state for the purposes of the account;
2. any moneys required by law to be deposited in the account; and
3. gifts, grants, donations or bequests made for the purposes of the account.

The bill requires the state treasurer to deposit any leasing proceeds from military facilities into the account.

LEASING OR UNPAID USE OF A MILITARY FACILITY

Current law requires that in all cases when an organization that leases or uses a facility charges admission, it must obtain an insurance certificate indemnifying the state against personal injuries and property damage. (By law, the insurance cost is in addition to the lease or maintenance charge.) The bill instead requires that in all cases when a nongovernmental entity leases or uses a military facility, it must obtain an insurance certificate indemnifying the state against personal injuries and property damage. It is unclear if the insurance requirement applies to private entities that can use the facility without a lease or maintenance charge (e.g., veterans' organizations or the Red Cross).

By law, various organizations and entities may lease a military facility or use one without charge (see BACKGROUND). Under existing law, the lease or use of a military facility cannot conflict with the drill night of an active military organization or its use for military purposes. The bill specifies the lease, use, or assignment of space of a military facility cannot conflict with federal military regulations.

By law, each military facility is under the charge of a commissioned officer. Under current law, to lease or use a facility a person or organization must apply to the officer in charge of the facility. He or

she must then forward the application to the adjutant general. Under the bill, an applicant applies directly to the adjutant general. As under existing law, the adjutant general approves or disapproves the application and informs the applicant.

BACKGROUND

Use of Military Facilities

By law, the adjutant general must assign space in military facilities, as available, to veterans' service organizations, subject to regulations. Veterans' organizations may use military facilities without charge if the organization is not charging admission and the meeting is (1) before midnight and (2) on its regular meeting night. Otherwise, the organization is charged the military rate.

The law also authorizes the adjutant general to allow the following organizations, with conditions in certain circumstances, to use military facilities without charge:

1. public or private schools and public higher education institutions for athletic events for which no admission price is charged;
2. the American Red Cross for blood supply programs; and
3. local, state, and federal governmental agencies.

Additionally, agricultural and other associations receiving state aid may use military facilities for the cost of maintaining a facility while the organization is using it.

Related Bill

sHB 5172 (File 288), favorably reported by the Veterans' Affairs and Labor committees, removes the Military Department from the Department of Emergency Services and Public Protection where it currently is housed for administrative purposes only, among other things.

COMMITTEE ACTION

Select Committee on Veterans' Affairs

Joint Favorable Substitute Change of Reference

Yea 10 Nay 0 (03/13/2012)

Government Administration and Elections Committee

Joint Favorable

Yea 15 Nay 0 (03/29/2012)