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## **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)