



House Bill No. 5358

Public Act No. 16-52

AN ACT CONCERNING THE LEASING OF MILITARY FACILITIES.

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

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 Section 27-39 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

(a) As used in this section "military facility" means any [state-owned or controlled] military building, structure, parcel of land or training site owned, leased or controlled by the state.

(b) The Adjutant General is charged with the responsibility for the use, maintenance, security and leasing of all [armories, rifle ranges, military facilities, reservations] military facilities and other military property under the provisions for such use imposed by the statutes. Each military facility shall be under the charge of a commissioned officer, designated by the Adjutant General. Each application for the lease or use of such facility shall be made to the Adjutant General, who shall approve or disapprove such application and so advise the applicant. [The] Prior to any such approval, each applicant for lease or use of such facility shall furnish a certificate of insurance or self-insurance indemnifying the state and federal governments against any bodily injury to persons or damage to property. Any cost of such certificate shall be in addition to any other cost incurred as a result of

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such lease or use. Except as provided in subsection (e) of this section, the Adjutant General shall limit the lease or use of military facilities to military and nonprofit organizations, organizations receiving state aid and governmental agencies. Proceeds from the lease of military facilities shall be paid to the Adjutant General, who shall promptly transmit such proceeds, except proceeds received from the lease of certain military facilities pursuant to subsection (e) of this section, to the State Treasurer for deposit in the military facilities account established under subsection [(e)] (f) of this section. The Adjutant General shall, in military facilities where space is available, assign space to veterans' service organizations for their joint uses, subject to the regulations concerning military facilities. Units of the armed forces of the state and veterans' organizations jointly utilizing military facilities shall be allowed the use of the drill shed and such other [portions] common areas of the facility. [as are usually included when military facilities are leased, upon proper application through regular channels and subject to the following conditions and terms: (1) When no admissions are charged, the lease shall be free up to midnight on the regular meeting night of the organization making application; (2) if the use of the military facility is required after midnight, the regular military rate shall be charged; and (3) at all other times and for entertainments when admissions are charged, the military rate shall be charged to veterans' organizations jointly using the military facility.]

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

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allowed use of any military facility for the purpose of] any lease approved by the Adjutant General pursuant to subsection (b) of this section permit subleasing.

(d) [Agricultural and other associations that receive state aid and military organizations may be allowed the use of military facilities at a cost not exceeding the actual maintenance cost of such facilities during the period of such use. Applications for such use may be made to the Adjutant General. In all cases of lease or use of a facility by a nongovernmental entity, a certificate of insurance, approved by the Adjutant General, indemnifying the state against injuries to person and damage to property shall be furnished, the cost of the certificate to be in addition to the leasing or maintenance charge.] The Adjutant General may allow [the] lease or use of any military facility, [without charge, by] at a cost not exceeding the actual operating cost of such facility during the period of such lease or use, to (1) any public or private nonprofit elementary or secondary school or any public institution of higher education for purposes of athletic events with respect to which no admission is charged, (2) the American Red Cross for purposes of blood supply programs, [and] (3) any local, state or federal governmental agency, [provided any such use does not conflict with the use of such facility for military purposes or with federal military regulations] (4) any agricultural or other association that receives state aid, or (5) any military organization.

(e) The Adjutant General [shall allow the use of] may lease the military facilities associated with the first and second companies of the Governor's Horse Guards in the towns of Avon and Newtown [, without charge, by nonprofit organizations receiving contributions to support such Horse Guards for purposes of fundraising, provided such use does] to any person, provided the terms of such lease do not conflict with the use of such facilities for military purposes. Proceeds from the lease of such military facilities in Avon and Newtown shall be

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paid to the Adjutant General, who shall promptly transmit such proceeds to the State Treasurer for deposit in the Governor's Guards horse account established under section 27-19e.

[(e)] (f) There is established an account to be known as the "military facilities account" which shall be a separate, nonlapsing account within the General Fund. The account shall 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. Moneys in the account shall be expended by the Military Department for the maintenance and renovation of military facilities.

[(f)] (g) Not later than August first, annually, the Adjutant General shall submit a report of the amount of proceeds received from leasing each military facility and the expenses of each such facility, for the twelve-month period ending on June thirtieth of the same year, to the joint standing committee of the General Assembly having cognizance of matters relating to veterans' affairs, in accordance with the provisions of section 11-4a.

Approved May 25, 2016