



House of Representatives

General Assembly

File No. 148

February Session, 2018

Substitute House Bill No. 5235

House of Representatives, April 3, 2018

The Committee on Veterans' Affairs reported through REP. HENNESSY of the 127th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING LEASING OF MILITARY DEPARTMENT FACILITIES.

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

1 Section 1. Subsections (b) to (d), inclusive, of section 27-39 of the
2 general statutes are repealed and the following is substituted in lieu
3 thereof (*Effective July 1, 2018*):

4 (b) The Adjutant General is charged with the responsibility for the
5 use, maintenance, security and leasing of all military facilities and
6 other military property under the provisions for such use imposed by
7 the statutes. Each military facility shall be under the charge of a
8 commissioned officer, designated by the Adjutant General. Each
9 application for the lease or use of such facility shall be made to the
10 Adjutant General, who shall approve or disapprove such application
11 and so advise the applicant. Prior to any such approval, each applicant
12 for lease or use of such facility shall furnish a certificate of insurance or
13 self-insurance indemnifying the state and federal governments against
14 any bodily injury to persons or damage to property. Any cost of such

15 certificate shall be in addition to any other cost incurred as a result of
16 such lease or use. Except as provided in subsection (e) of this section,
17 the Adjutant General shall limit the lease or use of military facilities to
18 military and nonprofit organizations, organizations receiving state aid,
19 [and] governmental agencies and members of the armed forces of the
20 state. Proceeds from the lease of military facilities shall be paid to the
21 Adjutant General, who shall promptly transmit such proceeds, except
22 proceeds received from the lease of certain military facilities pursuant
23 to subsection (e) of this section, to the State Treasurer for deposit in the
24 military facilities account established under subsection (f) of this
25 section. The Adjutant General shall, in military facilities where space is
26 available, assign space to veterans' service organizations for their joint
27 uses, subject to the regulations concerning military facilities. Units of
28 the armed forces of the state and veterans' organizations jointly
29 utilizing military facilities shall be allowed the use of the drill shed and
30 such other common areas of the facility.

31 (c) Nothing in this chapter shall be construed as allowing the lease
32 or use of, or assignment of space in, any military facility (1) on the drill
33 night of any active military organization stationed in the facility or in a
34 manner that conflicts with the military usage of the facility, (2) at a
35 reduced rate, or (3) in a manner that conflicts with federal military
36 regulations or the use of the facility for military purposes. In no case
37 shall any lease approved by the Adjutant General pursuant to
38 subsection (b) of this section permit subleasing.

39 (d) The Adjutant General may allow lease or use of any military
40 facility, at a cost not exceeding the actual operating cost of such facility
41 during the period of such lease or use, to (1) any public or private
42 nonprofit elementary or secondary school or any public institution of
43 higher education for purposes of athletic events with respect to which
44 no admission is charged, (2) the American Red Cross for purposes of
45 blood supply programs, (3) any local, state or federal governmental
46 agency, (4) any agricultural or other association that receives state aid,
47 [or] (5) any military charitable organization, or (6) any member of the
48 armed forces of the state for the limited purpose of holding a ceremony

49 to recognize a significant military career event, including, but not
 50 limited to, promotion, receipt of an award, enlistment, commissioning,
 51 marriage or retirement.

This act shall take effect as follows and shall amend the following sections:		
Section 1	July 1, 2018	27-39(b) to (d)

Statement of Legislative Commissioners:

In Section 1, Subsecs. (b) and (c) of the statutory section were added and a conforming change was made for accuracy and consistency.

VA *Joint Favorable Subst. -LCO*

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:*** None***Municipal Impact:*** None***Explanation***

This bill allows members of the armed services to lease military facilities for certain purposes and results in no cost to the state. Current statute allows the Adjutant General to charge the lessee the operating cost of the facility for the duration of the lease.

The Out Years***State Impact:*** None***Municipal Impact:*** None

OLR Bill Analysis

HB 5235

AN ACT CONCERNING LEASING OF MILITARY DEPARTMENT FACILITIES.

SUMMARY

This bill allows state armed forces members to lease or use a military facility, at no more than the facility's operating cost, to recognize a significant military career event. It authorizes the adjutant general to allow for ceremonies recognizing events such as being promoted, receiving an award, enlisting, commissioning, getting married, or retiring.

Current law also authorizes the adjutant general to allow the lease or use of a military facility to military organizations. The bill limits the lease or use to military charitable organizations.

EFFECTIVE DATE: July 1, 2018

BACKGROUND

Armed Forces of the State

By law, the state's armed forces are the (1) National Guard, (2) organized militia (i.e., the governor's guards, the State Guard, and other military forces the governor as commander-in-chief may designate), and (3) naval militia and Marine Corps branch of the naval militia, whenever organized (CGS § 27-2).

COMMITTEE ACTION

Veterans' Affairs Committee

Joint Favorable
Yea 14 Nay 0 (03/14/2018)