

JAN 24 2018

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# A BILL FOR AN ACT

RELATING TO THE NATIONAL GUARD.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. By establishing its facilities and presence  
2 within communities throughout the State, it is the intent of the  
3 state that the Department of Defense, serve and be an integral  
4 part of the community. To that end, it is the policy of the  
5 Legislature to lend out Department of Defense facilities, in  
6 accordance with Hawaii Revised Statutes and Department of  
7 Defense requirements, on a non-interference basis, for temporary  
8 public use and rental by organizations such as civic and  
9 veterans groups, and non-profit entities within the community.  
10 The rental monies collected are intended to cover the costs of  
11 utilities, including but not limited to water, sewer, and  
12 electricity, any supplies, including but not limited to soap,  
13 paper towels, and toilet paper, all related State personnel or  
14 staffing costs necessary to open, close, clean, maintain, or  
15 repair the facility, and the wear-and-tear on the facility  
16 associated with the use of the facility. However, in accordance  
17 with section §121-19 Regulations governing armories, etc. of the  
18 Hawaii Revised Statutes, all monies received from the rentals

1 shall be deposited into the general fund of the State, with  
2 required amounts returned to the Office of Hawaiian Affairs in  
3 accordance with Act 178/SLH 2006. This situation requires the  
4 Department of Defense to utilize operating funds to cover the  
5 costs of utilities, supplies and personnel for the temporary  
6 public use of its facilities by the community.

7 The intent and purpose of this Act is to clarify that the  
8 Department of Defense may continue its community involvement by  
9 lending out its facilities without incurring a loss to its  
10 operating budget by clarifying that the Department of Defense  
11 may retain revenues collected to cover the cost of utilities,  
12 supplies, personnel and wear-and-tear associated with the  
13 lending out of its facilities and that any net proceeds  
14 collected associated with the lending out of its facilities will  
15 be returned to the general fund, with required amounts returned  
16 to the Office of Hawaiian Affairs.

17 SECTION 2. Section 121-19, Hawaii Revised Statutes is  
18 amended to read as follows:

19 "§121-19 Regulations governing armories, etc. Any law to  
20 the contrary notwithstanding, the Adjutant General may make  
21 regulations to establish procedures governing the care and  
22 custody of Department of Defense facilities that are either set  
23 aside to the Department of Defense or on license from the

1 federal government. The Adjutant General may permit the use of  
2 or may temporarily rent to a national guard unit or other  
3 county, state, or federal government agency sponsoring or co-  
4 sponsoring meeting(s), class(es), or other activities; hosting  
5 athletic events or competitions; billeting personnel in  
6 conjunction with sanctioned events such as agency sponsored  
7 conferences or classes, agency sponsored athletic or recreation  
8 programs, government sponsored public hearings or meetings, unit  
9 sponsored youth organizations and activities, or public school  
10 sponsored classes, dances, plays, concerts, etc., nonprofit or  
11 eleemosynary (charitable) organizations conducting a community  
12 or group activity, and film production enterprise activities,  
13 promoted and coordinated through the Hawaii Film Industry  
14 Branch, Department of Business, Economic Development and  
15 Tourism, such portions of Department of Defense facilities as  
16 will not interfere with the military use thereof. The Adjutant  
17 General shall establish the rentals to be charged for their use  
18 and all [~~moneys~~] net proceeds received from the rentals shall be  
19 deposited into the general fund of the State. Chapter 91 shall  
20 not apply."

21 SECTION 3. Statutory material to be repealed is bracketed  
22 and stricken. New statutory material is underscored.

23 SECTION 4. This Act shall take effect upon approval.

S.B. NO. 2777

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INTRODUCED BY: 

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BY REQUEST

# S.B. NO. 2777

**Report Title:**

Defense; National Guard

**Description:**

Allow the Department to recoup operating costs when the department allows for temporary facility use to the public. Currently, the law requires all monies received from the rentals shall be deposited into the general fund of the State.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

JUSTIFICATION SHEET

DEPARTMENT: Defense

TITLE: A BILL FOR AN ACT RELATING TO THE  
NATIONAL GUARD.

PURPOSE: Allow the Department to recoup operating  
costs when the department allows for  
temporary facility use to the public.  
Currently, the law requires all monies  
received from the rentals shall be  
deposited into the general fund of the  
State

MEANS: Amend section 121-19, Hawaii Revised  
Statutes (HRS).

JUSTIFICATION: Rental monies collected from  
facility use are intended to cover  
the costs of utilities, including  
but not limited to water, sewer, and  
electricity, any supplies, including  
but not limited to soap, paper  
towels, and toilet paper, all  
related State personnel or staffing  
costs necessary to open, close,  
clean, maintain, or repair the  
facility, and the wear-and-tear on  
the facility associated with the use  
of the facility.