

JAN 24 2019

A BILL FOR AN ACT

RELATING TO DEPARTMENT OF DEFENSE FACILITIES.

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 nonprofit entities within the community.
10 The rental moneys 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, Hawaii Revised Statutes, all moneys
18 received from the rentals shall be deposited into the general

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1 fund of the State, with required amounts returned to the office
2 of Hawaiian affairs in accordance with Act 178, Session Laws of
3 Hawaii 2006. This situation requires the department of defense
4 to utilize operating funds to cover the costs of utilities,
5 supplies, and personnel for the temporary public use of its
6 facilities by the community.

7 The purpose of this Act is to clarify that the department
8 of defense may continue its community involvement by lending out
9 its facilities without incurring a loss to its operating budget
10 by clarifying that the department of defense may retain revenues
11 collected to cover the cost of utilities, supplies, personnel,
12 and wear-and-tear associated with the lending out of its
13 facilities and that any net proceeds collected associated with
14 the lending out of its facilities will be returned to the
15 general fund, with required amounts returned to the office of
16 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 [~~armories, rifle ranges, reservations and~~

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1 ~~installations]~~ department of defense facilities that are either
2 set aside to the department of defense or on license from the
3 federal government. The adjutant general may permit the use of
4 or may temporarily rent to [~~civil, community,~~] a national guard
5 unit or other county, state, or federal government agency
6 sponsoring or co-sponsoring meetings, classes, or other
7 activities; hosting athletic events or competitions; billeting
8 personnel in conjunction with sanctioned events such as agency
9 sponsored conferences or classes, agency sponsored athletic or
10 recreation programs, government sponsored public hearings or
11 meetings, unit sponsored youth organizations and activities, or
12 public school sponsored classes, dances, plays, concerts, etc.,
13 nonprofit or eleemosynary organizations conducting a community
14 or group activity, and film production enterprise activities,
15 promoted and coordinated through the Hawaii film industry
16 branch, department of business, economic development, and
17 tourism, such portions as will not interfere with the military
18 use thereof. The adjutant general shall establish the rentals
19 to be charged for their use and all [~~moneys~~] net proceeds
20 received from the rentals shall be deposited into the general
21 fund of the State. Chapter 91 shall not apply."

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1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: *Neil V. Hill*

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BY REQUEST

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Report Title:

Department of Defense Facilities

Description:

Allows the Department of Defense to recoup operating costs when the Adjutant General permits temporary facility use of department facilities to the public. Currently, the law requires that "all moneys 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.

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JUSTIFICATION SHEET

DEPARTMENT: Defense

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

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

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

JUSTIFICATION: Rental moneys collected from facility use are intended to cover the costs of utilities, including but not limited to water, sewer, and electricity, any supplies, and also includes items such as soap, paper towels and toilet paper; related over-time staffing costs necessary to open & close the facility; additional cleaning & maintenance or repair to the facility; and the wear-and-tear on the facility associated with the use of the facility.

Impact on the public: None.

Impact on the department and other agencies: None.

GENERAL FUND: None.

OTHER FUND: None.

PPBS PROGRAM DESIGNATION:

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OTHER AFFECTED
AGENCIES:

None.

EFFECTIVE DATE:

Upon approval.