

ACT 76

H.B. NO. 990

A Bill for an Act Relating to Department of Defense Facilities.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. By establishing its facilities and presence within communities throughout the State, it is the intent of the State that the department of defense serve and be an integral part of the community. To this end, it is the policy of the legislature to lend out department of defense facilities in accordance with Hawaii Revised Statutes and department of defense requirements, on a non-interference basis, for temporary public use and rental by organizations such as civic and veterans groups, and nonprofit entities within the community. The rental moneys collected are intended to cover the costs of utilities, including water, sewer, and electricity, any supplies, including 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. However, in accordance with section 121-19, Hawaii Revised Statutes, all moneys received from the rentals shall be deposited into the general fund of the State, with required amounts returned to the office of Hawaiian affairs in accordance with Act 178, Session Laws of Hawaii 2006. This situation requires the department of defense to utilize operating funds to cover the costs of utilities, supplies, and personnel for the temporary public use of its facilities by the community.

The purpose of this Act is to clarify that the department of defense may continue its community involvement by lending out its facilities without incurring a loss to its operating budget, clarify that the department of defense may retain revenues collected to cover the cost of utilities, supplies, personnel, and wear-and-tear associated with the lending out of its facilities, and clarify that any net proceeds collected associated with the lending out of its facilities will be returned to the general fund, with required amounts returned to the office of Hawaiian affairs.

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

**“§121-19 Regulations governing armories, etc.** Any law to the contrary notwithstanding, the adjutant general may make regulations to establish procedures governing the care and custody of ~~[armories, rifle ranges, reservations and installations]~~ department of defense facilities that are either set aside to the department of defense or on license from the federal government. The adjutant general may permit the use of or may temporarily rent to ~~[civilian, community, veterans and other nonprofit public organizations and groups, such portions of armories, rifle ranges, reservations and installations]~~ national guard units or other county, state, or federal government agency sponsoring or co-sponsoring meetings, classes, or other activities; hosting athletic events or competitions; billeting personnel in conjunction with sanctioned events such as agency-sponsored conferences or classes, agency-sponsored athletic or recreation programs, government-sponsored public hearings or meetings, unit-sponsored youth organizations and activities, or public school sponsored classes, dances, plays, and concerts; nonprofit or eleemosynary organizations conducting a community or group activity; and film production enterprise activities promoted and coordinated through the Hawaii film industry branch, department of business, economic development, and tourism, such portions as will not interfere with the military use thereof. The adjutant general shall establish the rentals to be charged for their use and all ~~[moneys]~~ net proceeds received from the rentals shall be deposited into the general fund of the State. Chapter 91 shall not apply.”

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

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

(Approved June 7, 2019.)