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 that end, it is the policy of the legislature to lend out department of defense facilities, in accordance with the Hawaii Revised Statutes and department of defense requirements, on a non-interference basis for temporary public use 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 but not limited to water, sewer, and electricity, and any supplies, including but not limited to soap, paper towels, and toilet paper, all related to 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, section 121-19, Hawaii Revised Statutes, requires all moneys received from the rentals
to 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.

In order 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, the purpose of
this Act is to authorize the department of defense to retain
revenues collected to cover the cost of utilities, supplies,
personnel, and wear and tear associated with lending out its
facilities and that any net proceeds collected and associated
with lending out 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 [veterans, community,] veterans and
other nonprofit public organizations and groups, a national
guard unit 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, concerts, and
other activities, nonprofit or eleemosynary organizations
conducting a community or group activity, and film production
enterprise activities promoted and coordinated through the
Hawaii film industry branch of the department of business,
ecological development, and tourism, such portions of [armories,
rifle ranges, reservations and installations] department of
defense facilities 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.
Report Title:
Department of Defense Facilities; Operating Costs Recoupment

Description:
Allows the Department of Defense to recoup operating costs when the Adjutant General permits temporary facility use of department facilities to the public. (SD1)

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