

## **IC 14-18-2**

### **Chapter 2. Leasing of State Property**

#### **IC 14-18-2-1**

##### **Legislative intent**

Sec. 1. (a) It is the intent and purpose of this chapter to do the following:

- (1) Provide means for the construction and operation of adequate water resources, food, lodging, and the outdoor recreation or service facilities that the department considers appropriate without the expenditure of state money.
- (2) Solicit and encourage the use of private and public capital to provide food and lodging facilities.
- (3) Provide more adequate water resources and attractive recreational facilities.

(b) This chapter supersedes any conflicting law to the extent of the conflict.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-2-2**

##### **Lease and contract powers of department**

Sec. 2. (a) The department may do the following:

- (1) Lease state owned land that is under the management and control of the department to a local governmental unit or a political subdivision of the state or local government.
- (2) Lease federally owned land that is under the control and management of the department.
- (3) Contract for the construction and operation of lodging, food, and other outdoor recreation, water resources, or service facilities that the department considers appropriate on the land.

(b) If the department determines that action permitted by subsection (a) would be in the best interests of the citizens of Indiana, a lease and contract may be negotiated and executed in the manner prescribed by this chapter in addition to the methods permitted by other statutes.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-2-3**

##### **Contents of leases and contracts**

Sec. 3. (a) As used in this section, "inn" means a public facility that has the following:

- (1) At least twenty (20) rooms for the accommodation of overnight guests.
- (2) A dining room that offers table service for at least forty (40) individuals at one (1) time during normal dining hours.

(b) A lease and contract authorized by this chapter must include in its terms the following provisions and conditions:

- (1) The legal description of the leasehold. A survey for the description is not required.
- (2) The term of the lease. The term may not exceed forty (40)

years with two (2) additional options to renew of thirty (30) years each.

(3) Provision for the submission of complete plans and specifications to the department for review and written approval before beginning any construction.

(4) The manner of payment of rental.

(5) The facilities provided will be available to the public without discrimination and at charges designed to make the facilities available to a maximum number of the citizens of Indiana.

(6) That the rates and fees charged for goods and services on the leased area will be in accord with those charged at similar developments in the area.

(7) The disposition of the leasehold and improvements at the termination of the lease.

(8) Except as provided in subsections (c) and (e), if the lease and contract concerns state owned land under the management and control of the department, including state parks, a prohibition on the sale or public display of alcoholic beverages on the premises.

(c) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of an inn if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(d) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a public golf course if:

(1) the lease and contract concerns federally owned land that is:  
(A) under the control and management of the department;  
and

(B) located on Brookville Reservoir; and

(2) the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(e) A lease and contract authorized by this chapter may permit in its terms the retail sale of alcoholic beverages for consumption on the licensed premises of a pavilion located within Indiana Dunes State Park if the lessee or concessionaire applies for and secures the necessary permits required by IC 7.1.

(f) The retail sale of alcoholic beverages on licensed premises described in subsections (c), (d), and (e) is subject to any other applicable alcoholic beverage provisions under the Indiana Code and any rule adopted to implement any other applicable alcoholic beverage provisions under the Indiana Code.

(g) A lease and contract may prescribe other terms and conditions that the department considers necessary and advisable to carry out the intent and purposes of this chapter.

*As added by P.L.1-1995, SEC.11. Amended by P.L.71-2012, SEC.10; P.L.70-2014, SEC.6.*

#### **IC 14-18-2-4**

#### **Statement of intent**

Sec. 4. (a) This section does not apply to leases to units of local government.

(b) The department shall draft a statement of intent and shall publicize the statement through appropriate media. The statement must do the following:

- (1) Describe the facilities that the department desires to provide.
- (2) Set up a procedure for the submission of proposals for providing the facilities.

(c) The publication must consist of at least three (3) legal advertisements appearing at ten (10) day intervals during a thirty (30) day period in five (5) daily newspapers of wide and general circulation in Indiana.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-2-5**

##### **Submission of proposals**

Sec. 5. (a) This section does not apply to leases to units of local government.

(b) After public notice as required by section 4 of this chapter, a sixty (60) day period shall be allowed for the preparation and submission of proposals.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-2-6**

##### **Approval of proposals; negotiation of lease agreement**

Sec. 6. (a) Following the expiration of the period set aside for the submission of proposals by section 5 of this chapter, the department shall do the following:

- (1) Select the proposal that the department considers most appropriate for the fulfillment of the statement of intent.
- (2) Submit the proposal to the commission for approval.

(b) Upon receipt of written approval from the commission, the department shall do the following:

- (1) Negotiate a lease agreement with the individual, group, or political unit that submitted the proposal.
- (2) Submit the lease agreement to the attorney general for review and approval.

*As added by P.L.1-1995, SEC.11.*

#### **IC 14-18-2-7**

##### **Execution of lease and contract**

Sec. 7. A lease and contract must be executed by the authorized agents of the state and by the lessee.

*As added by P.L.1-1995, SEC.11.*