

IC 14-19

ARTICLE 19. STATE PARKS AND RECREATION AREAS

IC 14-19-1

Chapter 1. Powers and Duties of Department

IC 14-19-1-0.5

"Motorized cart"

Sec. 0.5. (a) "Motorized cart" means a conveyance that is:

- (1) motor driven, either by gas or electricity;
- (2) used to carry passengers or equipment; and
- (3) smaller than the types of motor vehicles required to be registered by the bureau of motor vehicles such as a:
 - (A) passenger motor vehicle (as defined in IC 9-13-2-123);
 - (B) recreational vehicle (as defined in IC 9-13-2-150); or
 - (C) truck (as defined in IC 9-13-2-188).

A motorized cart may be characterized as a golf cart, utility cart, or similar form of motor vehicle.

(b) The term does not include:

- (1) an electric personal assistive mobility device (as defined in IC 9-13-2-49.3);
- (2) a motorcycle (as defined in IC 9-13-2-108);
- (3) a motor driven cycle (as defined in IC 9-13-2-104.1); or
- (4) an off-road vehicle.

As added by P.L.225-2005, SEC.14. Amended by P.L.221-2014, SEC.86.

IC 14-19-1-1

Duties of department

Sec. 1. The department shall do the following:

- (1) Have the custody of and maintain the parks, preserves, forests, reservoirs, and memorials owned by the state.
- (2) Adopt the necessary rules under IC 4-22-2 to secure enforcement of this title, which must include provisions for the use of motorized carts during the hours specified in IC 9-21-7-2(a)(1) at state parks and recreation areas by an individual who is the holder of a driver's license and who:
 - (A) is at least sixty-five (65) years of age; or
 - (B) has a mobility disability as defined by the federal Americans with Disabilities Act (42 U.S.C. 12101 et seq).Rules adopted under this subdivision must comply with the provisions for mobility devices as described in 28 CFR 35.137.
- (3) Prepare, print, post, or distribute printed matter relating to the state parks and preserves.
- (4) Subject to the approval of the governor, purchase land for parks or preserves and scenic and historic places. For the purpose of acquiring land for parks or preserves and scenic and

historic places, the commission may exercise the power of eminent domain in the manner provided in IC 14-17-3.

(5) Accept in the name of the state by gift or devise the fee or other estate in land or scenic or historic places.

(6) Employ, with the approval of the authorities having control of a state penal institution, the convicts committed to a penal institution for the purpose of producing or planting trees, clearing, improving, repairing, draining, or developing land purchased or acquired by the state for parks or preserves or as scenic or historic places.

(7) Have the custody of all abstracts of title, papers, contracts, or related memoranda except original deeds to the state, for land purchased or received for parks or preserves or for scenic or historic purposes under this section.

(8) Cooperate with:

(A) the department of environmental management;

(B) other state agencies; and

(C) local units of government;

to protect the water and land of Indiana from pollution.

(9) Have general charge of the navigable water of Indiana.

As added by P.L.1-1995, SEC.12. Amended by P.L.225-2005, SEC.15; P.L.155-2015, SEC.9.

IC 14-19-1-1.5

Recreational trails guidelines

Sec. 1.5. (a) Before March 1, 2016, the department shall, through the division of outdoor recreation, develop guidelines concerning recreational trails and amend the guidelines as necessary or advisable thereafter. The guidelines must address at least the following issues:

(1) Clear statement of ownership and management of each trail.

(2) Right-of-way inconsistencies.

(3) The division of responsibility for maintenance of fences, for drainage, and for maintenance of drainage or drain tiles.

(4) Tree, weed, and brush removal between responsible parties and landowners adjacent to recreational trails.

(5) Mowing responsibility.

(6) Law enforcement jurisdiction.

(7) Signage.

(8) Conflict resolution procedures.

(9) Appeal procedures.

(10) Use by public utility facilities.

(b) In developing the recreational trail guidelines described in subsection (a), the division shall consult with various groups, organizations, and agencies that will be impacted by the guidelines.

(c) The department may adopt guidelines, without complying with IC 4-22-2, to implement this section.

As added by P.L.67-2015, SEC.1.

IC 14-19-1-2

Powers of department

Sec. 2. The department may do the following:

- (1) Make available to the public under rules adopted by the department public parks and other suitable places for recreation, conservation, and management of natural and cultural resources. The rules may include a procedure for the establishment of a schedule of admission fees and service charges adopted by the commission for the parks and other places of recreation.
- (2) Construct, rent, lease, license, or operate public service privileges and facilities in a state park. An agreement may not be made to rent, lease, or license a public service privilege or facility in a state park for longer than four (4) years, except as provided in section 3 of this chapter.
- (3) Acquire other suitable land or park property within Indiana that is entrusted, donated, or devised to Indiana by the United States or by a county, a city, a town, a private corporation, or an individual for the purpose of public recreation or for the preservation of natural beauty or natural features possessing historic value.

As added by P.L.1-1995, SEC.12. Amended by P.L.246-2005, SEC.120.

IC 14-19-1-3

Lease of property

Sec. 3. (a) The department may lease property located in a state park to a lessee for a period longer than four (4) years if the requirements of this section are satisfied.

(b) A lease described in subsection (a) does not take effect unless all of the following conditions have been met:

- (1) The lease is approved by the commission.
- (2) The prospective lessee is required, as a condition of the lease, to make a capital investment in the property of at least two hundred thousand dollars (\$200,000).
- (3) The investment referred to in subdivision (2) is in real property and not in personal property.
- (4) Under the terms of the lease, improvements made to the property by the lessee through capital investment will become the property of the state when the lease expires.

(c) Before the commission may approve a lease under subsection (b)(1), the prospective lessee must submit to the commission a statement of Indiana economic impact that includes the following information relating to the proposed lease and the capital investment that would be required as a condition of the lease under subsection (b)(2):

- (1) The estimated average wages and benefits to be paid to the projected new permanent employees whose jobs would be created through the capital investment.
- (2) The estimated total amount to be expended by the prospective lessee in making the capital investment.

(3) The estimated total amount to be paid by the prospective lessee to companies that:

(A) are organized under Indiana law; and

(B) would be involved in the construction activity that would implement the capital investment.

(4) The estimated total wages and benefits that would be paid, during the construction activity that would implement the capital investment, to Indiana residents employed by companies that would be involved in the construction activity.

(5) The projected economic activity for:

(A) subcontracting companies organized under Indiana law;

(B) supply companies organized under Indiana law; and

(C) other companies organized under Indiana law;

that would result from the capital investment.

(d) In deciding whether to approve a lease under subsection (b)(1), the commission shall consider whether the proposed term of the lease is longer than the period within which the prospective lessee can reasonably be expected to recover the capital investment in the property that would be required as a condition of the lease under subsection (b)(2).

As added by P.L.1-1995, SEC.12.