

IC 14-17-4

Chapter 4. Acquisition of Real Property by the United States for Certain Purposes

IC 14-17-4-1

State consent to acquisition by federal government

Sec. 1. (a) The state consents to the acquisition by the United States of real property in Indiana for any of the following purposes:

(1) The acquisition, establishment, maintenance, or development of fish hatcheries, wildlife preserves, or forest preserves.

(2) Agricultural, recreational, or experimental uses.

(b) The United States may acquire real property under this chapter by purchase, gift, or eminent domain.

As added by P.L.1-1995, SEC.10.

IC 14-17-4-2

Powers of federal government

Sec. 2. Except as provided in this chapter, the United States may act as necessary to maintain, develop, control, and administer real property acquired under this chapter through either of the following:

(1) The officers, agents, or employees of the United States.

(2) Cooperative agreement with the department.

As added by P.L.1-1995, SEC.10.

IC 14-17-4-3

Acceptance of property acquired by federal government

Sec. 3. Subject to IC 4-20.5-3, the department may accept any real property acquired by the United States under this chapter in the same manner as the department acquires real property owned in Indiana by an individual.

As added by P.L.1-1995, SEC.10.

IC 14-17-4-4

Agreements with federal government

Sec. 4. The department may enter into an agreement with the United States or an agency of the United States for the acquisition, maintenance, development, control, and administration of real property acquired by the United States under this chapter.

As added by P.L.1-1995, SEC.10.

IC 14-17-4-5

Concurrent jurisdiction

Sec. 5. The state retains concurrent jurisdiction with the United States in and over real property acquired under this chapter, so that civil process and criminal process issued under the authority of the state against a person charged with the commission of an offense can be executed on the real property.

As added by P.L.1-1995, SEC.10.

IC 14-17-4-6

State retaining exclusive right to regulate birds and wildlife

Sec. 6. The state retains the exclusive right to regulate the taking, killing, or hunting of wild birds (except migratory birds) or wild animals on real property acquired by the United States under this chapter in the same manner and to the same extent as the state may regulate the taking, killing, or hunting of wild birds or wild animals on land owned by the state and used for conservation purposes.

As added by P.L.1-1995, SEC.10.

IC 14-17-4-7

Cession of concurrent criminal jurisdiction to federal government

Sec. 7. (a) This section applies to real property acquired by the United States under this chapter and in which the United States does not have concurrent criminal jurisdiction.

(b) Upon application of an officer of the United States who has authority and control over the real property, the governor may, by executive order, cede to the United States concurrent criminal jurisdiction.

(c) The application must include an accurate description and a plat of the real property within which concurrent criminal jurisdiction would be exercised.

(d) The application may include a request to exercise concurrent criminal jurisdiction over recreational real property owned by the state if the recreational real property is located adjacent to or within the boundaries of the real property of the United States described in the application.

(e) The application must show to the satisfaction of the governor that the cession of concurrent criminal jurisdiction is necessary for the public safety and the proper maintenance and control of the real property.

As added by P.L.1-1995, SEC.10.

IC 14-17-4-8

Open fires

Sec. 8. (a) A person must have a written permit from the supervisor in charge of real property acquired by the United States under a statute to:

- (1) burn brush, grass, or debris; or
- (2) set or kindle an open fire;

within one-half (1/2) mile of the real property.

(b) The permit described in subsection (a) must be issued under rules considered necessary for the protection of the real property from uncontrolled fire in consideration of the weather conditions.

(c) A person who knowingly violates subsection (a) commits a Class B misdemeanor.

As added by P.L.1-1995, SEC.10.