

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

#### **Chapter 3. Leasing of State Land for Lodging and Food Facilities**

### **IC 14-18-3-1**

#### **Legislative intent**

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

- (1) Provide means for the construction of adequate food and lodging facilities for the guests of Indiana state parks and recreation areas without the expenditure of public money.
- (2) Solicit and encourage the use of private capital to provide food and lodging facilities.
- (3) Provide more attractive recreational facilities for tourists seeking vacation sites in Indiana.

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

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

#### **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.
- (2) Lease federally owned land that is under the control and management of the department.
- (3) Contract for the construction and operation of lodging and food facilities on the leased land.

(b) If the department determines that action under subsection (a) would be in the best interests of the state park system, the 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 14-18-3-3**

#### **Contents of lease and contract**

Sec. 3. (a) A lease and contract authorized by section 2 of this chapter must include in its terms the following provisions and conditions:

- (1) The legal description of the leasehold.
- (2) The term of the lease, which may not exceed forty (40) years.
- (3) A stipulation that the lessor shall build and maintain access roads to a lodging and food facility constructed and operated by the lessee.
- (4) Specifications controlling the construction of any lodging and food facility to be constructed and operated by a lessee that state the following:
  - (A) The number and size of sleeping rooms and bathroom facilities.
  - (B) The size and capacity of the kitchen and dining facilities.
  - (C) The size of patio, lobby, lounge, and meeting room areas.

- (D) The type and quality of construction.
  - (E) Other criteria and specifications that the department considers necessary and advisable.
  - (5) The manner of payment of rental.
  - (6) A stipulation that the department has control and supervision over the following:
    - (A) The maximum rates to be charged guests using the lodging and food facility.
    - (B) The sanitary conditions of the facility.
    - (C) The quality of food and service furnished the guests of the facility.
    - (D) The structural maintenance of the facility.
  - (7) The disposition of the leasehold and improvements at the expiration of the lease.
  - (8) A prohibition on the sale of alcoholic beverages on the premises.
  - (b) The 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.*

#### **IC 14-18-3-4**

##### **Initial draft of proposed lease and contract; notice of hearing**

Sec. 4. (a) The department shall do the following:

- (1) Draft and distribute copies of the following to the hotel and motel industry:
  - (A) A proposed lease and contract.
  - (B) A notice of the time and place that the department will hold a public hearing to consider the terms and conditions of the proposed lease and contract.
- (2) Submit a copy of the proposed lease to the office of tourism development.
- (b) The office of tourism development shall submit an evaluation and recommendations for amendments for consideration before the public hearing.

*As added by P.L.1-1995, SEC.11. Amended by P.L.229-2005, SEC.14.*

#### **IC 14-18-3-5**

##### **Hearing on proposed lease and contract**

Sec. 5. (a) The department shall give at least sixty (60) days notice of the public hearing by publishing notice in a newspaper of general circulation in Indiana.

(b) At the public hearing, the department shall receive objections and suggested amendments to the terms of the proposed lease and contract from persons who are interested in leasing the land and constructing lodging and food facilities.

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

#### **IC 14-18-3-6**

**Final draft of proposed lease and contract**

Sec. 6. Following the hearing under section 5 of this chapter, the department shall do the following:

- (1) Prepare a final draft of the proposed lease and contract.
- (2) Submit the lease and contract to the attorney general.

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

**IC 14-18-3-7**

**Notice to bidders**

Sec. 7. If the attorney general approves the lease and contract, the department shall give at least ten (10) days notice in a newspaper of general circulation in Indiana notifying the public and prospective bidders of the time and place that the department will receive bids.

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

**IC 14-18-3-8**

**Interview of bidders**

Sec. 8. The department shall interview each bidder to discover the resources and experience of the bidder.

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

**IC 14-18-3-9**

**Award of lease to highest and best bidder**

Sec. 9. After the interview, the department may award the lease to the highest and best bidder.

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

**IC 14-18-3-10**

**Execution of lease and contract**

Sec. 10. 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.*

**IC 14-18-3-11**

**Additional and supplemental authority**

Sec. 11. The authority granted to the department by this chapter is in addition and supplemental to the authority granted to the department by IC 14-19-1-2.

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