

Senate Bill 196

Overview

Section 1.1

Definition of terms.

Section 1.2

- The Kentucky Recreational Trails Authority is attached to the Office of the Secretary of the Commerce Cabinet.
- The Authority will be comprised of 23 members, including:
 - 2 members from the Kentucky Motorcycle Association, from a list of 5 selected by the Association.
 - 1 member from the League of Kentucky Sportsmen.
 - 1 member of the Council of Area Development Districts.
 - 2 members from ATV associations.
 - 2 members representing the Kentucky Farm Bureau, with consideration to geographic diversity.
 - 2 members representing the coal industry, with consideration to the eastern and western part of the state.
 - 1 member from a bicycling organization.
 - 1 member from an equine trail riding organization.
 - 1 member from a hiking or backpacking organization.
 - 2 members representing the Kentucky Horse Council, from a list of 5 names nominated by the Council.
 - 1 member from the public at large.
 - 1 County Judge/Executive.
 - Secretary of the Transportation Cabinet or a designee.
 - Secretary of the Commerce Cabinet or a designee.
 - Commissioner of the Department of Fish and Wildlife Resources or a designee.
 - Secretary of the Justice and Public Safety Cabinet or a designee.
 - Secretary of the Environment and Public Protection Cabinet or a designee.
 - Commissioner of the Department of Agriculture or a designee.
- The Governor appoints one of the members as chairman.
- Terms of the appointments will be staggered.

Section 1.5

- Strengthens a government and private landowner recreational use agreement.
- Reiteration of the use of KRS 411.190 for recreational purposes.
- Protects with a 30 days “out clause” in the agreement, which may be expanded for multiple years.

Section 1.6

Agreements will not:

- Create any user interest in the property; ripen into a claim of adverse possession; alter the land to make it unsuitable for mining; or, cause a denial of a mining permit.

Section 1.7

- Government entities may perform the actions necessary to construct, manage & maintain trail systems.
- Entities may charge for a general use permit.

Section 1.8

- Gives KRTA ability to accept or acquire land for recreational uses.

Section 1.9

- Proceeds derived from the sale of a general use permit goes into a restricted, non-lapsing fund that is administered by Commerce Cabinet to support trail-related purposes.

Section 1.10

- Allows the Commerce Cabinet the ability to promulgate administrative regulations in order to carry out the trail development provisions.

Section 2.1

- The KRTA is charged with developing and implementing a strategy to increase responsible & legal recreational activity. This includes an informational campaign directed toward in and out-of-state users.

Section 2.2

- States that people shall not enter upon the lands of private landowners without an agreement as defined in Section 1.

Section 3

- In addition to existing powers accorded under KRS 150.090, KDFWR may enforce the provisions of Sections 1 and 2.
- Any law enforcement programs shall be through a Memorandum of Agreement between the KDFWR and the Commerce Cabinet. After the MOA is entered into, KDFWR may promulgate administrative regulations to carry out the enforcement of Sections 1 and 2.

Section 4

- The KRTA will study the impacts of and ways to reduce illegal trespassing by ATVs and OHVs and make recommendations for increased enforcement. By December 15, 2008, the results of the study shall be submitted to the Legislative Research Commission.