

HOUSE BILL No. 1202

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-8-2; IC 14-29-1.5.

Synopsis: Ownership of banks of the Ohio River. Provides that in all places where the southern border of the state of Indiana, as determined according to the low water mark of the Ohio River as it was when Kentucky became a state in 1792, is coterminous with the banks of the Ohio River on the Indiana side of the Ohio River, the person or persons who hold title in fee simple to the land in Indiana adjoining the Ohio River are owners of the land all the way to the border of the state of Indiana. Provides that the state of Indiana, which owns the banks of all navigable waterways in Indiana up to the ordinary high watermark, relinquishes its ownership interest in the part of the banks of the Ohio River to the extent necessary to make the person or persons holding title in fee simple to the land adjoining the Ohio River owners of the land all the way to the border of the state of Indiana.

Effective: July 1, 2017.

Arnold L, Engleman

January 10, 2017, read first time and referred to Statutory Committee on Interstate and International Cooperation.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1202

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 14-8-2-19.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]: **Sec. 19.3. "Banks of a navigable waterway", for purposes**
4 **of IC 14-29-1.5, has the meaning set forth in IC 14-29-1.5-1.**

5 SECTION 2. IC 14-8-2-176.5 IS ADDED TO THE INDIANA
6 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
7 [EFFECTIVE JULY 1, 2017]: **Sec. 176.5. "Navigable waterway", for**
8 **purposes of IC 14-29-1.5, has the meaning set forth in**
9 **IC 14-29-1.5-2.**

10 SECTION 3. IC 14-8-2-191.5 IS ADDED TO THE INDIANA
11 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2017]: **Sec. 191.5. "Ordinary high water**
13 **mark", for purposes of IC 14-29-1.5, has the meaning set forth in**
14 **IC 14-29-1.5-3.**

15 SECTION 4. IC 14-29-1.5 IS ADDED TO THE INDIANA CODE
16 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2017]:



1 **Chapter 1.5. Ownership of Banks of the Ohio River**

2 **Sec. 1. As used in this chapter, "banks of a navigable waterway"**
3 **means the land alongside or sloping down to the navigable**
4 **waterway. The term applies to the land from the point at which the**
5 **water of the navigable waterway contacts the bank up to the**
6 **ordinary high watermark of the bank.**

7 **Sec. 2. (a) As used in this chapter, "navigable waterway" means**
8 **a natural or altered river or creek that was available and**
9 **susceptible for navigation according to the general rules of river**
10 **transportation at the time Indiana was admitted to statehood in**
11 **1816, as determined according to the law and usage recognized and**
12 **applied in the federal courts, regardless of whether the river or**
13 **creek is now navigable.**

14 **(b) The term includes every river or creek listed in the bulletin**
15 **of the commission setting forth a roster of Indiana waterways**
16 **declared to be navigable, including the Ohio River.**

17 **Sec. 3. As used in this chapter, "ordinary high water mark"**
18 **means the line on the shore of a navigable waterway established by**
19 **the fluctuations of water and indicated by physical characteristics,**
20 **such as the following:**

- 21 **(1) A clear and natural line impressed on the bank.**
22 **(2) Shelving.**
23 **(3) Changes in character of the soil.**
24 **(4) The destruction of terrestrial vegetation.**
25 **(5) The presence of litter or debris.**

26 **Sec. 4. (a) In all places where the southern border of the state of**
27 **Indiana, as determined according to the low water mark of the**
28 **Ohio River as it was when Kentucky became a state in 1792, is**
29 **coterminous with the banks of the Ohio River on the Indiana side**
30 **of the Ohio River, the person or persons who hold title in fee simple**
31 **to the land in Indiana adjoining the Ohio River are owners of the**
32 **land all the way to the southern border of the state of Indiana.**

33 **(b) The state of Indiana hereby relinquishes the ownership**
34 **interest it would otherwise have in the land constituting the banks**
35 **of the Ohio River, as banks of a navigable waterway, up to the**
36 **ordinary high water mark of the banks, to the extent necessary to**
37 **effectuate subsection (a).**

