

SENATE BILL No. 325

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-26-2.1; IC 14-29-1-9.

Synopsis: Public trust ownership of Lake Michigan. Declares that, absent any authorized legislative conveyance before February 14, 2018, the state of Indiana owns all of Lake Michigan within the boundaries of Indiana in trust for the use and enjoyment of all citizens of Indiana. Provides that an owner of land that borders Lake Michigan does not have the exclusive right to use the water or land below the ordinary high water mark of Lake Michigan. Declares that the citizens of Indiana have a vested right to: (1) enjoy the natural scenic beauty of Lake Michigan; (2) enjoy and use the natural resources of Lake Michigan; and (3) use Lake Michigan for recreational purposes. Authorizes the department of natural resources to adopt rules to establish an administrative ordinary high water mark on the land adjoining the waters of Lake Michigan for purposes of administering the navigable waterways law.

Effective: July 1, 2020.

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January 13, 2020, read first time and referred to Committee on Natural Resources.



Second Regular Session of the 121st General Assembly (2020)

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 2019 Regular Session of the General Assembly.

SENATE BILL No. 325

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

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

1 SECTION 1. IC 14-26-2.1 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2020]:

4 **Chapter 2.1. Ownership of Lake Michigan in Public Trust**

5 **Sec. 1. As used in this chapter, "Lake Michigan" means:**

- 6 (1) the waters of Lake Michigan;
- 7 (2) the land under the waters of Lake Michigan; and
- 8 (3) the land adjoining the waters of Lake Michigan up to the
- 9 ordinary high water mark;

10 within the boundaries of Indiana.

11 **Sec. 2. As used in this chapter, "ordinary high water mark"**
12 **means the line on the bank or shore of Lake Michigan that is:**

- 13 (1) established by the fluctuations of water; and
- 14 (2) indicated by physical characteristics, including:
 - 15 (A) a clear and natural line impressed on the shore;
 - 16 (B) shelving;
 - 17 (C) changes in character of soils;



1 (D) the destruction of terrestrial vegetation; and

2 (E) the presence of litter or debris.

3 Sec. 3. (a) Absent any authorized legislative conveyance before
4 February 14, 2018, the state of Indiana owns all of Lake Michigan
5 within the boundaries of Indiana in trust for the use and enjoyment
6 of all citizens of Indiana.

7 (b) An owner of land that borders Lake Michigan does not have
8 the exclusive right to use the water or land below the ordinary high
9 water mark of Lake Michigan.

10 Sec. 4. (a) As used in this section, "natural scenic beauty" refers
11 to conditions produced by nature without manmade additions or
12 alterations.

13 (b) As used in this section, "recreational purpose" means any of
14 the following:

15 (1) Walking.

16 (2) Fishing.

17 (3) Boating.

18 (4) Swimming.

19 (5) Any other recreational purpose for which Lake Michigan
20 is ordinarily used, as recognized by the commission for the
21 purposes of this section.

22 (c) The citizens of Indiana have a vested right to:

23 (1) enjoy the natural scenic beauty of Lake Michigan;

24 (2) enjoy and use the natural resources of Lake Michigan; and

25 (3) use Lake Michigan for recreational purposes.

26 (d) The citizens of Indiana have a vested right in the
27 preservation and protection of Lake Michigan.

28 Sec. 5. The commission may adopt rules under IC 4-22-2 to
29 administer this chapter.

30 SECTION 2. IC 14-29-1-9 IS ADDED TO THE INDIANA CODE
31 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
32 1, 2020]: Sec. 9. Notwithstanding IC 14-26-2.1, the department may
33 adopt rules under IC 4-22-2 to establish an administrative ordinary
34 high water mark on the land adjoining the waters of Lake
35 Michigan for purposes of administering this chapter.

