



SENATE MOTION

MADAM PRESIDENT:

I move that Senate Bill 581 be amended to read as follows:

- 1 Page 2, delete lines 29 through 42, begin a new paragraph and
- 2 insert:
- 3 "Sec. 6. (a) Except as provided in subsection (b), "ordinary high
- 4 water mark", as used in this chapter, means the natural line on the
- 5 shore of Lake Michigan that is established by the fluctuations of
- 6 water and indicated by one (1) of the following physical
- 7 characteristics, whichever is closest to the water's edge:
- 8 (1) A clear and natural line impressed on the shore.
- 9 (2) Shelving.
- 10 (3) Changes in the character of the soil.
- 11 (4) The absence of terrestrial vegetation.
- 12 (b) Where, at a particular site, due to natural conditions or
- 13 manmade alterations, the physical characteristics set forth in
- 14 subsection (a)(1) through (a)(4) cannot be determined, "ordinary
- 15 high water mark", as used in this chapter, means:
- 16 (1) the line on the shore of Lake Michigan that is five hundred
- 17 eighty-one and five-tenths (581.5) feet above sea level; or
- 18 (2) if the commission or the United States Army Corps of
- 19 Engineers determines that the ordinary high water mark is a
- 20 line on the shore of Lake Michigan at an elevation above sea
- 21 level different from the line described in subdivision (1), the
- 22 line on the shore of Lake Michigan at the elevation
- 23 determined by the commission or the United States Army
- 24 Corps of Engineers."
- 25 Page 3, delete lines 1 through 11.
- 26 Page 4, after line 7, begin a new paragraph and insert:
- 27 "SECTION 3. IC 34-30-19.5 IS ADDED TO THE INDIANA CODE
- 28 AS A NEW CHAPTER TO READ AS FOLLOW [EFFECTIVE JULY

1, 2019]:

Chapter 19.5. Immunity of Owner of Property Near Lake Michigan Public Trust Land

Sec. 1. As used in this chapter, "Lake Michigan public trust land" means land adjoining Lake Michigan to which the state of Indiana holds legal title in trust for the recreational use of the public.

Sec. 2. As used in this chapter, "owner" means a person that:

- (1) has a fee interest in;
- (2) is a tenant, lessee, or occupant of; or
- (3) is otherwise legally in control of;

a property.

Sec. 3. As used in this chapter, "property" means a tract of land, including the buildings and improvements on the land.

Sec. 4. (a) Except as provided in subsection (b), an owner of a property is not liable for any personal injury, death, property damage, or other loss of any nature that a person incurs:

- (1) while temporarily present on the property, with or without permission from the owner of the property, after entering the property from the Lake Michigan public trust land; or
- (2) while passing across the property, with or without permission from the owner of the property, for the purpose of:

- (A) going to Lake Michigan public trust land; or

- (B) going to another destination upon leaving Lake Michigan public trust land.

(b) Subsection (a) does not apply to personal injury, death, property damage, or other loss caused by the property owner's intentional misconduct.

SECTION 4. [EFFECTIVE JULY 1, 2019] (a) IC 34-30-19.5, as added by this act, applies to personal injury, death, property damage, or other loss that occurs after June 30, 2019.

(b) This SECTION expires July 1, 2020."

Renumber all SECTIONS consecutively.

(Reference is to SB 581 as printed February 13, 2019.)

Senator PERFECT