



SENATE MOTION

MADAM PRESIDENT:

I move that Engrossed House Bill 1385 be amended to read as follows:

- 1 Page 34, between lines 24 and 25, begin a new paragraph and insert:
- 2 "SECTION 58. IC 14-26-2.1 IS ADDED TO THE INDIANA CODE
- 3 AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE
- 4 JULY 1, 2020]:
- 5 **Chapter 2.1. Ownership of Lake Michigan in Public Trust**
- 6 **Sec. 1. As used in this chapter, "Lake Michigan" means:**
- 7 (1) the waters of Lake Michigan;
- 8 (2) the land under the waters of Lake Michigan; and
- 9 (3) the land adjoining the waters of Lake Michigan up to the
- 10 ordinary high water mark;
- 11 within the boundaries of Indiana.
- 12 **Sec. 2. As used in this chapter, "ordinary high water mark"**
- 13 **means the line on the bank or shore of Lake Michigan that is:**
- 14 (1) established by the fluctuations of water; and
- 15 (2) indicated by physical characteristics, including:
- 16 (A) a clear and natural line impressed on the shore;
- 17 (B) shelving;
- 18 (C) changes in character of soils;
- 19 (D) the destruction of terrestrial vegetation; and
- 20 (E) the presence of litter or debris.
- 21 **Sec. 3. (a) Absent any authorized legislative conveyance before**
- 22 **February 14, 2018, the state of Indiana owns all of Lake Michigan**
- 23 **within the boundaries of Indiana in trust for the use and enjoyment**
- 24 **of all citizens of Indiana.**
- 25 (b) An owner of land that borders Lake Michigan does not have
- 26 the exclusive right to use the water or land below the ordinary high
- 27 water mark of Lake Michigan.
- 28 **Sec. 4. (a) As used in this section, "natural scenic beauty" refers**

1 to conditions produced by nature without manmade additions or
2 alterations.

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

5 (1) Walking.

6 (2) Fishing.

7 (3) Boating.

8 (4) Swimming.

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

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

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

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

15 (3) use Lake Michigan for recreational purposes.

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

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

20 SECTION 59. IC 14-29-1-9 IS ADDED TO THE INDIANA CODE
21 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
22 1, 2020]: Sec. 9. The department may adopt rules under IC 4-22-2
23 to identify the location of the ordinary high water mark on the land
24 adjoining the waters of Lake Michigan for purposes of
25 administering this chapter."

26 Renumber all SECTIONS consecutively.

(Reference is to EHB 1385 as printed February 25, 2020.)

Senator GLICK