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# HOUSE BILL No. 1031

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 14-26-2-24.

**Synopsis:** Lake access by an easement. Prohibits, except when granted written permission, constructing or maintaining a pier, a dock, or another structure that blocks or restricts an easement holder's access to or use of a public lake. Allows an easement holder to use certain structures that extend from the easement to the shoreline or into a lake. (The introduced version of this bill was prepared by the natural resources study committee.)

**Effective:** Upon passage.

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## Pond, Bischoff

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December 4, 2003, read first time and referred to Committee on Agriculture, Natural Resources and Rural Development.

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Second Regular Session 113th General Assembly (2004)

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 2003 Regular Session of the General Assembly.

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**HOUSE BILL No. 1031**



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 14-26-2-24 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
3 UPON PASSAGE]: **Sec. 24. (a) This section does not apply to an  
4 easement owned or controlled by a political subdivision (as defined  
5 by IC 36-1-2-13).**  
6 **(b) Except as provided in subsection (c), a person may not  
7 construct or maintain a pier, a dock, or another structure that  
8 blocks or restricts an easement holder's access to or use of, by use  
9 of the easement, a public fresh water lake.**  
10 **(c) Notwithstanding subsection (b), a person may construct or  
11 maintain a pier, a dock, or another structure that blocks or  
12 restricts an easement holder's access to or use of, by use of the  
13 easement, a public fresh water lake if one (1) of the following  
14 conditions exists:**  
15 **(1) If the easement is owned and controlled by an association,  
16 written permission is granted in accordance with the rules  
17 and bylaws of the association.**



1           **(2) If an easement is owned by (1) or more persons, but not an**  
2           **association, written permission is granted by a majority of the**  
3           **property owners who have been granted the easement.**  
4           **(d) Each easement holder has the right to use a pier, a dock, or**  
5           **another structure that extends from the easement holder's**  
6           **easement to the shoreline or water line or into a public fresh water**  
7           **lake.**  
8           **SECTION 2. An emergency is declared for this act.**

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