



February 20, 2013

SENATE BILL No. 539

DIGEST OF SB 539 (Updated February 18, 2013 11:37 am - DI 109)

Citations Affected: IC 14-18.

Synopsis: Boundaries of Lake Michigan property. Provides that the Lake Michigan boundary of a parcel of real property located on the shore of Lake Michigan in the town of Long Beach is at the ordinary high water mark. Provides a cause of action to a person who believes the person owns real property beyond the ordinary high water mark to establish the person's title to that property.

Effective: July 1, 2013.

Tallian, Yoder, Arnold J

January 14, 2013, read first time and referred to Committee on Agriculture and Natural Resources.
February 19, 2013, amended, reported favorably — Do Pass.

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SB 539—LS 7037/DI 75+



February 20, 2013

First Regular Session 118th General Assembly (2013)

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 2012 Regular Session of the General Assembly.

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SENATE BILL No. 539

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

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

- 1 SECTION 1. IC 14-18-6.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2013]:
4 **Chapter 6.5. Real Property Ownership in Certain Lands**
5 **Bordering Lake Michigan**
6 **Sec. 1. As used in this chapter, "lake lot" refers to a parcel of**
7 **real property that is located in the town and that borders the**
8 **ordinary high water mark of Lake Michigan.**
9 **Sec. 2. As used in this chapter, "lake ward property" refers to**
10 **real property bordering Lake Michigan below the ordinary high**
11 **water mark that is held and controlled by the state in trust for the**
12 **use of all the citizens of Indiana for recreational purposes.**
13 **Sec. 3. As used in this chapter, "ordinary high water mark"**
14 **means the elevation of 581.5 feet, International Great Lakes Datum**
15 **(1985).**
16 **Sec. 4. As used in this chapter, "town" refers to the Town of**
17 **Long Beach in LaPorte County.**

SB 539—LS 7037/DI 75+



1 **Sec. 5. (a) This section does not apply to a lake lot owned by the**
2 **state of Indiana.**
3 **(b) Except as provided in section 6 of this chapter, the lake ward**
4 **boundary of a lake lot is presumed to be located at the ordinary**
5 **high water mark.**
6 **Sec. 6. (a) A person who claims an interest in lake ward**
7 **property may bring an action under IC 32-30 to establish the**
8 **person's interest in the lake ward property. A person who brings**
9 **an action as provided in this section bears the burden of proof.**
10 **(b) An action brought under this section may not be brought**
11 **after June 30, 2015.**
12 **(c) A judgment in favor of the person bringing an action under**
13 **this section shall be made subject to the payment by the person of**
14 **property taxes on the lake ward property that would have been**
15 **paid on the real property from January 1, 2003.**

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COMMITTEE REPORT

Madam President: The Senate Committee on Agriculture and Natural Resources, to which was referred Senate Bill No. 539, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, line 7, delete "bordering on" and insert **"that is located in the town and that borders the ordinary high water mark of"**.

Page 1, line 7, delete "Michigan located in the town." and insert **"Michigan."**

Page 1, line 9, delete "in" and insert **"bordering"**.

Page 1, line 9, delete "beyond" and insert **"below"**.

Page 1, line 10, delete "abuts a lake lot." and insert **"is held and controlled by the state in trust for the use of all the citizens of Indiana for recreational purposes."**

Page 2, line 1, delete "Lake" and insert **"lake ward"**.

Page 2, line 2, delete "Michigan".

Page 2, line 2, delete "considered" and insert **"presumed"**.

Page 2, line 4, delete "believes the person owns" and insert **"claims"**.

Page 2, line 6, after "property." insert **"A person who brings an action as provided in this section bears the burden of proof."**

Page 2, line 8, delete "2016" and insert **"2015"**.

and when so amended that said bill do pass.

(Reference is to SB 539 as introduced.)

YODER, Chairperson

Committee Vote: Yeas 8, Nays 2.

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