

**IC 14-26-2.1 Chapter 2.1. Ownership of Lake Michigan in Public Trust**

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**IC 14-26-2.1-0.5 Applicability of chapter**

Sec. 0.5. This chapter applies only to the recreational use of Lake Michigan.

*As added by P.L.164-2020, SEC.57.*

**IC 14-26-2.1-1 "Lake Michigan"**

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

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

within the boundaries of Indiana.

*As added by P.L.164-2020, SEC.57.*

**IC 14-26-2.1-2 "Ordinary high water mark"**

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

- (1) established by the fluctuations of water; and
- (2) indicated by physical characteristics, including:
  - (A) a clear and natural line impressed on the shore;
  - (B) shelving;
  - (C) changes in character of soils;
  - (D) the destruction of terrestrial vegetation; and
  - (E) the presence of litter or debris.

*As added by P.L.164-2020, SEC.57.*

**IC 14-26-2.1-3 Public trust**

Sec. 3. (a) 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.

(b) 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.

*As added by P.L.164-2020, SEC.57.*

**IC 14-26-2.1-4 Permitted purposes**

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

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

- (1) Walking.
- (2) Fishing.
- (3) Boating.
- (4) Swimming.
- (5) Any other recreational purpose for which Lake Michigan is ordinarily used, as recognized by the commission for the purposes of this section.

(c) 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.

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

*As added by P.L.164-2020, SEC.57.*

**IC 14-26-2.1-5            Adoption of rules**

Sec. 5. (a) The commission may adopt rules under IC 4-22-2 to administer this chapter.

(b) In the adoption of a rule under subsection (a):

(1) the public hearing held under IC 4-22-2-26 concerning the proposed rule; and

(2) any additional public meeting concerning the proposed rule that is held by:

(A) the commission; or

(B) officers or employees of the department or any other individuals authorized under IC 4-22-2-15 to perform rulemaking actions other than the final adoption of the rule;

may be held only in a county that borders Lake Michigan.

*As added by P.L.164-2020, SEC.57.*