



Rep. Lawrence "Larry" Walsh, Jr.

Filed: 3/16/2026

10400HB5165ham001

LRB104 20238 BDA 35481 a

1 AMENDMENT TO HOUSE BILL 5165

2 AMENDMENT NO. _____. Amend House Bill 5165 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the
5 Public Waters Access Act.

6 Section 5. Findings; purpose.

7 (a) The General Assembly finds that:

8 (1) Illinois' navigable and public waters are held in
9 trust by the State for the benefit and enjoyment of its
10 people.

11 (2) Public access to and lawful recreational use of
12 these waters promoting outdoor recreation, limited to
13 boating, canoeing, paddling, kayaking, and angling, is in
14 the public interest.

15 (3) Clarification of public rights and private
16 property boundaries along rivers is desirable to reduce

1 conflict, preserve habitat, and protect both public and
2 private interests.

3 (b) It is the purpose of this Act to affirm the public's
4 right to use navigable and recreationally suitable public
5 waters of this State for activities, including boating,
6 canoeing, paddling, kayaking, and angling, consistent with
7 reasonable protection of private property rights and
8 environmental values.

9 Section 10. Definitions. In this Act:

10 "Navigable waters" means any public waters that, in their
11 natural or improved condition, are capable of being used by
12 the public for canoeing, boating, paddling, and angling,
13 whether or not they are capable of commercial navigation.

14 "Navigable waters" does not include any pond or lake contained
15 entirely on private property, regardless of whether the pond
16 or lake has a single private owner or multiple private owners.

17 "Navigable waters" does not include posted wildlife refuges,
18 security or safety zones, sensitive environmental areas, or
19 areas designated by the Department of Natural Resources as
20 closed areas, provided that any such closure must be supported
21 by a documented justification related to flooding protection,
22 wildlife management, or another significant public interest.

23 The Department may not designate an area as closed solely to
24 prevent or discourage lawful paddling or other permitted
25 recreational use. "Navigable waters" includes only the main

1 flowage of rivers that are identified by name on the most
2 recent map published by the United States Geological Survey.
3 "Navigable waters" does not include unnamed branches of
4 rivers.

5 "Public recreational use" includes only boating, canoeing,
6 paddling, kayaking, and angling, contingent upon compliance
7 with all other State and federal laws during such use.

8 Section 15. Public right of use.

9 (a) All navigable waters within the State are declared
10 public only for the purpose of boating, canoeing, paddling,
11 kayaking, and angling and are held in trust by the State for
12 the benefit of the people.

13 (b) Members of the public may use navigable waters and
14 their beds for boating, canoeing, paddling, kayaking, and
15 angling, subject to this Act and other applicable laws not in
16 conflict with this Act.

17 (c) The public right of use does not extend to crossing
18 private uplands to reach navigable waters or exiting navigable
19 waters onto private land at any time for any reason, without
20 express permission or lawful public access. For the purposes
21 of this Section, levees, dikes, dams, water control devices,
22 and other man-made structures shall be considered private
23 property and may not be crossed without the permission of the
24 owner, regardless of whether notice is posted.

25 For the purposes of this subsection (c), "man-made

1 structures" does not include bridges. Passage under a bridge
2 using public waters is lawful and does not constitute a
3 trespass.

4 (d) Nothing in this Act shall be construed to diminish,
5 limit, or otherwise restrict any rights already enjoyed by the
6 public under existing State or federal law.

7 Section 20. Liability and landowner protections. Liability
8 and landowner protections shall be governed by existing
9 Illinois law under the Recreational Use of Land and Water
10 Areas Act.

11 Section 25. Property owner rights.

12 (a) Nothing in this Act shall limit the ability of a
13 landowner to lawfully restrict entry upon shoreline or upland
14 property.

15 (b) Islands that are private property are not public and
16 the public shall have no right of entry or use unless expressly
17 permitted by the landowner.

18 Section 30. Property integrity.

19 (a) No person acting under this Act shall collect, injure,
20 remove, or deface any animate or inanimate object, except for
21 properly licensed persons under permits or licenses issued by
22 the Department of Natural Resources.

23 (b) No person acting under this Act shall litter or alter

1 the flora and fauna of the public waters or adjacent
2 shorelines or islands.

3 Section 35. Rulemaking authority. The Department of
4 Natural Resources shall adopt rules to:

5 (1) allow for the designation of public access points
6 and maintain signage for navigable and recreational public
7 waters;

8 (2) provide for conflict resolution between landowners
9 and recreational users;

10 (3) promote stewardship, safety, and conservation
11 education related to river use;

12 (4) prepare a listing by county and name of public
13 waters that are declared navigable and open to the public
14 under this Act; and

15 (5) implement and administer this Act."