
TO: House Tourism and Recreational Development Committee Members
FROM: Lisa Schaefer, Government Relations Manager
DATE: 3/18/2013
RE: **CCAP Supports HB 544**

On behalf of the County Commissioners Association of Pennsylvania (CCAP), representing all 67 counties in the commonwealth, I write to share our support regarding House Bill 544, regarding liability for landowners who open their land for recreational purposes.

In 2007, CCAP supported legislation which became Act 11, offering protections for landowners from liability for injuries caused by recreational users of their property. This law addressed a 2004 court decision which found a landowner 10 percent liable for the action of a recreational user of the property that resulted in the injury of someone on a nearby property. House Bill 544 would expand these protections by broadening the definitions of land and recreational use to include, among other things, bridges, fishing piers and any activity undertaken for exercise, sport, education, recreation, relaxation or pleasure. The bill also would award attorney fees and direct costs to an owner, holder of an easement or occupant of the property who is found not to be liable for an individual's injury, in an attempt to protect landowners from frivolous legislation while preserving remedies for those truly aggrieved by a conscious disregard to the safety of recreational users.

House Bill 544 is consistent with the CCAP platform, which supports such additional liability protections for landowners under the Recreational Use of Land and Water Act. Counties understand the value and importance of open space protection in their communities, and have showed that support through the farmland preservation program and implementation of the Clean and Green Program. The latter is an incentive to landowners to preserve farmland, forest land and open space by taxing land according to its use value rather than its market value. In 2011, the Bureau of Farmland Preservation in the Department of Agriculture noted that there are 9.4 million acres enrolled in the Clean and Green program.

In order for a landowner to enroll a property as agricultural reserve, it must be at least 10 contiguous acres in area with no commercial activity, and must be open to the public for outdoor recreation or enjoyment of the land's scenic or natural beauty (the owner may not charge for access to the property). By providing some real estate tax relief to the landowner, the program provides an incentive for open space conservation and has been very popular here in the commonwealth. However, despite the benefits of enrolling a property in Clean and Green, uncertainties surrounding liability for the action of recreational users can be a disincentive to landowners to participate. House Bill 544 would address some of these ambiguities and encourage more property owners to preserve their land for open space uses.

We appreciate your consideration of these comments, and we would be happy to discuss this legislation further with you. Please contact us if you have questions or need additional information.