

Pennsylvania State Association of Boroughs



Testimony on

House Bill 544

Enhancing the Recreation Use of Land & Water Act

*House Tourism &
Recreational Development Committee
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Thank you Chairman Stern, Chairman Kirkland, and members of the House Tourism & Recreational Development Committee. My name is Ron Grutza and I'm the Regulatory Affairs Coordinator for the Pennsylvania State Association of Boroughs. We are a nonprofit, nonpartisan local government association comprised of over 900 boroughs and over 10,000 elected and appointed borough officials. For the past 100 years, PSAB has helped shape the laws that govern boroughs and municipal officials across the state. We look forward to the next century of service to our members and working with the General Assembly on a host of important issues.

We thank you for the opportunity to present our perspectives today on **House Bill 544 (Printer's Number 600)**, which would provide important enhancements to Pennsylvania's Recreation Use of Land & Water Act (RULWA). PSAB would also like to thank the sponsor of the bill, Representative Dan Moul, for introducing the bill which is before the committee today. We'd also like to thank the twenty-two cosponsors of this importance piece of legislation.

The RULWA was originally enacted in 1966 as an incentive for landowners to open up their land for recreational use. The key incentive is the limitation of liability to the landowner for injuries caused as a result of someone using their land for recreation. The act specifies in order to be immune from liability the landowner cannot charge a fee for entrance to the land or cannot willfully or maliciously fail to guard or warn against a dangerous condition, use, structure, or activity. However, negligent acts are covered by the act, such as failure to keep up the property.

Pennsylvania's local governments support the RULWA for three reasons. First, by enacting a statute such as the RULWA, Pennsylvania expands the areas of recreational use open to sportsman and recreationalists, thus reducing the costs for government to provide this need. Second, the act specifically covers leases for lands to the state or political subdivisions, thereby not excluding them by virtue of the fee rule. Third, the act has been used by local governments throughout the years as a defense from injury claims on recreational lands.

PSAB believes the current language in the act needs updating now to further achieve the original intent of the act. We believe that broadening and clarifying the definition of "land" and allowing certain types of de minimis in-kind contributions will further expand the lands in Pennsylvania available for recreational use. That is why we are supporting Representative Moul's House Bill 544.

PSAB encourages all members of the committee to carefully consider the merits of House Bill 544 and the number and variety of groups supporting the bill. Please support the bill when it comes before this committee and the full House of Representatives.

Thank you Mr. Chairman and members of the committee for your time and I'd be happy to answer any questions the committee members or staff may have.