



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 598

PRINTERS NO. 567

PRIME SPONSOR: Oberlander

COST / (SAVINGS)

| FUND | FY 2021/22 | FY 2022/23 |
|--------------|-------------------|-------------------|
| General Fund | See Fiscal Impact | See Fiscal Impact |

SUMMARY: House Bill 598, Printer's Number 567, amends the Recreational Use of Land and Water Act to prohibit a person or entity from claiming a prescriptive easement for the benefit of the public.

ANALYSIS: This bill amends the Recreational Use of Land and Water Act (Act 586 of 1965), which encourages landowners to make land and water areas available to the public for recreational purposes by limiting liability. Section 7.1 is amended by adding additional language stating that "a person or entity, other than a public entity, may not make a claim for a prescriptive easement for the benefit of the public."

The bill provides for the following definitions:

- "Local agency" means a local agency as defined in 2 Pa.C.S. § 101 (relating to definitions); and
- "Public entity" means the Commonwealth, a Commonwealth agency, a political subdivision or a local agency.

The addition of these definitions and the amended language of Section 7.1 shall apply retroactively to a claim made within 21 years of the effective date of this section.

The Department of Conservation and Natural Resources shall also be substituted for the person or entity, other than a public entity, making a claim for a prescriptive easement for the benefit of the public in any litigation pending on or after the effective date of this section.

This legislation would take effect immediately upon enactment.

FISCAL IMPACT: While the department may have some operational costs if involved in a prescriptive easement case, any such costs should be absorbed within existing available funds.

PREPARED BY: Jeffrey Clukey
House Appropriations Committee (R)

DATE: October 26, 2021

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.