



Connecticut Department of
**ENERGY &
ENVIRONMENTAL
PROTECTION**

**STATE OF CONNECTICUT
DEPARTMENT OF ENERGY AND ENVIRONMENTAL PROTECTION**

Public Hearing – March 2, 2016
Judiciary Committee

Testimony Submitted by Commissioner Robert J. Klee

Raised House Bill No. 5258 – AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB.

Thank you for the opportunity to present testimony regarding Raised House Bill No. 5258 – AN ACT CONCERNING A PROPERTY OWNER'S LIABILITY FOR THE EXPENSES OF REMOVING A FALLEN TREE OR LIMB. The Department of Energy and Environmental Protection (DEEP) welcomes the opportunity to offer the following testimony.

This bill seeks to have private property owners take greater responsibility for trees which might pose a risk to a neighboring private property from disease, decay, or damage if expected failure is likely within five years of a written notice that includes evaluation from a licensed arborist.

This bill for the most part addresses concerns expressed in previous year's testimony about temporal tree diseases that most often do not result in permanent damage or decay, and opportunities for rebuttal and unanticipated events that relieves the noticed tree owner of liability.

However, noticeably absent from the listed exemptions in Section (e) are lands classified as farm land as described in Section 12-107e of the general statutes, and open space as described in Section 12-107f of the general statutes. Collectively these current-use land classifications, commonly referred to "PA 490" lands, represent approximately 450,000 acres. Owners of these lands would be disproportionately impacted as they own considerable extents of wooded property lines.

DEEP recognizes the several year effort and appreciates the sponsors' responsiveness to concerns raised in previous testimony. This bill as presented is certainly improved over previous versions. However, it does not fully address and may complicate DEEP's policy goals that encourage keeping large working lands intact and the Legislature's section 12-107a declaration of policy that recognizes the public interest and benefit encouraging the preservation of farm land, forest land, and open space.

Thank you for the opportunity to present testimony on this proposal. If you should require any additional information, please contact Robert LaFrance, DEEP's Director of Governmental Affairs, at 860.424.3401 or Robert.LaFrance@ct.gov or, Elizabeth McAuliffe, DEEP Legislative Liaison, at 860.424.3458 or Elizabeth.McAuliffe@ct.gov.