Testimony
Bart Russell, Executive Director
Connecticut Council of Small Towns
Before the
Judiciary Committee
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- **HB-6557, AN ACT CONCERNING LIABILITY FOR THE RECREATIONAL USE OF LANDS**

The Connecticut Council of Small Towns (COST) ***strongly supports*** **legislation** which would extend the current law which provides private landowners with protection from lawsuits arising from recreational use to municipalities and political subdivisions.

Many of Connecticut's rural and suburban towns have spent considerable resources to purchase and maintain open space lands for the benefit of current and future residents. Open space lands are a vital part of the charm and character of Connecticut's small towns. Preserving open space lands provides residents with many opportunities for healthy outdoor recreation, such as hiking, biking and boating. Open space land preservation is also critical to protecting the state's natural resources.

Unfortunately, municipalities are increasingly exposed to enormous liability for injuries occurring on recreational lands, as evidenced by recent court decisions that have awarded multi-million dollar damage awards to plaintiffs. As a result, many communities are considering or have already begun to limit recreational activities on municipally owned lands.

The state's Recreational Land Use Act currently provides protection from lawsuits to private landowners that make all or a portion of their land available to the public without charge. However, the protection enjoyed by private landowners does not extend to municipalities under the 1996 Connecticut Supreme Court decision in *Conway v. Hilton.* In this decision, the state Supreme Court held that municipalities and their employees are not "owners" under the Recreational Land Use Act and are not entitled to immunity from liability provided by that Act for injuries sustained on land they make available to the public without charge for recreational purposes.

This legislation would correct this loophole by amending the state statute to provide some protection from personal injury lawsuits for towns and cities that allow people free access to recreational lands that are reasonably maintained. **We therefore urge your support for HB-6557.**

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