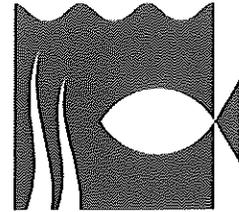


**Connecticut Fund
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**Testimony of Connecticut Fund for the Environment
Before the Planning and Development Committee**

In Support of S.B. No. 43, AN ACT EXPANDING THE RECREATIONAL LAND USE ACT

Submitted by Jessica Morowitz, Legal Fellow
February 14, 2011

Connecticut Fund for the Environment ("CFE") is Connecticut's non-profit environmental advocate with over 6,500 members statewide. For over thirty years, CFE has fought to protect and preserve Connecticut's health and environment.

CFE strongly supports S.B. 43, An Act Expanding the Recreational Land Use Act. S.B. 43 is an important bill that would extend liability protection to municipalities and other landowners that make their land available to the public for recreational purposes without charging a fee.

S.B. 43 is an important bill because municipalities are some of the largest open space landowners in the state. By ensuring that they receive liability protection under the Recreational Land Use Act, we are encouraging them to open up this vast amount of land to the public to provide low-cost recreational opportunities. Without such protections, the fear of lawsuits could result in a large amount of open space being closed off to our citizens, and losing the extraordinary value these partnerships provide. Moreover, when a municipality incurs costs defending or settling such lawsuits, those costs are ultimately paid for by all of us.

In 1971, the General Assembly passed the Connecticut Land Use Recreation Act ("the Recreation Act"), Conn. Gen. Stat. § 52-557f *et seq.*, which recognized the importance of encouraging landowners to open up their land to the public for recreational purposes by protecting landowners from liability for personal injury lawsuits as long as they do not charge a fee for access to the property. When originally enacted, municipalities and municipal entities were thought to be included in the definition of "owner" under the statute. After a 3-2 Supreme Court decision in *Conway v. Wilton* in 1996, however, municipalities were no longer considered "owners" under the statute and therefore did not receive the liability protection afforded by the Recreation Act.

Again, S.B. 43 is an important bill that would extend liability protection to municipalities and other landowners who open their land for recreational purposes free of charge. S.B. 43 would ensure that the intent of the Recreation Act is carried out.

For the above stated reasons, CFE urges the Committee to vote favorably on S.B. 43, An Act Expanding the Recreational Land Use Act. CFE thanks the Committee for its time and attention to this matter.