Connecticut Fund for the Environment

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

In Support of S.B. No. 507, AN ACT CONCERNING MUNICIPAL LIABILITY FOR ACTIVITIES ON RECREATIONAL FACILITIES.

Submitted by Jessica Morowitz, Legal Fellow
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Connecticut Fund for the Environment ("CFE") is a non-profit environmental organization with over 5,700 members statewide. For thirty years, CFE has used law, science and education to protect and preserve Connecticut's natural resources.

CFE supports S.B. 507, An Act Concerning Municipal Liability for Activities on Recreational Facilities. S.B. 507 is an important bill that would restore to municipalities and municipal entities the same liability protection currently afforded to the State and private landowners.

S.B. 507 is an important bill because municipalities and municipal entities are some of the largest open space landowners in the state. By ensuring that they receive the same liability protection as the State and private landowners such as individuals, corporations, nonprofits, and private utilities, 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 When originally enacted, municipalities and municipal entities were thought to be included in the definition of "owner" under the statute.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. S.B. 507 is a simple, yet important bill that amends the Recreation Act to reinstate municipal liability protections to ensure that these recreational facilities remain available for public use.

For the above stated reasons, CFE strongly supports S.B. 507, An Act Concerning Municipal Liability for Activities on Recreational Facilities. CFE thanks the Committee for its attention to this important matter, and urges the Committee to vote favorably on this bill.

Connecticut Fund for the Environment and Save the Sound
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