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Martin Mador, Legislative Chair*

Judiciary Committee
March 29, 2012

Testimony in Opposition to
SB 445 AAC Liability For The Recreational Use Of Land

I am Martin Mador, 130 Highland Ave., Hamden, CT 06518. I am the volunteer Legislative Chair for the Sierra Club-Connecticut Chapter. I hold a Masters of Environmental Management degree from the Yale School of Forestry and Environmental Studies.

I am here today representing the 8,000 members of the Sierra Club in Connecticut.

In addition to my own testimony, I have submitted statements in a separate document from several dozen Connecticut residents in opposition to SB 445. These statements were forwarded to the Sierra Club within the past week specifically for submission to the Committee. I have printed them together in order to save paper.

A year ago, on April 4, 2011, a large number of us provided reason after reason why it was so important to keep municipal open space available to the public. I won't repeat my eloquent testimony from last year-it's available on line. Liability protection had been lost in a somewhat technical court decision (Conway vs Wilton) 15 years earlier. You responded, and passed HB 6557 45-0. All of that testimony we provided still applies. The bill was the product of negotiations with both sides, with everyone in the end agreeing to its terms. We were convinced that the public interest had finally prevailed over special interests, and praised the legislature for acting in true bi-partisan fashion to restore these protections.

Just a little shy of 10 months ago, after a 142-1 vote in the house, the bill passed the senate on consent, and was on its way to the governor. We were grateful, and applauded the legislature for taking such an important, if not overdue, step to maintain public access to important natural resources.

Yet here we are today revisiting that bill only six months after it became effective (Oct. 1, 2011). Why? What has changed? Are there cases demonstrating that the law was crafted improperly? Is it in need of immediate rectification? Why are the protections cited in SB 445 now important to carve out? What has been our experience in the past year showing that such action is necessary? Have we given the statute time to prove itself pernicious or at least disclose its weaknesses?

We do not see the need nor rationale for re-examining the statute. Reject this bill as untimely and unnecessary.