



"From the Back of a Horse the World Looks Wider" ~ Joyce Gibson Roach

EXHIBIT 3
DATE 1/21/2011
HB 258

Date: January 21, 2011
To: Montana State Legislature, House Committee on Business and Labor
Subject: **House Bill 258 - A BILL FOR AN ACT ENTITLED: "AN ACT ADDING THE DEFINITION OF "DAY VISITOR" AS A CATEGORY OF PERSON WHO VISITS A GUEST RANCH AND MAY BE SERVED FOOD; EXEMPTING A GUEST RANCH THAT SERVES FOOD TO DAY VISITORS FROM THE DEFINITION OF A "FOOD SERVICE ESTABLISHMENT"; AND AMENDING SECTIONS 50-50-102 AND 50-51-102, MCA."**
Testimony: by SuzAnne M. Miller, Owner of Dunrovin Ranch

As the owner of a small guest ranch located on the Bitterroot River about 10 miles south of Missoula, I strongly urge the Montana State Legislature to pass HB 258 for the following reasons:

1. **Common Sense** - Currently guest ranches without a commercial kitchen may serve food to their overnight guests, but are prohibited from serving food to day visitors who participate in exactly the same ranch recreational activities such as horseback riding, fishing, or canoeing. Common sense would dictate that all participants in guest ranch activities be afforded the same level of service. I simply would like to serve my day visitors who participate in ranch activities the same lunch I serve my overnight guests.
2. **Important to Business Success** – The guest ranch industry operates on a very thin economic margin. It staff and capital intensive, seasonally limited, and subject to many unpredictable and uncontrollable factors such as weather, forest fires, and national economic conditions. Limiting guest ranch service offerings to overnight guests only can economically cripple small operations such as ours.
3. **Important to Tourism Industry** - Guest ranches located in close proximity to urban areas, national parks, or other areas of high human traffic offer valuable tourist opportunities for day visitors to participate in typical guest ranch activities. Ranches such as ours serve as "feeders" to the larger, more remote guest ranch locations by offering day visitors a taste of the guest ranch experience which can lead them to returning to Montana for longer guest ranch vacation stays.
4. **Neither Practical nor Safe to Purchase Commercially Prepared Food for Back County Use** – Missoula County health officials have suggested that guest ranches purchase premade lunches for use on trail rides. This is neither practical nor safe due to proximity of such establishments, operating hours, and unfamiliarity with how to package and prepare food for long hours without refrigeration. For example, Dunrovin prepackages individual meat servings, freezes them, stores them in soft sided refrigerated coolers for transport on the trail, and has clients make their own lunches on the spot. Meats always arrive at trail picnic locations freshly thawed; and we refrain from using such items as mayonnaise that require careful refrigeration.
5. **Food May be a Safety Issue in Outdoor Activities** - Many guest ranch activities involve unpredictable circumstances and inherent risks for clients. Backcountry horseback riding and river floating adventures can stress clients in unanticipated ways and food can easily become a necessity rather than an amenity. Clients frequently overestimate their physical abilities and underestimate the amount of energy required for outdoor activities. Clients who experience more fear or anxiety than anticipated can become hypoglycemic. Accidents beyond the control of the guide can strand groups of clients for long periods of time in the back country.
6. **Lack of Legal Ability to Serve Food Leaves Guest Ranches Vulnerable to Law Suits** – Should a guest ranch offer food inadvertently or in an emergency situation to guests not staying at their ranch,



they leave themselves open to law suits. In an emergency situation in which a day visitor is injured due to no fault of the guest ranch, the fact that the ranch illegally provided the client with food puts them in a legally compromised position.

7. **Not a Loophole in Health Department Concerns** - Extending the ability of guest ranches to serve food to day visitors engaged in outdoor, guest ranch recreational activities would not permit guest ranches to avoid health department requirements for restaurants or catering services. If necessary, a list of the outdoor recreational activities with which food could be served could be written directly into the law to avoid any loopholes with respect to food service; thus making it clear that providing food for events which do not involve outdoor guest ranch recreational activities, such as weddings, would not be permitted. Dunrovin hosts several weddings a year and we are clear to clients that they must hire their own caterer for their food service. Should county health officials object to this bill, it would be appropriate to request that they provide information on any history of any public health issues to date that has resulted from the Title 50-51 exemption for guest ranches.