



dunrovin ranch

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

BUSINESS & LABOR

EXHIBIT NO. 2
DATE 3-16-11
BILL NO. HB 258

Date: March 16, 2011

To: Montana State Legislature, Senate Committee on Business, Labor, and Economic Affairs

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 Sterling and SuzAnne Miller, owners of Dunrovin Guest Ranch in Lolo, Montana

As the owners of a small guest ranch located on the Bitterroot River about 10 miles south of Missoula, we 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. We simply would like to serve day visitors who participate in ranch recreational activities the same lunch served overnight guests.
2. **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. The need to provide special exemptions for guest ranches and tourist facilities was recognized in the stated purpose for the existing exemption in 50-51-101 (2): *"These factors must be considered, especially in the operation of small or seasonal business that are such an important part of Montana's tourism business...The legislature believes that rules governing certain small or seasonal establishments must be limited to requirements meant to ensure basic health standards and should not detract from the rustic, our-of-doors experience offered by many guest ranches and outfitter and guide facilities and desired by many tourists."*
3. **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 refrigeration.
4. **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.



5. **Important to Business Success** –Limiting guest ranch service offerings to overnight guests only can economically cripple small guest ranch operations.
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. The definition of a guest ranch in 50-51-102 (4) defines a guest ranch as providing “hunting, horseback riding, fishing, or a working cattle ranch experience to its guests;” but if necessary we’d have no objection to additional clarification designed to exclude things like weddings. Dunrovin Ranch hosts several weddings a year and we are clear to clients that they must hire their own caterer for their food service. Should there be objections to this bill, it would be appropriate for the legislature to request documentation of public health issues that have resulted from the existing exemption for guest ranches in Title 50-51.