

SENATE NATURAL RESOURCES

Exhibit No. 3

Date 2/18/15

Bill No. SB 329

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February 17, 2015

Senate Natural Resources Committee

Vincent, Chas (R) – Chair
Ripley, Rick (R) – Vice Ch
Kaufmann, Christine (D)
Ankney, Duane (R)
Brenden, John (R)
Connell, Pat (R)

Fielder, Jennifer (R)
Hamlett, Bradley (D)
Hoven, Brian (R)
Keane, Jim (D)
Larsen, Cliff (D)
Phillips, Mike (D)

Subject: SB-329

Committee Members:

I am a retired Montana cattle rancher who operated on both private and State lands. I support SB-329, which will extend the aviation portion of the Montana Recreational Use Statute to include lands owned by the State of Montana. This legislation is an issue of personal responsibility on the part of the recreational user and one that affects liability should an aircraft owner chose to land on state land for non-commercial recreational activities, much like having vehicular use on state land. I urge you to pass this legislation.

Should you have any questions, feel free to contact me.

Sincerely,


Chuck Jarecki



RECREATIONAL AVIATION FOUNDATION
1711 WEST COLLEGE ST., BOZEMAN, MT 59715
406-582-1723

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To: Montana Senate Natural Resources Committee:
Senators Vincent, Ripley, Kaufmann, Ankney, Brenden, Fielder,
Hamlett, Hoven, Keane, Larsen, Phillips

February 16, 2015

RE: SB 329, Sponsor Senator Connell

Greetings,

Since 2003, the Recreational Aviation Foundation has promoted safe, responsible recreational aviation. We have 419 members in Montana, among our over 6,200 total national membership.

Early on, we examined each state's Recreational Use Statutes that protect land owners from liability for recreational use. Several states included aviation. Using their codified language, we modeled legislation for passage in states that had overlooked aviation. As of today, twenty-four states include non-commercial recreational aviation; some specify both private and public lands.

SB 329 does not grant permission for access. It places responsibility upon the recreational user. Our goal was to ensure this liability protection, which has resulted in more landowners granting permission for the use of their airstrips.

In 2007, Montana successfully added aviation to its list of recreational uses on private lands; now we seek to add aviation to Montana's state land, as Idaho did in 2006; Washington (unanimously) in 2012; and Wyoming in 2013, just to name a few.

We asked Senator Connell to sponsor this bill. Thank you for your consideration.

Respectfully,
Recreational Aviation Foundation

/s/ John McKenna by CM

John McKenna, President, CEO

Wyoming passed this in 2013:
30-member Senate 28-2; 60-member House 57-2

CHAPTER 19 - LIABILITY OF OWNERS OF LAND USED FOR
RECREATION PURPOSES

34-19-101. Definitions.

(a) As used in this act:

(i) "Land" means land, including state land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty;

(ii) "Owner" means the possessor of a fee interest, a tenant, lessee, including a lessee of state lands, occupant or person in control of the premises;

(iii) "Recreational purpose" includes, but is not limited to, any one (1) or more of the following: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, bicycling, mountain biking, horseback riding and other equine activities as defined in W.S. 1-1-122(a)(iv), noncommercial aviation activities and viewing or enjoying historical, archaeological, scenic or scientific sites;

(iv) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land.