

January 16, 2009

Oppose Senate Bill #109 in 2009 Montana State Legislature

Mr. Chairman, members of the Senate Local Government Committee:

My name is Ralph G. Fleck, residing in Deer Lodge and Helena. I am the Business Development Director for YESCO Outdoor Media LLC, a division of Young Electric Sign Company of Utah. I oppose Senate bill #109; some reasons are the following:

Section 1. Definitions: The drafters of this bill have created their own definitions of standard lighting industry terms that are incorrect. This misinformation creates a deceptive law. For instance, the definition for "fully shielded" provided by the drafters is actually a description of "down-lighting."

Section 2. Lighting restrictions—exemptions. The bill goes to great lengths to exempt the largest source of outdoor lighting: Government entities. It is obvious to the State that these restrictions are onerous and impractical, so they exempt the vast majority of their own interests, and choose only to burden private enterprise with the costs, the safety and liability concerns, and the decreased value of private property and diminished value to products and services.

Lighting research is available to show the percentage of contribution of light to the overall "sky glow" effect by category.

The Outdoor Advertising Industry is currently, and has for a number of years, been addressing lighting concerns:

- Installing shielded, directional light fixtures that reduce "spillage" of light beyond the advertising display.
- Installing time clocks and other automatic controls to conserve energy, and control the use of lighted displays to only those signs that require lighting beyond the standard of Midnight, each night. Services such as: lodging, fuel and service stations, restaurants etc., often offer 24 hour service and require lighted advertising displays. Montana is a tourism state, and tourists rely heavily on the use of functionally effective outdoor advertising structures.

Outdoor Advertising is only one of many industries that would be unfairly placed at a significant disadvantage by this law:

- Retail businesses use lighting to keep parking areas safe and clean.
- Hotels/Motels use lighting to provide a visual marker for travelers to find their businesses late at night, and to create safe environments for the public.
- Fuel and service stations light their properties for public safety and customer convenience
- The U.S. Flag is required by Federal Law to be displayed at night. It is displayed in this manner at many Veterans Association buildings, retail businesses, and patriotic citizens' homes.
- Heavy industry such as mineral extraction, refining, manufacturing, rail roads and others, work around the clock and use/rely on lighting for safety and productivity etc.

The drafters of this bill have not considered the depth of impact this law would have on private enterprises. This topic should be addressed at the local levels where the true impacts can be considered. If cities and counties already have the authority to restrict lighting by ordinance, why does the State need to supersede?

Respectfully submitted by,



Ralph G. Fleck
Business Development Director
YESCO Outdoor Media LLC