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By: **Delegates Frush, Holmes, McIntosh, Menes, and Moe**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Environment - Large-Scale Balloon Release - Permit Requirement**

3 FOR the purpose of requiring a person to obtain a permit from the Department of the  
4 Environment before releasing or causing to be released in the outdoors a certain  
5 number of certain balloons as part of a public or civic event, promotional activity,  
6 or product advertisement; requiring a permit application to contain certain  
7 information; authorizing the Department to approve a permit application after  
8 making a certain determination; establishing a certain permit fee and a certain  
9 penalty for a violation of this Act; providing for the disposition of the permit fees  
10 and penalties for a violation of this Act; making certain technical corrections  
11 with respect to the source of money for a certain fund; and generally relating to  
12 a permit program for a large-scale balloon release.

13 BY adding to

14 Article - Environment

15 Section 4-414.1

16 Annotated Code of Maryland

17 (1996 Replacement Volume and 2004 Supplement)

18 BY repealing and reenacting, with amendments,

19 Article - Environment

20 Section 9-320

21 Annotated Code of Maryland

22 (1996 Replacement Volume and 2004 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article - Environment**

26 4-414.1.

27 (A) A PERSON SHALL OBTAIN A PERMIT FROM THE DEPARTMENT BEFORE  
28 RELEASING OR CAUSING TO BE RELEASED IN THE OUTDOORS 20 OR MORE BALLOONS

1 THAT ARE FILLED WITH A GAS LIGHTER THAN AIR AS PART OF A PUBLIC OR CIVIC  
2 EVENT, PROMOTIONAL ACTIVITY, OR PRODUCT ADVERTISEMENT.

3 (B) (1) THE PERMIT APPLICATION SHALL STATE:

4 (I) A DESCRIPTION OF THE LOCATION OF THE INTENDED  
5 BALLOON RELEASE;

6 (II) THE NUMBER OF BALLOONS THE APPLICANT INTENDS TO  
7 RELEASE; AND

8 (III) ANY OTHER INFORMATION THAT THE DEPARTMENT REQUIRES.

9 (2) THE DEPARTMENT MAY APPROVE AN APPLICATION IF THE  
10 DEPARTMENT DETERMINES THAT THE BALLOON RELEASE WOULD HAVE NO  
11 MATERIAL ADVERSE IMPACT ON THE NATURAL ENVIRONMENT OF THE STATE.

12 (C) (1) THE PERMIT FEE IS \$250.

13 (2) THE DEPARTMENT SHALL DEPOSIT THE PERMIT FEES COLLECTED  
14 UNDER THIS SECTION INTO THE MARYLAND CLEAN WATER FUND ESTABLISHED  
15 UNDER § 9-320 OF THIS ARTICLE.

16 (D) (1) (I) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO AN  
17 ADMINISTRATIVE CIVIL PENALTY NOT EXCEEDING \$1,000.

18 (II) THE DEPARTMENT SHALL DEPOSIT THE PENALTIES  
19 COLLECTED UNDER THIS SECTION INTO THE MARYLAND CLEAN WATER FUND  
20 ESTABLISHED UNDER § 9-320 OF THIS ARTICLE.

21 (2) THE PENALTY PROVISIONS UNDER §§ 4-412, 4-415, AND 4-417 OF THIS  
22 SUBTITLE AND § 4-501 OF THIS TITLE DO NOT APPLY TO A VIOLATION OF THIS  
23 SECTION.

24 9-320.

25 (a) There is a Maryland Clean Water Fund.

26 (b) THE FUND CONSISTS OF:

27 (1) All application fees, permit fees, renewal fees, and funds collected by  
28 the Department under this subtitle, including any civil or administrative penalty or  
29 any fine imposed by a court under the provisions of this subtitle[, shall be paid into  
30 the Maryland Clean Water Fund];

31 (2) PENALTIES COLLECTED FOR A VIOLATION OF PHOSPHORUS OR  
32 NITROGEN DISCHARGE STANDARDS UNDER § 4-313.1 OF THIS ARTICLE;

33 (3) PERMIT FEES AND PENALTIES COLLECTED FOR A VIOLATION OF  
34 BALLOON RELEASE STANDARDS UNDER § 4-414.1 OF THIS ARTICLE;

1 (4) PENALTIES COLLECTED FOR A VIOLATION OF DRINKING WATER  
2 STANDARDS UNDER § 9-413 OF THIS TITLE; AND

3 (5) MONEYS RECEIVED FROM ANY OTHER SOURCE.

4 (c) The Department shall use the [Maryland Clean Water] Fund for activities  
5 that are related to identifying, monitoring, and regulating the proper discharge of  
6 effluent into the waters of the State including program development of these  
7 activities as provided in the State budget. Priority shall be given to activities  
8 pertaining to the water quality of the Chesapeake Bay and its tributaries.

9 (d) Notwithstanding any law to the contrary, unexpended moneys in the Fund  
10 shall not revert to the general treasury at the end of a fiscal year.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
12 October 1, 2005.