

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 1241 (Delegate Frush, *et al.*)  
Environmental Matters

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Environment - Large-Scale Balloon Release - Permit Requirement

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This bill requires a person to obtain a permit from the Maryland Department of the Environment (MDE) before releasing or causing to be released in the outdoors 20 or more gas balloons as part of a public or civic event, promotional activity, or product advertisement. The bill establishes provisions relating to permit applications and authorizes MDE to approve an application if it determines that the balloon release would have no material adverse impact on the natural environment. The permit fee is \$250. MDE is directed to deposit permit fees into the Maryland Clean Water Fund. The bill establishes an administrative civil penalty of up to \$1,000 for violations. Any penalties collected also would be paid into the Maryland Clean Water Fund.

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Fiscal Summary

**State Effect:** Special fund revenues would increase by \$250 for every permit issued; special fund revenues could also increase as a result of the bill's administrative civil penalty provision. Special fund expenditures could increase for MDE to process permits and manage permit fees; any such increase cannot be reliably estimated at this time.

**Local Effect:** Although local jurisdictions might need to obtain a permit under the bill, the bill is not anticipated to have a significant impact on local operations or finances.

**Small Business Effect:** Minimal. It is assumed that the cost of any permits required would be minimal compared to the overall finances of any affected small business.

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## Analysis

**Current Law:** There are no current provisions in Maryland directly addressing the release of balloons.

The Maryland Clean Water Fund consists of all application fees, permit fees, renewal fees, and funds collected by MDE under the Water Pollution Control subtitle, including any civil or administrative penalty or any fine imposed by a court. Certain other penalties are also paid into the fund, including penalties collected for a violation of phosphorus or nitrogen discharge standards under § 4-313.1 of the Environment Article and penalties collected for a violation of drinking water standards under § 9-413 of the Environment Article. MDE is directed to use the fund for activities related to identifying, monitoring, and regulating the proper discharge of effluent into State waters, including program development. Priority must be given to activities pertaining to the water quality of the Chesapeake Bay and its tributaries.

**Background:** According to MDE, approximately five other states have rules regarding balloon releases, including limitations and prohibitions, but none requires the issuance of a permit.

**State Revenues:** Special fund revenues would increase by \$250 for every permit issued; however, the number of permits that would be issued each year is unknown. Special fund revenues could also increase as a result of the bill's administrative civil penalty provision. Accordingly, a reliable estimate of any increase in special fund revenues cannot be made at this time.

**State Expenditures:** MDE advises that special fund expenditures would increase by approximately \$38,000 in fiscal 2006 to hire an administrative specialist to issue permits and manage permit fees; future year estimates would be higher due to annualization and inflation. Legislative Services advises that, because the volume of permit applications is unknown, the number of staff that would be needed, if any, is also unknown. Accordingly, any increase in expenditures cannot be reliably estimated at this time. For informational purposes, MDE advises that one administrative specialist could process an average of three permits per day.

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## Additional Information

**Prior Introductions:** HB 1029 of 2004 would have prohibited a person from knowingly releasing outdoors, or causing to be released outdoors, 20 or more gas balloons as part of a public or civic event, promotional activity, or product advertisement. The bill would

have established a misdemeanor penalty of up to \$500. The bill received an unfavorable report by the House Judiciary Committee.

**Cross File:** None.

**Information Source(s):** Maryland Department of the Environment, Department of Legislative Services

**Fiscal Note History:** First Reader - March 13, 2005  
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