

PROHIBIT OUTDOOR RELEASE OF BALLOONS FILLED WITH GAS LIGHTER THAN AIR

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House Bill 5373 as introduced
Sponsor: Rep. Mari Manoogian
Committee: Natural Resources and Outdoor Recreation
Complete to 10-13-21

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 5373 would amend Part 89 (Littering) of the Natural Resources and Environmental Protection Act to generally prohibit the outdoor release of a balloon that is filled with a gas lighter than air.

Specifically, the bill would prohibit a person from knowingly releasing a balloon outdoors if the balloon is filled with a gas that is lighter than air. However, the prohibition would not apply to any of the following:

- A balloon released for scientific or meteorological purposes on behalf of or pursuant to a contract with a government agency.
- A hot air balloon that is recovered after launching.
- A hot air balloon that carries passengers in a suspended basket or capsule.

A balloon released in violation of the above prohibition would constitute litter. The volume of the litter would be determined by the deflated volume of the balloon plus the volume of any string, ribbon, or other item attached to the balloon.

Currently, a person who violates Part 89 is responsible for a state civil infraction and a civil fine that can range from up to \$800 to up to \$2,500, based on the amount of litter as measured in cubic feet, with enhanced penalties for repeat offenders.

The bill would provide that a person who violates the above prohibition is responsible for a state civil infraction and subject to a civil fine of up to \$250. A person could not be prosecuted under both the new penalty and the current penalties for a violation involving the same balloons.

MCL 324.8902 and 324.8905a

FISCAL IMPACT:

House Bill 5373 would have an indeterminate fiscal impact on the state and on local units of government. Revenue collected from payment of civil infraction penalties is used to support public and county law libraries, but, under section 8827(4) of the Revised Judicature Act, \$10 of the civil fine would be deposited into the state's Justice System Fund, so revenue to the state would be increased. Justice System Fund revenue supports various justice-related endeavors in the judicial branch, the Departments of State Police, Corrections, Health and Human Services, and Treasury, and the Legislative Retirement System. We do not have a practical way

to determine the number of violations that will occur under provisions of the bill, so cannot estimate the amount of additional revenue the state or libraries would collect.

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