

Department of Planning and Budget 2015 Fiscal Impact Statement

1. Bill Number: SB1107

House of Origin Introduced Substitute Engrossed
Second House In Committee Substitute Enrolled

2. Patron: McWaters

3. Committee: Agriculture, Conservation and Natural Resources

4. Title: Release of balloons.

5. Summary: This bill prohibits any person, with certain exceptions, from intentionally releasing or causing to be released any balloon into the atmosphere that (i) is inflated with a substance lighter than air and (ii) requires more than five minutes contact with air or water to degrade. Currently, a person is prohibited from releasing 50 or more nonbiodegradable or nonphotodegradable balloons within a one-hour period. The bill retains the current civil penalty of \$5 per prohibited balloon released; however, the proceeds generated from the civil penalty are set to be deposited into the Litter Control and Recycling Fund administered by the Department of Environmental Quality (DEQ); whereas, the proceeds are currently deposited into the Lifetime Hunting and Fishing Endowment Fund, administered by the Department of Game and Inland Fisheries.

This revised fiscal impact statement reflects revised implementation costs provided by DEQ.

6. Budget Amendment Necessary: Yes. Item 360, HB1400/SB800, as introduced. See item 8, below.

7. Fiscal Impact Estimates: Preliminary. See item 8.

Expenditure Impact:

<i>Fiscal Year</i>	<i>Dollars</i>	<i>Positions</i>	<i>Fund</i>
2015		0	
2016	\$600,000	6	general fund
2017	\$600,000	6	general fund
2018	\$600,000	6	general fund
2018	\$600,000	6	general fund
2020	\$600,000	6	general fund
2021	\$600,000	6	general fund

8. Fiscal Implications: Fiscal impact estimates are preliminary. The expenditure impact will depend on the size and scope of the program DEQ implements in order to execute the provisions of the bill, and the revenue impact will depend on the number of violations that occur and the civil penalty revenue the Department collects and deposits to the Litter Control and Recycling Fund. Uses of moneys in the Fund are addressed in statute. The Fund is a

source of grants to localities for local litter prevention and recycling program implementation, continuation, and/or expansion. Additionally, the Department and the Virginia Litter Control and Recycling Fund Advisory Board are allowed to recover administrative costs incurred in the management of the program from the Fund.

According to the Department of Game and Inland Fisheries, there has been no record of citations issued for violation of the current law related to the release of certain balloons since 2009. In addition, the agency has indicated that there has been no record of revenue deposited to the Lifetime Hunting and Fishing Endowment Fund as directed in the current law. As such, it is not possible to estimate the potential expenditure or revenue impact of the proposed legislation for the Department of Environmental Quality (DEQ) and its Litter Control and Recycling Fund.

The bill amends provisions related to the Virginia Waste Management Act within the authorization of DEQ. However, the bill does not explicitly state which agency would be responsible for enforcing the provisions established in the legislation. Currently, DGIF's Conservation Police Officers enforce the prohibitions regarding the release of certain balloons in conjunction with their law enforcement and conservation duties. According to DEQ, if the Department is responsible for enforcing the provisions governing the release of certain balloons, additional general fund support and positions may be required. The Department believes that an enforcement presence would be required to survey areas where such balloons may likely be released, such as birthday parties, parks, and weddings. Additionally, DEQ anticipates implementing an education component to inform citizens of the dangers balloons and other marine debris pose to the environment and marine life. DEQ does not have a law enforcement presence across the Commonwealth, and estimates that implementing and enforcing a program of this scope will require six additional positions, one at each of its regional offices, at an estimated cost of \$600,000 annually from the general fund.

As the Litter Control and Recycling Fund is a nongeneral fund, any increase in revenue that exceeds available nongeneral fund appropriation can be handled administratively with a nongeneral fund appropriation increase as provided for in Part 4 of the Appropriation Act or appropriated in future legislative sessions.

9. Specific Agency or Political Subdivisions Affected: Department of Game and Inland Fisheries; Department of Environmental Equality.

10. Technical Amendment Necessary: No.

11. Other Comments: None.