

Legislative Analysis



ALLOW FIREWORKS ON JUNETEENTH

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House Bill 5897 as referred to second committee

Sponsor: Rep. Sherry Gay-Dagnogo, M.Ed.

1st Committee: Regulatory Reform

2nd Committee: Ways and Means

Complete to 9-22-20

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

SUMMARY:

House Bill 5897 would amend the Michigan Fireworks Safety Act to add Juneteenth (June 18 and June 19) to the list of days for which a local ordinance could not regulate the ignition, discharge, or use of consumer fireworks after 11 a.m.

The act allows a local unit of government to enact an ordinance that regulates the ignition, discharge, and use of consumer fireworks, including the hours during which the fireworks may be used. However, the act, rather than a local ordinance, regulates the use of fireworks by consumers on certain days specified in the act. For instance, fireworks use is regulated by the act on New Year's Eve, the Fourth of July, and Memorial Day and Labor Day weekends.

Under the bill, a local unit of government could not regulate the use of fireworks by a consumer after 11 a.m. on June 18 and 19 until 11:45 p.m. on each of those days.

MCL 28.457

BRIEF DISCUSSION:

Juneteenth is an annual holiday that celebrates the date—June 19, 1865—that Union soldiers brought the news to Texas that the Civil War had ended and that President Lincoln had issued the Emancipation Proclamation, ending slavery there, on January 1, 1863. Juneteenth is celebrated across the nation to commemorate the end of slavery in the United States, and some also celebrate the day as marking the end of the Civil War. For many, it is a day to honor those who fought against slavery and who fight and have fought for justice and freedom, including among others Harriet Tubman, Sojourner Truth, and Frederick Douglass. Many have expressed a desire to include fireworks in their festivities celebrating this important and symbolic day in the nation's history. However, with the exception of certain hours on certain days specified in state law during which local governments cannot prohibit the use or display of fireworks, each local jurisdiction has its own ordinances as to when fireworks may be used. Many prohibit fireworks except for the days and times specified in statute.

The bill would address this issue by adding Juneteenth to the list of holidays that people can celebrate with fireworks.

FISCAL IMPACT:

House Bill 5897 would have an indeterminate fiscal impact on the state and on local units of government. The addition of the two days, June 18 and June 19, expands the time frame under which civil fines could be imposed for violations. Under section 18a(5) of the Michigan Fireworks Safety Act, civil fines are required to be paid to the Department of Licensing and Regulatory Affairs (LARA); therefore, any increase in civil fine revenue collected would benefit the state department. The fiscal impact on local court systems would depend on how provisions of the bill affected caseloads and related administrative costs.

POSITIONS:

A representative of Pro Fireworks testified in support of the bill. (9-10-20)

The Department of Licensing and Regulatory Reform indicated support for the bill. (9-10-20)

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