

Bill No. 39-04
Concerning: Energy Policy - Clean
Energy Rewards Program
Revised: 2-24-05 Draft No. 3
Introduced: December 14, 2004
Enacted: March 8, 2005
Executive: March 18, 2005
Effective: June 17, 2005
Sunset Date: None
Ch. 1, Laws of Mont. Co. 2005

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Leventhal and Praisner

AN ACT to:

- (1) authorize the Director of the Department of Environmental Protection to administer a program to provide financial incentives to buyers of certain types of electricity;
- (2) authorize the Director of Finance to make certain payments to buyers, or providers, of certain types of electricity after certification by the Director of the Department of Environmental Protection; and
- (3) generally establish a County program to reward buyers of electricity produced by clean renewable sources.

By adding

Montgomery County Code
Chapter 18A, Energy Policy
Section 18A-11, Clean Energy Rewards Program

Boldface

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

* * *

Heading or defined term.

Added to existing law by original bill.

Deleted from existing law by original bill.

Added by amendment.

Deleted from existing law or the bill by amendment.

Existing law unaffected by bill.

The County Council for Montgomery County, Maryland approves the following Act:

1 **Sec. 1. Chapter 18A is amended by adding Section 18A-11:**

2 **18A-11. Clean Energy Rewards Program.**

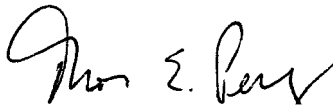
- 3 (a) The Director of the Department of Environmental Protection must
4 establish a Clean Energy Rewards Program. The purpose of the
5 program is to provide financial and other incentives to consumers who
6 choose electricity produced by renewable and environmentally
7 preferable power sources.
- 8 (b) The Director must require each eligible person or supplier to submit an
9 application for any payment under this program. and may take any other
10 action necessary to administer this program. The Department of
11 Finance must take actions necessary to make any payments that the
12 Director of Environmental Protection has certified are due. The County
13 Executive must issue regulations under Method (1) to implement this
14 Section.
- 15 (c) The Executive must adopt program regulations that:
- 16 (1) identify the types of electricity that qualify for incentives under
17 the program;
- 18 (2) restrict or preclude the payment of incentives for purchase of
19 otherwise qualified electricity that a consumer or supplier is
20 required to buy or produce to meet certain federal or state
21 requirements;
- 22 (3) specify the process to apply for, certify, and receive an award;
23 and
- 24 (4) include any additional program criteria, standards, and
25 procedures that are consistent with the County's energy and
26 environmental policy, which among other things may restrict the
27 location or air shed where any qualified electricity is produced.

28 (d) The County Council must establish by resolution the maximum amount
29 of any incentive offered and the time period during which the incentive
30 will be offered. The maximum incentive may be calculated by total
31 payments, payment per quantity of electricity bought, or any other
32 reasonable measurement.

33 (e) Any incentive payment to individual applicants may be paid on a fiscal
34 year or calendar year basis, or at any other convenient time.

35 (f) A person who submits a false or fraudulent application, or withholds
36 material information to obtain a payment under this [[Article]] Section,
37 has committed a Class A violation. In addition, the person must repay
38 the County for all amounts improperly paid, and all accrued interest and
39 penalties that would apply to those amounts as if they were overdue
40 taxes. A person who violates this Section is liable for all court costs and
41 expenses of the County in any civil action brought by the County to
42 recover any payment, interest, or penalty. The County may collect any
43 amount due, and otherwise enforce this [[Article]] Section, by any
44 appropriate legal action.

45 *Approved:*

46 

47 Thomas E. Perez, President, County Council

3/10/05

Date

48 *Approved:*

49 

50 Douglas M. Duncan, County Executive

3/10/05

Date

51 *This is a correct copy of Council action.*

52 

Elda M. Dodson, CMC, Acting Clerk of the Council

3/11/05

Date