

**Maryland General Assembly
Department of Legislative Services**

**Emergency/Proposed Regulations
Maryland Energy Administration**
(DLS Control No. 14-117)

Overview and Legal and Fiscal Impact

These emergency/proposed regulations establish the Electric Vehicle Recharging Equipment Rebate Program within the Maryland Energy Administration and an application process for receiving a rebate from the administration.

The regulations present no legal issues of concern.

There is no fiscal impact on State or local agencies.

Regulations of COMAR Affected

Maryland Energy Administration:

Maryland Energy Administration: Electric Vehicle Recharging Equipment Rebate
Program: COMAR 14.26.07.00-.03

Legal Analysis

Background

Chapters 359 and 360 of 2014 established an Electric Vehicle Recharging Equipment Rebate Program within the Maryland Energy Administration (administration). Chapters 359 and 360 specified the timeframe during which a person may apply for a rebate, the total amount of rebates that the administration may grant in a fiscal year, limitations for the amount of a rebate that a person may receive, and details about the regulations that the administration may adopt. Chapters 359 and 360 will take effect on July 1, 2014.

These emergency regulations will ensure that the administration is in compliance with the July 1, 2014 effective date of Chapters 359 and 360 while continuing with the notice and comment period associated with the accompanying proposed (permanent) regulation.

Summary of Regulations

The emergency regulations establish the Electric Vehicle Recharging Equipment Rebate Program within the administration. Specifically, the regulations:

- establish definitions for the administration and implementation of the program;

- specify the amount of the rebate the administration may issue for fiscal years 2015 through 2017;
- limit the amount of the rebate to the eligible costs of one electric vehicle recharging system;
- authorize the administration to include reasonable installation costs when calculating the amount of the rebate;
- limit the issuance of rebates to electric vehicle recharging equipment installed in the State;
- limit the total amount of rebates the administration may issue in a fiscal year to \$600,000;
- require the administration to publish an application for the rebate on its website;
- authorize the administration to publish a separate application form for residential, commercial, government, and retail service station dealer applicants;
- specify the information that a complete application must contain;
- authorize the administration to issue a rebate within 30 days of receipt of the application if specified determinations are made;
- prohibit the administration from including in a rebate installation costs that the administration considers unreasonable; and
- require the administration to notify an applicant if the administration determines that the applicant's application is not complete.

Legal Issue

The emergency regulations present no legal issue of concern.

Statutory Authority and Legislative Intent

The administration cites § 9–2009 of the State Government Article as authority for these emergency regulations. Section 9–2009 of the State Government Article creates an Electric Vehicle Recharging Equipment Rebate Program within the administration. Under § 9–2009, the administration is authorized to adopt regulations to implement the program and regulations that (1) further limit the maximum amount of a rebate and (2) identify any additional application and qualification requirements deemed appropriate by the administration. Section 9–2009 also specifies the timeframe for issuing a rebate, the total amount of rebates that the administration may issue during a fiscal year, and the rebate amount that an applicant may receive. Additionally, § 9–2009 limits the rebate to the acquisition of one recharging system per individual.

This authority is correct and complete. The regulations comply with the legislative intent of the law.

Reason for Emergency Status

The administration has requested emergency status from July 1, 2014 until August 29, 2014, to cover the period until final adoption of permanent nonemergency regulations. This emergency period is within normal timeframes approved by the committee. The administration indicates the emergency status is needed to be in compliance with the July 1, 2014 effective date of Chapter 365 of 2014.

Fiscal Analysis

There is no fiscal impact on State or local agencies.

Agency Estimate of Projected Fiscal Impact

The Maryland Energy Administration advises that the regulations have no impact on State or local governments. The Department of Legislative Services concurs. The regulations implement Chapters 359 and 360 of 2014. The fiscal and policy notes for SB 908 and HB 1345 of 2014 (enacted as Chapters 359 and 360) indicate that special fund (Strategic Energy Investment Fund) revenues are anticipated to decrease by not more than \$600,000 annually due to the use of those revenues for the Electric Vehicle Recharging Equipment Rebate Program. These regulations do not have any impact independent of the impact stated in the fiscal and policy notes for SB 908 and HB 1345 of 2014.

Impact on Budget

There is no impact on the State operating or capital budget.

Agency Estimate of Projected Small Business Impact

The Maryland Energy Administration advises that the regulations have minimal or no economic impact on small businesses in the State. The Department of Legislative Services concurs.

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