

SENATE BILL 387

Unofficial Copy  
C8

2001 Regular Session  
(11r2440)

**ENROLLED BILL**

-- Finance and Budget and Taxation/Economic Matters --

Introduced by **Senators Hogan, Neall, ~~and Teitelbaum~~ Teitelbaum, Hoffman, Van Hollen, Currie, Kasemeyer, Lawlah, Madden, McFadden, Middleton, Munson, Ruben, and Stoltzfus**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this  
\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_ M.

\_\_\_\_\_  
President.

CHAPTER 597

1 AN ACT concerning

2 **Maryland Technology Development Corporation - Maryland Technology**  
3 **Incubator Program**

4 FOR the purpose of creating the Maryland Technology Incubator Program and  
5 providing that the Program is administered by the Maryland Technology  
6 Development Corporation; providing for the purpose of the Program;  
7 authorizing the Board of Directors of the Corporation to use certain public and  
8 private moneys in awarding ~~grants~~ financial assistance; requiring the Board, in  
9 consultation with the Secretary of Economic and Business Development, to  
10 adopt ~~certain regulations governing the~~ certain criteria and ~~requirements for~~  
11 ~~procedures~~ requirements for awarding ~~grants~~ financial assistance; authorizing  
12 the Board to award ~~grants~~ financial assistance to certain entities; ~~requiring the~~  
13 ~~Board to consider certain factors in awarding grants~~ financial assistance;  
14 imposing certain conditions for the receipt of ~~grants~~ financial assistance for  
15 certain purposes; limiting the aggregate amount of ~~grants~~ financial assistance

1 for those purposes which may be made in each county in any single fiscal year;  
 2 ~~requiring the Governor to fund the Program at a certain level in a future fiscal~~  
 3 ~~year creating a Maryland Technology Incubator Program Fund; providing that~~  
 4 ~~the Corporation is the administrator of the Fund; specifying the use of the Fund;~~  
 5 ~~specifying what the Fund consists of and what expenditures can be made from~~  
 6 ~~the Fund; requiring the Corporation to report by a certain date to the General~~  
 7 ~~Assembly on certain activities; defining certain terms; providing for an~~  
 8 abnormal effective date; and generally relating to the Maryland Technology  
 9 Incubator Program.

10 BY adding to  
 11 Article 83A - Department of Business and Economic Development  
 12 Section 5-2A-04.1  
 13 Annotated Code of Maryland  
 14 (1998 Replacement Volume and 2000 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 83A - Department of Business and Economic Development**

18 5-2A-04.1.

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 20 INDICATED.

21 (2) "BOARD" MEANS THE BOARD OF DIRECTORS OF THE CORPORATION.

22 (3) "FINANCIAL ASSISTANCE" MEANS GRANTS, LOANS, CREDIT  
 23 ENHANCEMENTS, OR ANOTHER SIMILAR FORM OR MANNER OF ASSISTANCE.

24 ~~(3)~~ (4) "PROGRAM" MEANS THE MARYLAND TECHNOLOGY INCUBATOR  
 25 PROGRAM.

26 (B) (1) THERE IS A MARYLAND TECHNOLOGY INCUBATOR PROGRAM.

27 (2) THE PROGRAM IS ADMINISTERED BY THE CORPORATION.

28 (C) THE PURPOSE OF THE PROGRAM IS TO PROMOTE ENTREPRENEURSHIP  
 29 AND THE CREATION OF JOBS IN TECHNOLOGY-RELATED INDUSTRY BY  
 30 ESTABLISHING AND OPERATING EFFECTIVE INCUBATORS THROUGHOUT THE STATE  
 31 THAT PROVIDE ADEQUATE PHYSICAL SPACE DESIGNED, AND PROGRAMS INTENDED,  
 32 TO INCREASE OR ACCELERATE BUSINESS SUCCESS IN THE FIELD OF TECHNOLOGY.

33 (D) (1) THE BOARD SHALL AWARD ~~GRANTS~~ FINANCIAL ASSISTANCE UNDER  
 34 THIS SECTION TO FURTHER THE PURPOSES STATED IN SUBSECTION (C) OF THIS  
 35 SECTION.

1 (2) THE BOARD MAY AWARD ~~GRANTS~~ FINANCIAL ASSISTANCE USING  
 2 MONEYS PROVIDED BY:

3 (I) THE STATE;

4 (II) THE FEDERAL GOVERNMENT; OR

5 (III) A NONGOVERNMENTAL ENTITY.

6 (3) AFTER CONSULTING WITH THE SECRETARY, THE BOARD SHALL  
 7 ESTABLISH CRITERIA AND REQUIREMENTS FOR THE AWARDING OF ~~GRANTS~~  
 8 FINANCIAL ASSISTANCE, WHICH SHALL:

9 (I) SUPPORT THE DEVELOPMENT AND USE OF BEST PRACTICES IN  
 10 THE INCUBATION PROCESS;

11 (II) PROVIDE STRATEGIC PLANNING, NEEDS ASSESSMENTS, AND  
 12 FEASIBILITY STUDIES; OR

13 (III) ASSIST IN THE ACQUISITION AND CONSTRUCTION OF NEW OR  
 14 EXPANDED SPACE OR THE RENOVATION OF EXISTING SPACE FOR AN INCUBATOR,  
 15 INCLUDING BY PROVIDING OR ASSISTING WITH:

16 1. LAND ACQUISITION;

17 2. THE OBTAINING OF ARCHITECTURAL AND ENGINEERING  
 18 SERVICES;

19 3. THE PAYMENT OF ADMINISTRATIVE COSTS;

20 4. THE DEVELOPMENT OR UPGRADING OF  
 21 COMMUNICATIONS INFRASTRUCTURE;

22 5. THE ACQUISITION OF FURNISHINGS AND EQUIPMENT; OR

23 6. THE ACQUISITION OR PURCHASE OF OTHER ITEMS  
 24 ASSOCIATED WITH TENANT ~~EXPANSION~~ BUILD-OUT.

25 (E) ~~(4)~~ THE BOARD MAY AWARD A ~~GRANT~~ FINANCIAL ASSISTANCE TO:

26 ~~(1)~~ (1) A LOCAL GOVERNMENT;

27 ~~(2)~~ (2) AN AGENCY OR INSTRUMENTALITY DESIGNATED BY THE  
 28 LOCAL GOVERNMENT, INCLUDING:

29 ~~1-~~ A NONPROFIT CORPORATION;

30 ~~2-~~ ~~(3)~~ (3) A PUBLIC OR PRIVATE COLLEGE OR  
 31 UNIVERSITY; ~~OR~~



1 ~~(I) MONEYS APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

2 ~~(II) MONEYS MADE AVAILABLE TO THE FUND THROUGH FEDERAL~~  
3 ~~PROGRAMS OR PRIVATE CONTRIBUTIONS;~~

4 ~~(III) PREMIUMS, FEES, PENALTIES, INTEREST PAYMENTS, AND~~  
5 ~~PRINCIPAL PAYMENTS RELATED TO FINANCIAL ASSISTANCE PROVIDED FROM THE~~  
6 ~~FUND;~~

7 ~~(IV) PROCEEDS FROM THE SALE, DISPOSITION, LEASE, OR RENTAL~~  
8 ~~OF COLLATERAL RELATED TO ANY FINANCIAL ASSISTANCE PROVIDED FROM THE~~  
9 ~~FUND;~~

10 ~~(V) APPLICATION OR OTHER FEES PAID TO THE FUND IN~~  
11 ~~CONNECTION WITH THE PROCESSING OF REQUESTS FOR FINANCIAL ASSISTANCE;~~

12 ~~(VI) EARNINGS FROM THE INVESTMENT OF MONEYS IN THE FUND;~~  
13 ~~AND~~

14 ~~(VII) ANY OTHER MONEYS MADE AVAILABLE TO THE FUND.~~

15 ~~(5) EXPENDITURES FROM THE FUND MAY BE MADE ONLY:~~

16 ~~(I) PURSUANT TO AN APPROPRIATION APPROVED BY THE~~  
17 ~~GENERAL ASSEMBLY IN THE ANNUAL STATE BUDGET; OR~~

18 ~~(II) BY THE BUDGET AMENDMENT PROCEDURE PROVIDED FOR IN §~~  
19 ~~7-209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

20 SECTION 2. AND BE IT FURTHER ENACTED, That ~~the Governor of~~  
21 ~~Maryland shall include \$10,000,000 in the fiscal year 2003 State budget to fund the~~  
22 ~~Maryland Technology Incubator Program within 90 days following the end of each~~  
23 ~~fiscal year the Maryland Technology Development Corporation shall report to the~~  
24 ~~General Assembly, in accordance with § 2-1246 of the State Government Article, on~~  
25 ~~the activities of the Maryland Technology Incubator Program during the previous~~  
26 ~~fiscal year and anticipated activities for the following fiscal year.~~

27 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
28 June 1, 2001.