

# HOUSE BILL 1409

C8

(8lr2582)

## **ENROLLED BILL**

—*Economic Matters / Finance*—

Introduced by **Delegates Mizeur, Hecht, Ali, Barkley, Bobo, Bronrott, Carr, G. Clagett, Feldman, Frick, Gutierrez, Hixson, Ivey, Lafferty, Lee, Levi, Manno, McComas, Morhaim, Murphy, Pena-Melnyk, Riley, and Waldstreicher**

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.

\_\_\_\_\_  
Speaker.

CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Coordinating Emerging Nanobiotechnology Research (CENTR) in Maryland**  
3 **Program**

4 FOR the purpose of establishing the Coordinating Emerging Nanobiotechnology  
5 Research in Maryland Program to be administered by the Maryland Technology  
6 Development Corporation to provide grants for certain nanobiotechnology  
7 research projects; establishing the purposes of the Program; establishing certain  
8 types of grants to be awarded under the Program; declaring the intent of the  
9 General Assembly; requiring the Corporation to adopt certain regulations;  
10 requiring the Corporation to include certain information in a certain report to  
11 the General Assembly; defining certain terms; expressing certain legislative  
12 intent related to certain appropriations; ~~expressing certain legislative intent~~

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### EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

*Italics indicate opposite chamber / conference committee amendments.*



1 ~~related to certain appropriations to the Program;~~ and generally relating to the  
2 creation of a program for nanobiotechnology research.

3 BY adding to

4 Article – Economic Development

5 Section 10–445 through 10–451 to be under the new part “Part IV. Coordinating  
6 Emerging Nanobiotechnology Research in Maryland Program”

7 Annotated Code of Maryland

8 (As enacted by Chapter    ~~(H.B. 1050)~~ (H.B. 1050)(8lr0698) of the Acts of the  
9 General Assembly of 2008)

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

12 **Article – Economic Development**

13 **10–443. RESERVED.**

14 **10–444. RESERVED.**

15 **PART IV. COORDINATING EMERGING NANOBIO TECHNOLOGY RESEARCH IN**  
16 **MARYLAND PROGRAM.**

17 **10–445.**

18 (A) IN THIS PART THE FOLLOWING WORDS HAVE THE MEANINGS  
19 INDICATED.

20 (B) “CENTR MARYLAND PROGRAM” OR “PROGRAM” MEANS THE  
21 COORDINATING EMERGING NANOBIO TECHNOLOGY RESEARCH PROGRAM  
22 ESTABLISHED UNDER § 10–447 OF THIS SUBTITLE.

23 (C) “FUND” MEANS THE COORDINATING EMERGING  
24 NANOBIO TECHNOLOGY RESEARCH IN MARYLAND FUND ESTABLISHED UNDER §  
25 10–448 OF THIS SUBTITLE.

26 (D) “NANOBIO TECHNOLOGY” MEANS THE APPLICATION OF  
27 NANOTECHNOLOGY TO THE LIFE SCIENCES INCLUDING RESEARCH RELATING TO  
28 THE CHARACTERIZATION OF NANOMATERIALS FOR HEALTH AND  
29 ENVIRONMENTAL SAFETY IMPLICATIONS.

30 **10–446.**

31 **THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:**

1           (1)    **NANOBIOTECHNOLOGY OFFERS TREMENDOUS POTENTIAL TO**  
2 **REVOLUTIONIZE MEDICAL AND LIFE SCIENCE RESEARCH AND TO ENABLE**  
3 **DISCOVERIES THAT WILL ENRICH AND IMPROVE THE QUALITY OF LIFE FOR THE**  
4 **PEOPLE OF THE STATE;**

5           (2)    **THE PROVISION OF FUNDS FOR NANOBIOTECHNOLOGY**  
6 **PROJECTS IS VITAL TO SUPPORTING THIS EMERGING TECHNOLOGY; AND**

7           (3)    **FOSTERING PARTNERSHIPS AMONG FEDERAL INSTITUTIONS,**  
8 **PRIVATE SECTOR ENTITIES, AND INSTITUTIONS OF HIGHER EDUCATION WILL**  
9 **HELP SECURE THE STATE'S POSITION AS A LEADER IN NANOBIOTECHNOLOGY**  
10 **RESEARCH AND ASSIST IN SECURING THE STATE'S ECONOMIC FUTURE.**

11 **10-447.**

12           (A)    **THERE IS A COORDINATING EMERGING NANOBIOTECHNOLOGY**  
13 **RESEARCH IN MARYLAND PROGRAM.**

14           (B)    **THE PURPOSE OF THE CENTR MARYLAND PROGRAM IS TO:**

15                   (1)    **SUPPORT AND PROMOTE ADVANCED RESEARCH IN**  
16 **NANOBIOTECHNOLOGY IN THE STATE;**

17                   (2)    **SUPPORT NANOBIOTECHNOLOGY RESEARCH ACTIVITIES AT**  
18 **POSTSECONDARY EDUCATION INSTITUTIONS; AND**

19                   (3)    **ESTABLISH THE STATE AS A KEY LOCATION FOR THE BENEFIT**  
20 **OF THE PROGRAM.**

21 **10-448.**

22           (A)    **THERE IS A COORDINATING EMERGING NANOBIOTECHNOLOGY**  
23 **RESEARCH IN MARYLAND FUND IN THE CORPORATION.**

24           (B)    (1)    **THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT**  
25 **SUBJECT TO REVERSION UNDER § 7-302 OF THE STATE FINANCE AND**  
26 **PROCUREMENT ARTICLE.**

27                   (2)    **THE TREASURER SHALL HOLD THE FUND SEPARATELY, AND**  
28 **THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.**

29           (C)    **THE FUND CONSISTS OF:**

30                   (1)    **APPROPRIATIONS AS PROVIDED IN THE STATE BUDGET; AND**

1           (2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR  
2 THE BENEFIT OF THE CENTR MARYLAND PROGRAM.

3           (D) THE EXECUTIVE DIRECTOR OF THE CORPORATION, OR THE  
4 EXECUTIVE DIRECTOR'S DESIGNEE, SHALL ADMINISTER THE FUND IN  
5 ACCORDANCE WITH THIS PART AND OTHER APPLICABLE LAW.

6           (E) THE FUND SHALL BE USED TO COVER THE COSTS OF THE  
7 PROGRAM, INCLUDING ANY GRANTS THAT ARE AWARDED TO ELIGIBLE  
8 RECIPIENTS.

9           (F) (1) THE TREASURER SHALL INVEST THE MONEY OF THE FUND IN  
10 THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

11           (2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE  
12 CREDITED TO THE FUND.

13           (G) THE LEGISLATIVE AUDITOR SHALL AUDIT THE ACCOUNTS AND  
14 TRANSACTIONS OF THE FUND AS PROVIDED IN § 2-1220 OF THE STATE  
15 GOVERNMENT ARTICLE.

16 10-449.

17           (A) ~~SUBJECT~~ WITHIN THE CENTR MARYLAND PROGRAM, SUBJECT TO  
18 AVAILABLE FUNDING, THE CORPORATION SHALL AWARD CAPITAL AND  
19 OPERATING GRANTS FROM THE FUND TO PRIVATE SECTOR ENTITIES AND  
20 INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO:

21           (1) LEVERAGE FEDERAL FUNDING FOR THE ESTABLISHMENT OR  
22 CONSTRUCTION OF RESEARCH CENTERS IN THE STATE;

23           (2) PROVIDE PILOT FUNDING FOR FACULTY AT INSTITUTIONS OF  
24 HIGHER EDUCATION IN THE STATE TO DEVELOP INITIAL RESEARCH DATA FOR  
25 THE DEVELOPMENT OF LARGER GRANT FUNDING PROPOSALS;

26           (3) FOSTER PUBLIC-PRIVATE PARTNERSHIPS BETWEEN PRIVATE  
27 INDUSTRY AND INSTITUTIONS OF HIGHER EDUCATION IN THE STATE; AND

28           (4) ASSIST WITH THE TRANSFER OF NANBIOTECHNOLOGY  
29 RESEARCH INTO COMMERCIAL APPLICATIONS.

1           **(B) WITHIN THE CENTR MARYLAND PROGRAM, THE CORPORATION**  
2 **MAY AWARD OPERATING GRANTS FROM THE FUND TO INSTITUTIONS OF HIGHER**  
3 **EDUCATION THAT SHALL INCLUDE:**

4                   **(1) DISCOVERY EDUCATIONAL GRANTS TO SUPPORT**  
5 **POSTDOCTORATE OR GRADUATE-LEVEL COLLABORATION WITH PRIVATE**  
6 **SECTOR ENTITIES ON NANOBIO TECHNOLOGY PROJECTS THAT:**

7                           **(I) SHALL BE SUBJECT TO SUPERVISION BY FACULTY**  
8 **MEMBERS; AND**

9                           **(II) REQUIRE A MATCHING SUM, EITHER DIRECT OR**  
10 **IN-KIND, FROM A PRIVATE SECTOR ENTITY EQUIVALENT TO THE GRANT**  
11 **AMOUNT;**

12                   **(2) COLLABORATIVE GRANTS TO SUPPORT RESEARCH TEAMS**  
13 **FROM INSTITUTIONS OF HIGHER EDUCATION WORKING WITH PRIVATE SECTOR**  
14 **ENTITIES ON COLLABORATIVE RESEARCH PROJECTS THAT:**

15                           **(I) FOCUS ON SPECIFIC APPLICATION DEVELOPMENT; AND**

16                           **(II) REQUIRE A MATCHING SUM FROM PRIVATE SECTOR**  
17 **ENTITY EQUIVALENT TO THE GRANT AMOUNT; AND**

18                   **(3) PROTOTYPE GRANTS TO ENABLE INSTITUTIONS OF HIGHER**  
19 **EDUCATION AND PRIVATE SECTOR ENTITIES TO ENGAGE IN PROJECTS THAT:**

20                           **(I) DEMONSTRATE WHETHER A PROTOTYPE IS FUNCTIONAL**  
21 **AND MANUFACTURABLE;**

22                           **(II) DEMONSTRATE THE COST EFFECTIVENESS OF**  
23 **NANOTECHNOLOGY-RELATED APPLICATIONS; AND**

24                           **(III) SHALL BE MATCHED WITH AN INDUSTRY GRANT IN AN**  
25 **AMOUNT OF AT LEAST \$2 FOR EVERY \$1 OF THE PROTOTYPE GRANT.**

26 **10-450.**

27           **(A) THE CORPORATION SHALL ADOPT REGULATIONS TO ESTABLISH:**

28                   **(1) A COMPETITIVE APPLICATION PROCESS; AND**

29                   **(2) CRITERIA AND PROCEDURES FOR ~~DISBURSING~~ AWARDING**  
30 **GRANTS FROM THE ~~PROGRAM~~ FUND TO ELIGIBLE RECIPIENTS.**

1           **(B) (1) IN ACCORDANCE WITH THIS PART, ALL PRIVATE SECTOR**  
 2 **ENTITIES IN THE STATE AND ALL INSTITUTIONS OF HIGHER EDUCATION IN THE**  
 3 **STATE MAY BE ELIGIBLE RECIPIENTS OF GRANTS.**

4           **(2) PRIORITY FOR THE AWARD OF ANY GRANT SHALL BE GIVEN**  
 5 **TO THOSE PROJECTS THAT ARE MOST LIKELY TO:**

6           ~~(1)~~ **(I) ATTRACT SIGNIFICANT INVESTMENT IN THE STATE;**

7           ~~(2)~~ **(II) LEVERAGE SIGNIFICANT ADDITIONAL GRANT OR**  
 8 **RESEARCH FUNDING FROM FEDERAL OR PRIVATE SECTOR SOURCES; OR**

9           ~~(3)~~ **(III) ESTABLISH THE STATE AS A KEY LOCATION FOR**  
 10 **NANOBIOTECHNOLOGY RESEARCH AND INDUSTRY.**

11 **10-451.**

12           **THE CORPORATION SHALL INCLUDE, AS PART OF ITS ANNUAL REPORT TO**  
 13 **THE GOVERNOR AND GENERAL ASSEMBLY UNDER § 10-415 OF THIS SUBTITLE,**  
 14 **A DETAILED DESCRIPTION OF THE GRANTS AWARDED UNDER THIS PART.**

15           ~~SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the~~  
 16 ~~General Assembly that the Governor shall include at least \$5,000,000 in the State~~  
 17 ~~budget each fiscal year for grants from the Program established under this Act.~~

18           ~~SECTION 3. AND BE IT FURTHER ENACTED, That funding provided by this~~  
 19 ~~Act shall be in addition to and may not supplant funds already appropriated for this~~  
 20 ~~purpose or alter the administration of funding currently provided in the State budget~~  
 21 ~~to support nanobiotechnology programs in the State.~~

22           SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the  
 23 General Assembly that funding provided to implement this Act shall be in addition to  
 24 and may not supplant funds, or alter the administration of funding, currently provided  
 25 in the State budget to support other nanobiotechnology programs in the State.

26           SECTION ~~4~~, 2, 3. AND BE IT FURTHER ENACTED, That this Act shall take  
 27 effect October 1, 2008.