

CHAPTER 446

(House Bill 1409)

AN ACT concerning

Coordinating Emerging Nanobiotechnology Research (CENTR) in Maryland Program

FOR the purpose of establishing the Coordinating Emerging Nanobiotechnology Research in Maryland Program to be administered by the Maryland Technology Development Corporation to provide grants for certain nanobiotechnology research projects; establishing the purposes of the Program; establishing certain types of grants to be awarded under the Program; declaring the intent of the General Assembly; requiring the Corporation to adopt certain regulations; requiring the Corporation to include certain information in a certain report to the General Assembly; defining certain terms; expressing certain legislative intent related to certain appropriations; ~~expressing certain legislative intent related to certain appropriations to the Program;~~ and generally relating to the creation of a program for nanobiotechnology research.

BY adding to

Article – Economic Development

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

Annotated Code of Maryland

(As enacted by Chapter 306 ~~(H.B. 1050)~~ (H.B. 1050)(8lr0698) of the Acts of the General Assembly of 2008)

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

Article – Economic Development

10–443. RESERVED.

10–444. RESERVED.

PART IV. COORDINATING EMERGING NANOBIO TECHNOLOGY RESEARCH IN MARYLAND PROGRAM.

10–445.

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

(B) "CENTR MARYLAND PROGRAM" OR "PROGRAM" MEANS THE COORDINATING EMERGING NANOBIO TECHNOLOGY RESEARCH PROGRAM ESTABLISHED UNDER § 10-447 OF THIS SUBTITLE.

(C) "FUND" MEANS THE COORDINATING EMERGING NANOBIO TECHNOLOGY RESEARCH IN MARYLAND FUND ESTABLISHED UNDER § 10-448 OF THIS SUBTITLE.

(D) "NANOBIO TECHNOLOGY" MEANS THE APPLICATION OF NANOTECHNOLOGY TO THE LIFE SCIENCES INCLUDING RESEARCH RELATING TO THE CHARACTERIZATION OF NANOMATERIALS FOR HEALTH AND ENVIRONMENTAL SAFETY IMPLICATIONS.

10-446.

THE GENERAL ASSEMBLY FINDS AND DECLARES THAT:

(1) NANOBIO TECHNOLOGY OFFERS TREMENDOUS POTENTIAL TO REVOLUTIONIZE MEDICAL AND LIFE SCIENCE RESEARCH AND TO ENABLE DISCOVERIES THAT WILL ENRICH AND IMPROVE THE QUALITY OF LIFE FOR THE PEOPLE OF THE STATE;

(2) THE PROVISION OF FUNDS FOR NANOBIO TECHNOLOGY PROJECTS IS VITAL TO SUPPORTING THIS EMERGING TECHNOLOGY; AND

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

10-447.

(A) THERE IS A COORDINATING EMERGING NANOBIO TECHNOLOGY RESEARCH IN MARYLAND PROGRAM.

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

(1) SUPPORT AND PROMOTE ADVANCED RESEARCH IN NANOBIO TECHNOLOGY IN THE STATE;

(2) SUPPORT NANOBIO TECHNOLOGY RESEARCH ACTIVITIES AT POSTSECONDARY EDUCATION INSTITUTIONS; AND

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

10-448.

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

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

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

(C) THE FUND CONSISTS OF:

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

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

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

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

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

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

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

10-449.

(A) ~~SUBJECT~~ WITHIN THE CENTR MARYLAND PROGRAM, SUBJECT TO AVAILABLE FUNDING, THE CORPORATION SHALL AWARD CAPITAL AND

OPERATING GRANTS FROM THE FUND TO PRIVATE SECTOR ENTITIES AND INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO:

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

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

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

(4) ASSIST WITH THE TRANSFER OF NANOBIO TECHNOLOGY RESEARCH INTO COMMERCIAL APPLICATIONS.

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

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

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

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

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

(I) FOCUS ON SPECIFIC APPLICATION DEVELOPMENT; AND

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

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

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

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

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

10-450.

(A) THE CORPORATION SHALL ADOPT REGULATIONS TO ESTABLISH:

(1) A COMPETITIVE APPLICATION PROCESS; AND

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

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

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

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

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

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

10-451.

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

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

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

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

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

Approved by the Governor, May 13, 2008.