

SENATE BILL 735

C8

8lr1411

By: **Senators Miller, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Dyson, Edwards, Forehand, Frosh, Garagiola, Gladden, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Mooney, Munson, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, Stone, and Zirkin**

Introduced and read first time: February 1, 2008

Assigned to: Finance

A BILL ENTITLED

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
6 Technology Development Corporation to provide grants for certain
7 nanobiotechnology research projects; establishing the purposes of the Program;
8 establishing certain types of grants to be awarded under the Program; declaring
9 the intent of the General Assembly; requiring the Corporation to adopt certain
10 regulations; requiring the Corporation to include certain information in a
11 certain report to the General Assembly; defining certain terms; expressing
12 certain legislative intent related to certain appropriations to the Program; and
13 generally relating to the creation of a program for nanobiotechnology research.

14 BY adding to

15 Article – Economic Development

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

18 Annotated Code of Maryland

19 (As enacted by Chapter __ (H.B.__)(8lr0698) of the Acts of the General Assembly
20 of 2008)

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

23 **Article – Economic Development**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 10-443. RESERVED.

2 10-444. RESERVED.

3 **PART IV. COORDINATING EMERGING NANOBIO TECHNOLOGY RESEARCH IN**
4 **MARYLAND PROGRAM.**

5 10-445.

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

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

11 (C) "FUND" MEANS THE COORDINATING EMERGING
12 NANOBIO TECHNOLOGY RESEARCH IN MARYLAND FUND ESTABLISHED UNDER §
13 10-448 OF THIS SUBTITLE.

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

18 10-446.

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

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

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

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

30 10-447.

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

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

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

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

8 (3) ESTABLISH THE STATE AS A KEY LOCATION FOR
9 NANOBIO TECHNOLOGY RESEARCH AND INDUSTRY.

10 10-448.

11 (A) THERE IS A COORDINATING EMERGING NANOBIO TECHNOLOGY
12 RESEARCH IN MARYLAND FUND IN THE CORPORATION.

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

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

18 (C) THE FUND CONSISTS OF:

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

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

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

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

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

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

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

6 **10-449.**

7 (A) SUBJECT TO AVAILABLE FUNDING, THE CORPORATION SHALL
8 AWARD CAPITAL AND OPERATING GRANTS FROM THE FUND TO PRIVATE
9 SECTOR ENTITIES AND INSTITUTIONS OF HIGHER EDUCATION IN THE STATE TO:

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

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

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

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

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

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

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

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

30 (2) COLLABORATIVE GRANTS TO SUPPORT RESEARCH TEAMS
31 FROM INSTITUTIONS OF HIGHER EDUCATION WORKING WITH PRIVATE SECTOR
32 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 GRANTS FROM THE PROGRAM.

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

(1) ATTRACT SIGNIFICANT INVESTMENT IN THE STATE;

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

(3) 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.

1 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
2 encourages the Governor to include at least \$5,000,000 in the State budget each fiscal
3 year for grants from the Program established under this Act.

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

8 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2008.