

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~~ Zirkin, and Glassman**

Introduced and read first time: February 1, 2008

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 5, 2008

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 to the Program; and generally relating
13 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)

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.



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

1 **HELP SECURE THE STATE'S POSITION AS A LEADER IN NANOBIO TECHNOLOGY**
2 **RESEARCH AND ASSIST IN SECURING THE STATE'S ECONOMIC FUTURE.**

3 **10-447.**

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

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

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

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

11 **(3) ESTABLISH THE STATE AS A KEY LOCATION FOR**
12 **NANOBIO TECHNOLOGY RESEARCH AND INDUSTRY.**

13 **10-448.**

14 **(A) THERE IS A COORDINATING EMERGING NANOBIO TECHNOLOGY**
15 **RESEARCH IN MARYLAND FUND IN THE CORPORATION.**

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

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

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

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

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

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

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

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

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

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

8 10-449.

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

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

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

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

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

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

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

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

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

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

4 (I) FOCUS ON SPECIFIC APPLICATION DEVELOPMENT; AND

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

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

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

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

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

15 **10-450.**

16 (A) THE CORPORATION SHALL ADOPT REGULATIONS TO ESTABLISH:

17 (1) A COMPETITIVE APPLICATION PROCESS; AND

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

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

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

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

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

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

1 **10-451.**

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

5 SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly
6 encourages the Governor to include at least \$5,000,000 in the State budget for the
7 Fund each fiscal year for grants to be awarded from the Program under the CENTR
8 Maryland Program established under this Act.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.