

HOUSE BILL 1094

C8
HB 892/21 – W&M

2lr2243
CF SB 846

By: **Delegate Buckel**

Introduced and read first time: February 10, 2022

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Economic Development – Maryland Technology Infrastructure Pilot**
3 **Program – Establishment**

4 FOR the purpose of establishing the Maryland Technology Infrastructure Pilot Program in
5 the Maryland Technology Development Corporation; establishing the Maryland
6 Technology Infrastructure Authority; establishing the Maryland Technology
7 Infrastructure Fund as a special, nonlapsing fund; and generally relating to the
8 Maryland Technology Infrastructure Pilot Program and the Maryland Technology
9 Development Corporation.

10 BY adding to

11 Article – Economic Development

12 Section 10–4C–01 through 10–4C–10 to be under the new subtitle “Subtitle 4C.
13 Maryland Technology Infrastructure Pilot Program”

14 Annotated Code of Maryland

15 (2018 Replacement Volume and 2021 Supplement)

16 BY repealing and reenacting, without amendments,

17 Article – State Finance and Procurement

18 Section 6–226(a)(2)(i)

19 Annotated Code of Maryland

20 (2021 Replacement Volume)

21 BY repealing and reenacting, with amendments,

22 Article – State Finance and Procurement

23 Section 6–226(a)(2)(ii)144. and 145.

24 Annotated Code of Maryland

25 (2021 Replacement Volume)

26 BY adding to

27 Article – State Finance and Procurement

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 6–226(a)(2)(ii)146.
2 Annotated Code of Maryland
3 (2021 Replacement Volume)

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

6 **Article – Economic Development**

7 **SUBTITLE 4C. MARYLAND TECHNOLOGY INFRASTRUCTURE PILOT PROGRAM.**

8 **10–4C–01.**

9 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
10 INDICATED.

11 (B) “AUTHORITY” MEANS THE MARYLAND TECHNOLOGY
12 INFRASTRUCTURE AUTHORITY.

13 (C) “CORPORATION” MEANS THE MARYLAND TECHNOLOGY
14 DEVELOPMENT CORPORATION.

15 (D) “FINANCIAL ASSISTANCE” MEANS A GRANT, A LOAN, A CREDIT
16 ENHANCEMENT, AN INVESTMENT, OR ANY SIMILAR ASSISTANCE.

17 (E) “FUND” MEANS THE MARYLAND TECHNOLOGY INFRASTRUCTURE
18 FUND.

19 (F) “PROGRAM” MEANS THE MARYLAND TECHNOLOGY INFRASTRUCTURE
20 PILOT PROGRAM.

21 (G) “PROJECT” MEANS A LARGE–SCALE, TRANSFORMATIVE
22 INFRASTRUCTURE INITIATIVE INTENDED TO PROMOTE THE DEVELOPMENT AND
23 GROWTH OF INNOVATION–BASED BUSINESS IN WESTERN MARYLAND.

24 (H) “WESTERN MARYLAND” MEANS ALLEGANY, GARRETT, AND
25 WASHINGTON COUNTIES.

26 **10–4C–02.**

27 (A) THERE IS A MARYLAND TECHNOLOGY INFRASTRUCTURE PILOT
28 PROGRAM IN THE CORPORATION.

29 (B) THE PURPOSE OF THE PROGRAM IS TO:

1 **(1) ESTABLISH A PROGRAM IN WESTERN MARYLAND TO SUPPORT**
2 **THE INNOVATION ECONOMY BY INCENTIVIZING THE DEVELOPMENT OF ADVANCED**
3 **INDUSTRY INFRASTRUCTURE AND RESOURCES THAT BUILD ON THE EXISTING**
4 **STRENGTHS OF THE REGION'S ECONOMY;**

5 **(2) SUPPORT THE GROWTH OF AND INCENTIVIZE THE ATTRACTION**
6 **AND RETENTION OF EARLY-STAGE, INNOVATION-BASED BUSINESS IN WESTERN**
7 **MARYLAND THROUGH THE CREATION OF SUPPORTING INFRASTRUCTURE AND**
8 **RESOURCES;**

9 **(3) MANAGE A MARYLAND TECHNOLOGY INFRASTRUCTURE FUND**
10 **FOR FINANCIAL ASSISTANCE IN PROJECTS TO SUPPORT THE PROGRAM; AND**

11 **(4) EVALUATE THE EFFICACY OF THE PROGRAM FOR FUTURE**
12 **EXPANSION TO OTHER PARTS OF THE STATE.**

13 **10-4C-03.**

14 **(A) THERE IS A MARYLAND TECHNOLOGY INFRASTRUCTURE AUTHORITY**
15 **IN THE CORPORATION.**

16 **(B) THE CORPORATION SHALL PROVIDE STAFF TO THE AUTHORITY AND**
17 **MAY EMPLOY OR CONTRACT WITH EXPERTS TO ASSIST WITH THE ADMINISTRATION**
18 **AND MANAGEMENT OF THE PROGRAM.**

19 **10-4C-04.**

20 **(A) THE AUTHORITY CONSISTS OF THE FOLLOWING MEMBERS:**

21 **(1) THREE MEMBERS APPOINTED BY THE GOVERNOR:**

22 **(I) TWO OF WHOM ARE ENTREPRENEURS OR BUSINESS**
23 **OWNERS IN WESTERN MARYLAND; AND**

24 **(II) ONE OF WHOM HAS EXPERIENCE IN VENTURE CAPITAL OR**
25 **ECONOMIC DEVELOPMENT;**

26 **(2) THE PRESIDENT OF FROSTBURG STATE UNIVERSITY, OR THE**
27 **PRESIDENT'S DESIGNEE;**

28 **(3) THE PRESIDENT OF A COMMUNITY COLLEGE LOCATED IN**
29 **WESTERN MARYLAND, OR THE PRESIDENT'S DESIGNEE, APPOINTED BY THE**
30 **MARYLAND ASSOCIATION OF COMMUNITY COLLEGES; AND**

1 **(4) THE EXECUTIVE DIRECTOR OF THE CORPORATION, OR THE**
2 **EXECUTIVE DIRECTOR'S DESIGNEE.**

3 **(B) EACH MEMBER SHALL BE A RESIDENT OF THE STATE.**

4 **10-4C-05.**

5 **(A) (1) THREE MEMBERS OF THE AUTHORITY ARE A QUORUM.**

6 **(2) AN ACT OF THE AUTHORITY MUST BE APPROVED BY A MAJORITY**
7 **VOTE OF THE MEMBERS ATTENDING A MEETING AT WHICH A QUORUM IS PRESENT.**

8 **(B) A MEMBER OF THE AUTHORITY:**

9 **(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE**
10 **AUTHORITY; BUT**

11 **(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE**
12 **STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.**

13 **(C) A MEMBER OF THE AUTHORITY SHALL FILE AN ANNUAL PUBLIC**
14 **DISCLOSURE OF FINANCIAL INTERESTS AS REQUIRED UNDER THE MARYLAND**
15 **PUBLIC ETHICS LAW.**

16 **(D) EACH MEMBER OF THE AUTHORITY SHALL DISCLOSE TO THE STATE**
17 **ETHICS COMMISSION WHETHER THE MEMBER IS EMPLOYED BY OR HAS A FINANCIAL**
18 **INTEREST IN AN ENTITY THAT MAY APPLY FOR FUNDING FROM THE FUND.**

19 **10-4C-06.**

20 **THE AUTHORITY SHALL PROVIDE ADVICE TO AND CONSULT WITH THE**
21 **CORPORATION IN CONNECTION WITH THE ADMINISTRATION OF THE PROGRAM**
22 **UNDER THIS SUBTITLE.**

23 **10-4C-07.**

24 **(A) THERE IS A MARYLAND TECHNOLOGY INFRASTRUCTURE FUND IN THE**
25 **CORPORATION.**

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

29 **(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY,**

1 AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

2 (C) THE FUND CONSISTS OF:

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

4 (2) ANY INTEREST EARNINGS OF THE FUND; AND

5 (3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR
6 THE BENEFIT OF THE PROGRAM.

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

10 (E) THE FUND SHALL BE USED TO COVER THE COSTS OF THE PROGRAM,
11 INCLUDING:

12 (1) ANY ADMINISTRATIVE COSTS; AND

13 (2) ANY FINANCIAL ASSISTANCE THAT IS AWARDED TO ELIGIBLE
14 RECIPIENTS.

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

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

19 (G) THE ACCOUNT AND TRANSACTIONS OF THE FUND ARE SUBJECT TO
20 AUDIT BY THE OFFICE OF LEGISLATIVE AUDITS AS PROVIDED IN § 2-1220 OF THE
21 STATE GOVERNMENT ARTICLE.

22 10-4C-08.

23 (A) WITHIN THE PROGRAM, SUBJECT TO AVAILABLE FUNDING, AND ON THE
24 RECOMMENDATION OF THE AUTHORITY, THE CORPORATION SHALL AWARD
25 FINANCIAL ASSISTANCE FROM THE FUND TO PUBLIC OR PRIVATE ENTITIES IN THE
26 STATE, INCLUDING INSTITUTIONS OF HIGHER EDUCATION, TO:

27 (1) SUPPORT LARGE-SCALE INFRASTRUCTURE OR RESOURCE
28 PROJECTS IN WESTERN MARYLAND TO ATTRACT TALENT, FOSTER
29 COLLABORATION, AND ENABLE CONCENTRATION AND GROWTH OF ADVANCED
30 INDUSTRIES;

1 **(2) FOSTER PUBLIC-PRIVATE COLLABORATIONS TO ENCOURAGE**
2 **DEVELOPMENT OF SHARED INFRASTRUCTURE AND RESOURCES; AND**

3 **(3) SUPPORT TALENT DEVELOPMENT INITIATIVES THAT ADDRESS**
4 **CRITICAL SKILL SHORTAGE AREAS IN INDUSTRIES CRITICAL TO GROWTH IN**
5 **WESTERN MARYLAND.**

6 **(B) THE FUND MAY NOT CONTRIBUTE MORE THAN:**

7 **(1) ONE-THIRD OF THE TOTAL COST OF THE PROJECT; OR**

8 **(2) \$500,000 PER PROJECT.**

9 **10-4C-09.**

10 **(A) THE AUTHORITY SHALL ADOPT REGULATIONS TO ESTABLISH:**

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

12 **(2) CRITERIA AND PROCEDURES FOR AWARDING FINANCIAL**
13 **ASSISTANCE FROM THE FUND TO ELIGIBLE RECIPIENTS, INCLUDING CRITERIA THAT**
14 **EXAMINE:**

15 **(I) THE PROJECT'S POTENTIAL IMPACT ON THE LOCAL**
16 **ECONOMY;**

17 **(II) THE PROJECT'S LIKELIHOOD TO FOSTER JOB CREATION;**
18 **AND**

19 **(III) CAPITAL INVESTMENT IN THE PROJECT.**

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

23 **(2) PRIORITY FOR THE AWARD OF ANY FINANCIAL ASSISTANCE SHALL**
24 **BE GIVEN TO THOSE PROJECTS MOST LIKELY TO:**

25 **(I) ATTRACT SIGNIFICANT INVESTMENT IN THE STATE;**

26 **(II) RESULT IN SIGNIFICANT COMPANY FORMATION,**
27 **EXPANSION, OR JOB CREATION; OR**

28 **(III) RESULT IN MEANINGFUL ECONOMIC AND EMPLOYMENT**

1 DEVELOPMENT IN WESTERN MARYLAND.

2 10-4C-10.

3 ON OR BEFORE JULY 1, 2026, THE CORPORATION SHALL REPORT TO THE
4 GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2-1257 OF THE STATE GOVERNMENT
5 ARTICLE, ON THE IMPLEMENTATION OF THE PROGRAM AND SHALL MAKE
6 RECOMMENDATIONS ON THE EXPANSION OF THE PROGRAM TO A STATEWIDE
7 PROGRAM.

8 Article – State Finance and Procurement

9 6-226.

10 (a) (2) (i) Notwithstanding any other provision of law, and unless
11 inconsistent with a federal law, grant agreement, or other federal requirement or with the
12 terms of a gift or settlement agreement, net interest on all State money allocated by the
13 State Treasurer under this section to special funds or accounts, and otherwise entitled to
14 receive interest earnings, as accounted for by the Comptroller, shall accrue to the General
15 Fund of the State.

16 (ii) The provisions of subparagraph (i) of this paragraph do not apply
17 to the following funds:

18 144. the Health Equity Resource Community Reserve Fund;
19 [and]

20 145. the Access to Counsel Evictions Special Fund; AND

21 146. THE MARYLAND TECHNOLOGY INFRASTRUCTURE
22 FUND.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
24 1, 2022. It shall remain effective for a period of 5 years and, at the end of June 30, 2027,
25 this Act, with no further action required by the General Assembly, shall be abrogated and
26 of no further force and effect.