

SENATE BILL 1188

K3, C8

EMERGENCY BILL

4lr3559
CF HB 1526

By: **Senators Ferguson and Salling**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 14, 2024

Assigned to: Finance and Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Protecting Opportunities and Regional Trade (PORT) Act**

3 FOR the purpose of requiring the Maryland Department of Labor and the Department of
4 Commerce to establish certain temporary relief programs to provide assistance to
5 individuals and certain entities impacted by a certain closure of the Port of
6 Baltimore; authorizing the Governor to transfer, by budget amendment, funds from
7 the Revenue Stabilization Account to fund the temporary relief programs; and
8 generally relating to providing temporary relief for individuals and certain entities
9 affected by the closure of the Port of Baltimore.

10 Preamble

11 WHEREAS, At approximately 1:30 a.m. on March 26, 2024, a major section of the
12 Francis Scott Key Bridge (Key Bridge) collapsed into the Patapsco River after the Dali, a
13 984-foot container ship, collided with one of the bridge's primary support pillars; and

14 WHEREAS, The collapse of the Key Bridge is a catastrophic event that resulted in a
15 tragic loss of life and the closure of the Port of Baltimore (Port); and

16 WHEREAS, The closure of the Port has severe economic implications for the entire
17 region and nation; and

18 WHEREAS, The Port accounts for approximately \$3.3 billion in annual personal
19 income for individuals, with approximately 15,300 jobs in Maryland directly generated by
20 Port activity and approximately 140,000 total jobs linked to Port activity; and

21 WHEREAS, In 2023, the Port set several records for itself and also ranked first
22 among ports in the nation for handling the highest volume in each of the following
23 categories: autos and light trucks (847,158 vehicles); roll-on, roll-off heavy farm and
24 construction machinery (1.3 million tons); and imported sugar and gypsum; and

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, The Port also ranked ninth in the nation in 2023 for both the tonnage
2 of international cargo handled (52.3 million tons) and total foreign cargo value (\$80.8
3 billion); and

4 WHEREAS, Additionally, in 2023, in total the Port exported more than \$111 billion
5 and imported more than \$36 billion worth of goods; and

6 WHEREAS, It is critical to ensure that the individuals and businesses that are
7 economically impacted by the closure of the Port are supported at this vital juncture; now,
8 therefore,

9 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
10 That:

11 (a) (1) In this section the following words have the meanings indicated.

12 (2) “Closure of the Port” means a cessation in the operations of or the
13 inability to access the Port of Baltimore due to the collapse of the Francis Scott Key Bridge
14 on March 26, 2024.

15 (3) “Port” means the Port of Baltimore.

16 (b) Subject to subsection (e) of this section, the Maryland Department of Labor,
17 as soon as practicable, shall establish a temporary relief program to provide assistance to
18 individuals who:

19 (1) regularly performed paid work at the Port;

20 (2) are unable to work through no fault of their own due to the closure of
21 the Port; and

22 (3) despite being able, available, and actively seeking work, do not qualify
23 for unemployment insurance benefits under Title 8 of the Labor and Employment Article
24 or any similar employer–provided benefit.

25 (c) (1) Subject to paragraph (2) of this subsection and subsection (e) of this
26 section, the Department of Commerce, as soon as practicable, shall establish a temporary
27 relief program to provide assistance to small businesses, trade associations, or companies
28 that contract with or are members of a trade association:

29 (i) the operations of which:

30 1. rely on access to or the operation of the Port; and

31 2. are substantially hindered or halted entirely due to the
32 closure of the Port;

1 (ii) that, without the reopening of the Port, are unable to retain their
2 workforce at the same hours, rates of pay, and benefits in effect before the closure of the
3 Port; and

4 (iii) that are committed to continuing operations, to the fullest extent
5 practicable, at the Port once it reopens.

6 (2) A small business, trade association, or company that contracts with a
7 trade association that receives relief under the program established under this subsection
8 shall, to the fullest extent practicable, use the relief to maintain its workforce at the same
9 hours, rates of pay, and benefits in effect before the closure of the Port.

10 (d) Subject to subsection (e) of this section, the Department of Commerce, as soon
11 as practicable, shall establish a temporary relief program to provide assistance to
12 businesses:

13 (1) the operations of which:

14 (i) rely on the use of or access to the Port;

15 (ii) are substantially hindered or halted entirely due to the closure
16 of the Port; and

17 (iii) are subsequently diverted to other regional ports; and

18 (2) that are committed to continuing operations, to the fullest extent
19 practicable, at the Port once it reopens.

20 (e) (1) Any funds distributed under subsections (b) through (d) of this section
21 shall be distributed on or before June 30, 2025.

22 (2) In administering the temporary relief programs established under
23 subsections (b) through (d) of this section, the Maryland Department of Labor and the
24 Department of Commerce shall require an individual, business, trade association, or
25 company that is compensated through indemnification or other similar means for the same
26 purpose for which assistance is provided under the applicable program to repay any
27 monetary assistance received under the applicable program within 6 months after receipt
28 of the nonprogram compensation.

29 (3) The Maryland Department of Labor and the Department of Commerce
30 may make an assessment against an individual, business, trade association, or company to
31 recapture any amounts owed in accordance with paragraph (2) of this subsection.

32 (f) (1) Notwithstanding § 7-311(i) of the State Finance and Procurement
33 Article, after providing the Legislative Policy Committee at least 7 days to review and
34 comment, the Governor may transfer by budget amendment any amounts necessary to fund

1 the temporary relief programs established under subsections (b) through (d) of this section
2 from the Revenue Stabilization Account established under § 7–311 of the State Finance
3 and Procurement Article to:

4 (i) for the program established under subsection (b) of this section,
5 the expenditure account of the Maryland Department of Labor;

6 (ii) for the program established under subsection (c) of this section,
7 the expenditure account of the Department of Commerce; or

8 (iii) for the program established under subsection (d) of this section,
9 the Economic Development Opportunities Program Account established under § 7–314 of
10 the State Finance and Procurement Article.

11 (2) It is the intent of the General Assembly that, if federal funds become
12 available for any purpose for which a program is established under this Act, the federal
13 funds may be used to:

14 (i) supplant, rather than supplement, any funds otherwise used for
15 the programs established under this Act; and

16 (ii) to the extent authorized by federal law, reimburse the Revenue
17 Stabilization Account, established under § 7–311 of the State Finance and Procurement
18 Article, for any funds transferred under paragraph (1) of this subsection.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
20 measure, is necessary for the immediate preservation of the public health or safety, has
21 been passed by a yea and nay vote supported by three–fifths of all the members elected to
22 each of the two Houses of the General Assembly, and shall take effect from the date it is
23 enacted.