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

AN ACT concerning

Maryland Protecting Opportunities and Regional Trade (PORT) Act

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

Preamble

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

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

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

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

WHEREAS, In 2023, the Port set several records for itself and also ranked first among ports in the nation for handling the highest volume in each of the following categories: autos and light trucks (847,158 vehicles); roll–on, roll–off heavy farm and 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.
WHEREAS, The Port also ranked ninth in the nation in 2023 for both the tonnage
of international cargo handled (52.3 million tons) and total foreign cargo value ($80.8
billion); and

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

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

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

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

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

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

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

(1) regularly performed paid work at the Port;

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

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

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

(i) the operations of which:

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

2. are substantially hindered or halted entirely due to the
closure of the Port;
(ii) that, without the reopening of the Port, are unable to retain their workforce at the same hours, rates of pay, and benefits in effect before the closure of the Port; and

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

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

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

(1) the operations of which:

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

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

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

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

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

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

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

(f) (1) Notwithstanding § 7–311(i) of the State Finance and Procurement Article, after providing the Legislative Policy Committee at least 7 days to review and comment, the Governor may transfer by budget amendment any amounts necessary to fund
the temporary relief programs established under subsections (b) through (d) of this section from the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article to:

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

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

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

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

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

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

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