

**Proposed Administration Amendments Offered in the Senate
SB 1188 / HB 1526: The PORT Act**

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1. Amendments to the original language to clarify financing:

Summary: These amendments are intended to clarify that after federal funding, but prior to funding from the rainy day fund, agencies should seek to prioritize the use of existing and available funds prior to requesting rainy day funds.

Amendments:

A. On page 5 adding a new (3) as follows:

(3) It is the intent of the General Assembly that State agencies prioritize the use of existing and available budgetary resources prior to requesting funds be transferred from the Revenue Stabilization Account.

This fits in nicely with (2), which says to use federal funds first. So the bill would prioritize the use of federal resources first, then use existing resources second, then if funds are still needed then request funding from the RDF.

B. Add a new Section 2 as follows:

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Departments of Commerce and Labor may transfer available funding from existing programs and special funds to support the programs authorized pursuant to the provisions of this act.

Current Section 2 would need to be amended to Section 3.

2. Department of Labor - UI flexibility for relief from work search requirements

Summary: This amendment is intended to provide additional flexibility for the Department of Labor to waive work search requirements for unemployment insurance during a state of emergency.

Amendments:

Article - Labor & Employment

§ 8-903.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF THIS TITLE, THE SECRETARY MAY EXEMPT AN INDIVIDUAL FROM THE WORK SEARCH REQUIREMENT UNDER SUBSECTION (A)(1)(III) OF THIS SECTION DURING A STATE OF EMERGENCY DECLARED BY THE GOVERNOR IF:

(1) THE INDIVIDUAL IS ON A TEMPORARY LAYOFF DIRECTLY RESULTING FROM THE EVENT OR OCCURRENCE LEADING TO THE STATE OF EMERGENCY; AND

(2) THE INDIVIDUAL REMAINS ABLE TO WORK AND AVAILABLE FOR WORK IN ACCORDANCE WITH THIS SECTION AND WORK-ATTACHED.

3. Scholarship for Children of Workers Who Die in the Line

Summary: This amendment is intended to create a new, permanent scholarship for the children and surviving spouses of transportation workers killed on the job.

Amendment:

Article - Education

§ 18-4001

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

(2) “Fund” means the fallen roadway workers scholarship fund.

(3) “Transportation facility” has the meaning indicated in Section 3-101 of the transportation article.

(4) “Transportation worker” means a person who is employed in the state in the construction, maintenance, rehabilitation, or operation of a transportation facility.

(B) (1) There is a fallen transportation workers scholarship.

(2) The purpose of the scholarship is to provide tuition assistance to students who are the eligible dependents or surviving spouses of transportation workers who died as a result of an accident while the transportation worker was performing any duties necessary to the construction, maintenance, rehabilitation, or operation of a transportation facility in the state.

(C) (1) A person may apply to an eligible postsecondary institution for a scholarship under this section if the person:

(i) 1. Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution;

2. Is enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; or

3. Is enrolled in a private career school;

(ii) Is at least 16 years old;

(iii) Is a resident of Maryland; and

(iv) Is a son, daughter, stepson, stepdaughter, or the surviving spouse of a transportation worker who died as a result of an accident while the transportation worker was performing any

duties necessary to the construction, maintenance, rehabilitation, or operation of a transportation facility in the state.

(D) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May not:

(i) Exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland Global Campus and University of Maryland, Baltimore Campus, with the highest annual expenses for a full-time resident undergraduate; and

(ii) Be less than the lesser of:

1. \$3,000; or

2. The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

(E) (1) Each postsecondary institution shall determine the eligibility of persons who apply to the institution for the fallen transportation workers scholarship program.

(2) Funds for the fallen transportation workers scholarship program shall be allocated by the commission to each postsecondary institution based on the number of eligible recipients attending each institution.

(3) In October and February of each year, each postsecondary institution shall report to the commission the number of eligible recipients attending the institution.

(4) The commission shall allocate funds for awards to postsecondary institutions upon verification of eligible recipients attending the institutions.

(5) If funds cannot be allocated in the fiscal year in which awards are made, priority shall be given to allocating funds for those awards in the following fiscal year.

(F) Each recipient of a scholarship under this section may hold the award for 5 years of full-time study or 8 years of part-time study.

(G) To the extent practicable, the Department of Transportation, a local Department of Transportation, or a contractor which employs transportation workers shall provide to the commission the names of and contact information for the families of transportation workers who died as a result of an accident while the transportation worker was performing any duties necessary to the construction, maintenance, rehabilitation, or operation of a transportation facility in the state.

(H) (1) There is a fallen transportation workers scholarship fund.

(2) The commission shall administer the fund.

(3) The fund is a special, nonlapsing fund that is not subject to § 7-302 of the state finance and procurement article.

(4) The state treasurer shall hold the fund and the comptroller shall account for the fund.

(5) The commission:

(i) May accept any gift or grant from any person for the fund;

(ii) Shall use any gift or grant that it receives for a scholarship from the programs; and

(iii) Shall deposit any gift or grant that it receives for the programs with the state treasurer.

(I) Funding for the scholarship shall be as provided in the state budget.

4. Commerce Markup Amendments

Summary: These markup amendments were provided by the Department of Commerce and incorporate conversations between that Department and the Department of Labor. Some of them are incorporated as well into the Labor Markup Amendments below. These amendments:

- Move the layoff aversion program envisioned in the bill from Commerce to Labor, which is better positioned to manage that program;
- Allow the temporary relief program for businesses to support businesses whose shipments are affected by the reduced operations of the port, in addition to operational impacts;
- Include clawback language for cases of fraud or misrepresentation;
- Allow fund balances from within Labor and Commerce to be used on the programs envisioned by the bill; and
- Make technical and clarifying changes.

Amendments:

(c) (1) Subject to paragraph (2) of this subsection and subsection (e) of this section, the Department of **Labor** ~~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 **or shipments** 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 **or shipments**, 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 **existing fund balances within the Department of Commerce or the Department of Labor, as well as** the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article to:

(i) for the programs established under subsection **(b) and (c)** of this section, the expenditure account of the Maryland Department of Labor;

(ii) for the program established under subsection **(d)** 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.

5. Transportation Markup Amendments

Summary: These markup amendments alter the term ‘closure of the port’ in the bill as introduced to ‘reduced operations of the port’ to better reflect the reality and make clear that while many maritime operations have been reduced, there is still economic activity occurring at the Port.

Amendments:

- A. Under Section 1 (a)(2), change completely to: “Reduced operations of the Port” means the suspension of vessel traffic or the inability of vessels to access the Port of Baltimore due to the collapse of the Francis Scott Key Bridge on March 26, 2024.
 - B. Alter all other references in the bill from ‘closure of the port’ to ‘reduced operations of the port’.
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6. Labor Markup Amendments

Summary: These amendments make a number of changes to the bill as introduced, including:

Subsection (b)

- Adjusts language to ensure assistance targets work at the port.

Subsection (c)

- Names Labor as the implementing agency for the program created under (c)

Subsection (d)

- Added “shipments” to operations due to a request from Commerce for reliance on the port under (d) in order to clarify that businesses that may not be geographically located at or in close proximity to the port but are reliant on the port are eligible for assistance.

Subsection (e)

- Allows Departments of Labor and Commerce to collect repayments due through means of collection other than assessment. Note that the individuals under (b) is likely to be a very small number, since most independent contractors or other non-covered workers will not have indemnification that the bill envisions.
- Added language to enable the Departments of Labor and Commerce to receive information from other agencies to help verify individuals' prior paid work at the port and business entities' business operations.
- Added additional language to enable recapture of funds.

Subsection (f)

- Per request from Secretary Grady to utilize existing fund balances Commerce has suggested language giving the ability to transfer from other existing funds within the Departments.
- Due to Commerce now implementing one program, the funding for that program has just been directed to the expenditure account of Commerce, removing the need to utilize the Sunny Day Fund. Commerce is unsure if Labor is able to access the Sunny Day Fund so has just recommended directing funding for the programs created through (b) and (c) to Labor's expenditure account.

Amendments:

(a) (1) In this Section, the following words have the meaning indicated:

(2) “~~Closure~~ **Reduced Operations** of the Port” means a ~~cessation in the operations~~ **the suspension of vessel traffic** or the inability **of vessels** 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, **through no fault of their own, to perform such work due to** ~~through no fault of their own due to the closure~~ **reduced operations** of the Port; and

(3) ~~despite being~~ **are** able to work, ~~and~~ **are** available for work, **are unable to find other suitable employment** ~~and actively seeking work,~~ **and** 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 **Labor** ~~Commerce~~, as soon as practicable, shall establish a **grant** ~~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~~ **reduced operations** 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 **reduced operations** ~~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 **avert layoffs and** maintain its workforce at the same hours, rates of pay, and benefits in effect before the **reduced operations** ~~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 **or shipments** of which:

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

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

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

(2) that are committed to continuing operations **or shipments**, 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. **The Secretaries of Labor and Commerce shall have authority to recoup funds in cases of misappropriation, overpayment, or fraudulent activity.**

(2) The Department of Commerce and Department of Labor shall establish procedures and eligibility criteria for the programs in subsections (b) through (d). The Departments may require businesses, trade associations, or companies that contract with or are members of a trade association to provide information to determine eligibility and implement such programs.

(3) Maryland agencies shall make available, subject to applicable law, relevant information to enable the Departments of Commerce and Labor, in carrying out subsections (b) through (d) to verify identity, determine eligibility, and combat fraud.

(4) 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.

(5) The Maryland Department of Labor and the Department of Commerce may make an assessment **or use other reasonable means of collection** against an individual, business, trade association, or company to recapture any amounts owed in accordance with paragraph (4) 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 **and administer** the temporary relief programs established under subsections (b) through (d) of this section from **existing fund balances within the Department of Commerce or the Department of Labor, as well as** the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article to:

(i) for the programs established under subsection **(b) and (c)** of this section, the expenditure account of the Maryland Department of Labor;

(ii) for the program established under subsection **(d)** 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.

7. Emergency Management Markup Amendments

Summary: These markup amendments clarify that the temporary relief program envisioned by the bill will come into effect if a major disaster declaration is not declared or pursued, as such a declaration will make workers eligible for the federal Disaster Unemployment Assistance program.

Amendments:

(b) Subject to subsection (e) of this section, **should the President of the United States not declare a major disaster as a result of the collapse of the Francis Scott Key Bridge or should the State of Maryland not submit a request for a major disaster declaration,** the Maryland Department of Labor, as soon as practicable, shall establish a temporary relief program to provide assistance to individuals who:

X. Full Bill Text - Proposed Amendments in Red Bold Text

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~~ **reduced operations** 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~~ **reduced operations** 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~~ **reduced operations** of the Port of Baltimore (Port); and

WHEREAS, The ~~closure~~ **reduced operations** 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

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~~ **reduced operations** of the Port are supported at this vital juncture; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, that the laws of Maryland read as follows:

Article - Education

§ 18-4001

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

(2) “Fund” means the fallen roadway workers scholarship fund.

(3) “Transportation facility” has the meaning indicated in Section 3-101 of the transportation article.

(4) “Transportation worker” means a person who is employed in the state in the construction, maintenance, rehabilitation, or operation of a transportation facility.

(B) (1) There is a fallen transportation workers scholarship.

(2) The purpose of the scholarship is to provide tuition assistance to students who are the eligible dependents or surviving spouses of transportation workers who died as a result of an accident while the transportation worker was performing any duties necessary to the construction, maintenance, rehabilitation, or operation of a transportation facility in the state.

(C) (1) A person may apply to an eligible postsecondary institution for a scholarship under this section if the person:

(i) 1. Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution;

2. Is enrolled in a 2-year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; or

3. Is enrolled in a private career school;

(ii) Is at least 16 years old;

(iii) Is a resident of Maryland; and

(iv) Is a son, daughter, stepson, stepdaughter, or the surviving spouse of a transportation worker who died as a result of an accident while the transportation worker was performing any duties necessary to the construction, maintenance, rehabilitation, or operation of a transportation facility in the state.

(D) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May not:

(i) Exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4-year public institution of higher education within the University System of Maryland, other than the University of Maryland Global Campus and University of Maryland, Baltimore Campus, with the highest annual expenses for a full-time resident undergraduate; and

(ii) Be less than the lesser of:

1. \$3,000; or

2. The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

(E) (1) Each postsecondary institution shall determine the eligibility of persons who apply to the institution for the fallen transportation workers scholarship program.

(2) Funds for the fallen transportation workers scholarship program shall be allocated by the commission to each postsecondary institution based on the number of eligible recipients attending each institution.

(3) In October and February of each year, each postsecondary institution shall report to the commission the number of eligible recipients attending the institution.

(4) The commission shall allocate funds for awards to postsecondary institutions upon verification of eligible recipients attending the institutions.

(5) If funds cannot be allocated in the fiscal year in which awards are made, priority shall be given to allocating funds for those awards in the following fiscal year.

(F) Each recipient of a scholarship under this section may hold the award for 5 years of full-time study or 8 years of part-time study.

(G) To the extent practicable, the Department of Transportation, a local Department of Transportation, or a contractor which employs transportation workers shall provide to the commission the names of and contact information for the families of transportation workers who died as a result of an accident while the transportation worker was performing any duties necessary to the construction, maintenance, rehabilitation, or operation of a transportation facility in the state.

(H) (1) There is a fallen transportation workers scholarship fund.

(2) The commission shall administer the fund.

(3) The fund is a special, nonlapsing fund that is not subject to § 7-302 of the state finance and procurement article.

(4) The state treasurer shall hold the fund and the comptroller shall account for the fund.

(5) The commission:

(i) May accept any gift or grant from any person for the fund;

(ii) Shall use any gift or grant that it receives for a scholarship from the programs; and

(iii) Shall deposit any gift or grant that it receives for the programs with the state treasurer.

(I) Funding for the scholarship shall be as provided in the state budget.

Article - Labor & Employment

§ 8-903.

(E) Notwithstanding any other provision of this title, the secretary may exempt an individual from the work search requirement under subsection (a)(1)(iii) of this section during a state of emergency declared by the governor if:

(1) The individual is on a temporary layoff directly resulting from the event or occurrence leading to the state of emergency; and

(2) The individual remains able to work and available for work in accordance with this section and work-attached.

SECTION 2. BE IT **FURTHER** 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.~~ **“Reduced operations of the Port” means the suspension of vessel traffic or the inability of vessels 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, **should the President of the United States not declare a major disaster as a result of the collapse of the Francis Scott Key Bridge or should the State of Maryland not submit a request for a major disaster declaration,** 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, **through no fault of their own,** to **perform such work** ~~due to through no fault of their own due to the closure~~ **reduced operations** of the Port; and

(3) ~~despite being~~ **are able to work, are available for work, and actively seeking work** **are unable to find other suitable work, and** 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~~ **Labor**, as soon as practicable, shall establish a ~~temporary relief~~ **grant** 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~~ **reduced operations** 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~~ **reduced operations** 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 **avert layoffs and** maintain its workforce at the same hours, rates of pay, and benefits in effect before the ~~closure~~ **reduced operations** 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 **or shipments** of which:

- (i) rely on the use of or access to the Port;
- (ii) are substantially hindered or halted entirely due to the ~~closure~~ **reduced operations** of the Port; and
- (iii) are subsequently diverted to other regional ports; and

(2) that are committed to continuing operations **or shipments**, 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. **The Secretaries of Labor and Commerce shall have authority to recoup funds in cases of misappropriation, overpayment, or fraudulent activity.**

(2) **The Department of Commerce and Department of Labor shall establish procedures and eligibility criteria for the programs in subsections (b) through (d). The Departments may require businesses, trade associations, or companies that contract with or are members of a trade association to provide information to determine eligibility and implement such programs.**

(3) **Maryland agencies shall make available, subject to applicable law, relevant information to enable the Departments of Commerce and Labor, in carrying out subsections (b) through (d) to verify identity, determine eligibility, and combat fraud.**

(4) 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.

(5) The Maryland Department of Labor and the Department of Commerce may make an assessment **or use other reasonable means of collection** against an individual, business, trade association, or company to recapture any amounts owed in accordance with paragraph ~~(2)~~ (4) 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 **and administer** the temporary relief programs established under subsections (b) through (d) of this section from **existing fund balances within the Department of Commerce or the Department of Labor, as well as** the Revenue Stabilization Account established under § 7–311 of the State Finance and Procurement Article to:

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

(ii) for the program established under subsection (e**d**) 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.

(3) It is the intent of the General Assembly that State agencies prioritize the use of existing and available budgetary resources prior to requesting funds be transferred from the Revenue Stabilization Account.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Departments of Commerce and Labor may transfer available funding from existing programs and special funds to support the programs authorized pursuant to the provisions of this act.

SECTION 2 4. 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.