

SB1188/163929/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1188
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first “of” insert “establishing the Fallen Transportation Workers Scholarship Program and the Fallen Transportation Workers Scholarship Fund as a special, nonlapsing fund; requiring that the interest earnings of the Fund remain in the Fund; authorizing the Secretary of Labor to exempt an individual from the requirement to be actively seeking work for unemployment insurance benefits eligibility under certain circumstances; allowing a subtraction under the State income tax for certain benefit payments received by certain individuals; increasing a certain revenue bond cap for the Maryland Transportation Authority;”; in line 4, strike “temporary relief”; in line 5, strike “a”; in the same line, strike “closure” and substitute “reduced operations”; in line 7, after “programs;” insert “authorizing the Maryland Department of Labor and the Department of Commerce to transfer available funding from existing programs and special funds to support certain programs;”; strike beginning with “providing” in line 8 down through “Baltimore” in line 9 and substitute “transportation and states of emergency”; and after line 9, insert:

“BY adding to

Article – Education

Section 18–4001 through 18–4004 to be under the new subtitle “Subtitle 40.

Fallen Transportation Workers Scholarship Program”

Annotated Code of Maryland

(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Labor and Employment

Section 8–903(a)(1)

Annotated Code of Maryland

(2016 Replacement Volume and 2023 Supplement)

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BY adding to

Article – Labor and Employment
Section 8–903(d)
Annotated Code of Maryland
(2016 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)189. and 190.
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY adding to

Article – State Finance and Procurement
Section 6–226(a)(2)(ii)191.
Annotated Code of Maryland
(2021 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Tax – General
Section 10–207(a)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY adding to

Article – Tax – General
Section 10–207(pp)
Annotated Code of Maryland
(2022 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation

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Section 3–101(a) and (l) and 4–101(a) and (h)
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–306
Annotated Code of Maryland
(2020 Replacement Volume and 2023 Supplement)”.

On page 1 in lines 15 and 16, and on page 2 in line 7, in each instance, strike “closure” and substitute “reduced operations”.

AMENDMENT NO. 2

On page 2, after line 8, insert:

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

Article – Education

SUBTITLE 40. FALLEN TRANSPORTATION WORKERS SCHOLARSHIP PROGRAM.

18-4001.

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

(B) “FALLEN TRANSPORTATION WORKER” MEANS AN INDIVIDUAL:

(1) WHOSE OCCUPATION IS IN THE CONSTRUCTION, REHABILITATION, OR OPERATION OF A TRANSPORTATION FACILITY OR TRANSPORTATION FACILITIES PROJECT IN THE STATE; AND

(2) WHO DIED AS A RESULT OF AN ACCIDENT OCCURRING WHILE THE INDIVIDUAL WAS PERFORMING ANY JOB DUTY NECESSARY FOR THE

(Over)

CONSTRUCTION, MAINTENANCE, REHABILITATION, OR OPERATION OF A TRANSPORTATION FACILITY OR TRANSPORTATION FACILITIES PROJECT IN THE STATE.

(C) "FUND" MEANS THE FALLEN TRANSPORTATION WORKERS SCHOLARSHIP FUND.

(D) "PROGRAM" MEANS THE FALLEN TRANSPORTATION WORKERS SCHOLARSHIP PROGRAM.

(E) "TRANSPORTATION FACILITY" HAS THE MEANING STATED IN § 3-101 OF THE TRANSPORTATION ARTICLE.

(F) "TRANSPORTATION FACILITIES PROJECT" HAS THE MEANING STATED IN § 4-101 OF THE TRANSPORTATION ARTICLE.

18-4002.

(A) THERE IS A FALLEN TRANSPORTATION WORKERS SCHOLARSHIP PROGRAM.

(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TUITION ASSISTANCE TO A STUDENT WHO WAS A DEPENDENT OR IS THE SURVIVING SPOUSE OF A FALLEN TRANSPORTATION WORKER.

18-4003.

(A) AN INDIVIDUAL MAY APPLY TO AN ELIGIBLE INSTITUTION OF POSTSECONDARY EDUCATION FOR A SCHOLARSHIP UNDER THIS SUBTITLE IF THE INDIVIDUAL IS:

(1) (I) ACCEPTED FOR ADMISSION OR ENROLLED IN A REGULAR UNDERGRADUATE, GRADUATE, OR PROFESSIONAL PROGRAM AT AN ELIGIBLE INSTITUTION; OR

(II) ENROLLED IN:

1. A 2-YEAR TERMINAL CERTIFICATE PROGRAM IN WHICH THE COURSE WORK IS ACCEPTABLE FOR TRANSFER CREDIT FOR AN ACCREDITED BACCALAUREATE PROGRAM AT AN ELIGIBLE INSTITUTION; OR

2. A PRIVATE CAREER SCHOOL;

(2) AT LEAST 16 YEARS OLD;

(3) A RESIDENT OF THE STATE; AND

(4) THE CHILD, STEPCHILD, OR SURVIVING SPOUSE OF A FALLEN TRANSPORTATION WORKER.

(B) A SCHOLARSHIP AWARDED UNDER THIS SUBTITLE:

(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 INSTITUTION OF HIGHER EDUCATION WITHIN THE UNIVERSITY SYSTEM OF MARYLAND, OTHER THAN THE UNIVERSITY OF MARYLAND GLOBAL CAMPUS AND THE 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

(Over)

2. THE EQUIVALENT TUITION AND MANDATORY FEES OF A RESIDENT OF THE INSTITUTION ATTENDED BY THE RECIPIENT OF THE SCHOLARSHIP.

(C) (1) EACH INSTITUTION OF POSTSECONDARY EDUCATION SHALL DETERMINE ELIGIBILITY OF INDIVIDUALS WHO APPLY TO THE INSTITUTION FOR THE PROGRAM.

(2) FUNDS FOR THE PROGRAM SHALL BE ALLOCATED BY THE COMMISSION TO EACH INSTITUTION OF POSTSECONDARY EDUCATION BASED ON THE NUMBER OF ELIGIBLE RECIPIENTS ATTENDING EACH INSTITUTION.

(3) IN FEBRUARY AND OCTOBER EACH YEAR, BEGINNING IN 2024, EACH INSTITUTION OF POSTSECONDARY EDUCATION SHALL REPORT TO THE COMMISSION THE NUMBER OF ELIGIBLE RECIPIENTS ATTENDING THE INSTITUTION.

(4) THE COMMISSION SHALL ALLOCATE FUNDS FOR AWARDS TO INSTITUTIONS OF POSTSECONDARY EDUCATION ON 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 IMMEDIATELY FOLLOWING FISCAL YEAR.

(D) EACH RECIPIENT OF A SCHOLARSHIP UNDER THIS SUBTITLE MAY HOLD THE AWARD FOR 5 YEARS OF FULL-TIME STUDY OR 8 YEARS OF PART-TIME STUDY.

(E) TO THE EXTENT PRACTICABLE, THE DEPARTMENT OF TRANSPORTATION, A LOCAL DEPARTMENT OF TRANSPORTATION, OR A CONTRACTOR THAT EMPLOYED FALLEN TRANSPORTATION WORKERS SHALL PROVIDE TO THE COMMISSION THE NAMES AND CONTACT INFORMATION FOR THE FAMILIES OF THE FALLEN TRANSPORTATION WORKERS.

18-4004.

(A) THERE IS A FALLEN TRANSPORTATION WORKERS SCHOLARSHIP FUND.

(B) THE COMMISSION SHALL ADMINISTER THE FUND.

(C) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7-302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.

(D) THE FUND CONSISTS OF:

(1) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;

(2) INTEREST EARNINGS; AND

(3) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED BY THE COMMISSION FOR THE BENEFIT OF THE FUND IN ACCORDANCE WITH SUBSECTION (H) OF THIS SECTION.

(E) THE FUND MAY BE USED ONLY TO AWARD SCHOLARSHIPS UNDER THE PROGRAM.

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

(2) ANY INTEREST EARNINGS OF THE FUND SHALL BE CREDITED TO THE FUND.

(G) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

(Over)

(H) THE COMMISSION:

(1) MAY ACCEPT ANY GIFT OR GRANT FROM ANY PERSON FOR THE FUND; AND

(2) SHALL DEPOSIT ANY GIFT OR GRANT THAT IT RECEIVES FOR THE PROGRAM WITH THE STATE TREASURER.

(I) FUNDING FOR THE PROGRAM SHALL BE AS PROVIDED IN THE STATE BUDGET.

Article – Labor and Employment

8-903.

(a) (1) Except as otherwise provided in this section, to be eligible for benefits an individual shall be:

- (i) able to work;**
- (ii) available for work; and**
- (iii) actively seeking work.**

(D) 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 THE INDIVIDUAL:

(1) IS TEMPORARILY LAID OFF FROM WORK AS A DIRECT RESULT OF THE EVENT OR OCCURRENCE LEADING TO THE STATE OF EMERGENCY; AND

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

Article – State Finance and Procurement

6-226.

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

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

189. the Teacher Retention and Development Fund; [and]

190. the Protecting Against Hate Crimes Grant Fund; AND

191. THE FALLEN TRANSPORTATION WORKERS
SCHOLARSHIP FUND.

Article – Tax – General

10-207.

(a) To the extent included in federal adjusted gross income, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(PP) (1) IN THIS SUBSECTION, “BENEFIT PAYMENT” MEANS A PAYMENT THAT IS PROVIDED TO AN INDIVIDUAL OR THE FAMILY MEMBER OF AN INDIVIDUAL AS A RESULT OF THE INDIVIDUAL OR FAMILY MEMBER BEING INJURED OR KILLED IN THE COLLAPSE OF THE FRANCIS SCOTT KEY BRIDGE ON MARCH 26, 2024.

(2) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2023, BUT BEFORE JANUARY 1, 2026, THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF ANY BENEFIT PAYMENT RECEIVED BY AN INDIVIDUAL.

(Over)

Article – Transportation

3–101.

- (a) In this title the following words have the meanings indicated.
- (1) “Transportation facility” includes any one or more or combination of:
- (1) Airport facilities;
 - (2) Highway facilities;
 - (3) Port facilities;
 - (4) Railroad facilities; and
 - (5) Transit facilities.

4–101.

- (a) In this title the following words have the meanings indicated.
- (h) “Transportation facilities project” includes:
- (1) The Susquehanna River Bridge, the Harry W. Nice/Thomas “Mac” Middleton Potomac River Bridge, the William Preston Lane, Jr. Memorial Chesapeake Bay Bridge and parallel Chesapeake Bay Bridge, the Baltimore Harbor Tunnel, the Fort McHenry Tunnel, the Francis Scott Key Bridge, and the John F. Kennedy Memorial Highway, together with their appurtenant causeways, approaches, interchanges, entrance plazas, toll stations, and service facilities;
 - (2) A vehicle parking facility located in a priority funding area as defined in § 5–7B–02 of the State Finance and Procurement Article;
 - (3) Any other project for transportation facilities that the Authority authorizes to be acquired or constructed; and

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(4) Any additions, improvements, or enlargements to any of these projects, whenever authorized.

4-306.

(a) Except as provided in subsection (b) of this section, revenue bonds may be issued by the Authority:

(1) Without obtaining the consent of any instrumentality, agency, or unit of this State; and

(2) Without any proceedings or the happening of any conditions or things other than those specifically required by this subtitle.

(b) (1) (i) Subject to subparagraph (ii) of this paragraph, revenue bonds secured by toll revenue may be issued in any amount as long as the aggregate outstanding and unpaid principal balance of the revenue bonds secured by toll revenue and revenue bonds of prior issues does not exceed [\$3,000,000,000 or, in fiscal years 2015 through 2020, \$2,325,000,000,] **\$4,000,000,000** on June 30 of any year.

(ii) The maximum aggregate amount of revenue bonds that may be outstanding and unpaid under subparagraph (i) of this paragraph shall be reduced by the amount of:

1. Any loan extended to the State under the federal Transportation Infrastructure Finance and Innovation Act; and

2. Any line of credit extended to the State under the federal Transportation Infrastructure Finance and Innovation Act, to the extent the State draws on the line of credit.

(2) Except as otherwise provided in this section and § 4-205 of this title, without the approval of the General Assembly, the Authority may issue bonds to refinance all or any part of the cost of a transportation facility project for which the Authority previously issued bonds authorized under this subtitle.”;

strike in their entirety lines 9 and 10 and substitute:

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“SECTION 2. AND BE IT FURTHER ENACTED, That:”;

in line 12, strike “Closure” and substitute “Reduced operations”; in lines 12 and 13, strike “a cessation in the operations of or the inability to access” and substitute “the suspension of vessel traffic or the inability of vessels to access”; in line 16, after “section,” insert “if the President of the United States does not declare a major disaster as a result of the collapse of the Francis Scott Key Bridge,”; in line 20, after the first “to” insert “perform the”; in line 22, after “(3)” insert “(i)”; in the same line, strike “despite being able, available, and actively seeking work,” and substitute “are able to work and available for work, but unable to find suitable work; and

(ii)”;

in line 26, strike “Department of Commerce” and substitute “Maryland Department of Labor”; in lines 26 and 27, strike “temporary relief” and substitute “grant”; and in line 31, strike “substantially”.

On page 2 in lines 20 and 32, and on page 3 in lines 2, 9, and 15, in each instance, strike “closure” and substitute “reduced operations”.

On page 3, in line 1, strike “reopening” and substitute “return to full operations”; in lines 5 and 19, in each instance, strike “reopens” and substitute “resumes full operations”; in line 8, after the second “to” insert “avoid layoffs and”; in lines 13 and 18, in each instance, after “operations” insert “or shipments”; in line 15, strike “substantially”; in line 20, after “(1)” insert “The Maryland Department of Labor and the Department of Commerce:

(i) shall establish procedures and eligibility criteria for the programs established under subsections (b) through (d) of this section, as applicable;
and

(ii) may require individuals, businesses, trade associations, or companies that contract with or are members of a trade association to provide information to determine eligibility under the programs.

(2)”;

strike in their entirety lines 22 through 28, inclusive, and substitute:

“(3) The Maryland Department of Labor and the Department of Commerce shall establish requirements regarding:

(i) the prompt filing of insurance claims related to the reduced operations of the Port; and

(ii) notifications of payments agreed to be made or made as a result of an insurance claim.

(4) (i) In accordance with program requirements, a business, a trade association, or a company that receives relief from a program established under this section shall reimburse the Maryland Department of Labor or the Department of Commerce, whichever is applicable, for monetary assistance received under the applicable relief program within 6 months after the receipt of proceeds from an insurance claim or other funds.

(ii) The Maryland Department of Labor and the Department of Commerce shall:

1. be subrogated to the cause of action of any business, trade association, or company against a business, a trade association, or a company arising out of reduced operations of the Port to the extent of any monetary assistance received under the applicable relief program; and

2. A. have a lien on the proceeds of any insurance claim filed in relation to the reduced operations of the Port from the time that the business, trade association, or company receives monetary assistance from the applicable relief program; and

B. be entitled to advise any carrier with which the insurance claim has been filed of the rights and interest in the insurance proceeds.”;

in line 29, strike “(3)” and substitute “(5)”; in the same line, strike “The” and substitute “In addition to the rights established under paragraph (4) of this subsection, the”; in line 30, after “assessment” insert “or use other reasonable means of collection”; in line 31, strike “(2)” and substitute “(4)”; in the same line, after “owed” insert “:

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- (i) due to misappropriation, overpayment, or fraud; or
- (ii)”;

after line 31, insert:

“(6) To carry out the programs established under subsections (b) through (d) of this section, on request and subject to applicable federal and State law, a unit of State or local government shall provide to the Maryland Department of Labor and the Department of Commerce information relevant to determining the identity and eligibility of an applicant of a program for the purpose of preventing and combating fraud.”;

and in line 34, after “fund” insert “and administer”.

On page 4, in line 1, strike “temporary relief”; in line 2, after “from” insert “the existing fund balances within the Maryland Department of Labor and the Department of Commerce or”; in line 4, strike “program” and substitute “programs”; in the same line, strike “subsection (b)” and substitute “subsections (b) and (c)”; in line 5, after “Labor;” insert “or”; in line 6, strike “(c)” and substitute “(d)”; strike beginning with the semicolon in line 7 down through “Article” in line 10; in line 11, strike the comma and substitute “.”

- (i)”;

in lines 14 and 16, strike “(i)” and “(ii)”, respectively, and substitute “1.” and “2.”, respectively; in line 18, after “subsection” insert “; and

(ii) the Maryland Department of Labor and the Department of Commerce prioritize the use of existing and available budgetary resources before requesting funds be transferred from the Revenue Stabilization Account.

(3) Notwithstanding any other provision of law, the Maryland Department of Labor and the Department of Commerce may transfer available funding from their existing programs and special funds to support the programs established under subsections (b) through (d) of this section”;

and in line 19, strike “2.” and substitute “3.”.

