
By: Delegate McHale

Introduced and read first time: February 21, 1997

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Multistate Industrial Retention Commission**

3 FOR the purpose of establishing the Multistate Industrial Retention Commission in the
4 Department of Labor, Licensing, and Regulation; providing for the appointment of
5 a commissioner from this State; providing for the powers and duties of the
6 Commission; providing that the Commission will assist certain states to make
7 certain determinations; requiring the Commission to investigate certain termination
8 or transfers of employment; authorizing the Commission to make determinations
9 based on certain criteria of whether certain actions by certain employers constitute
10 a detrimental relocation; providing certain actions that the Commission may
11 recommend a state take against an employer; providing certain limitations and
12 criteria for recommended actions; providing that certain records and meetings of
13 the Commission are open to the public; prohibiting certain acts; requiring the
14 Commission to establish a budget and conduct an audit; providing a minimum
15 number of states that must concur in order for this Act to be applied; providing that
16 the provisions of this Act are severable under certain circumstances; defining
17 certain terms; providing for the termination of the Commission; and generally
18 relating to the establishment of the Multistate Industrial Retention Commission.

19 BY adding to

20 Article - Business Regulation
21 Section 20-101 through 20-602, inclusive, to be under the new title "Title 20.
22 Multistate Industrial Retention Commission"
23 Annotated Code of Maryland
24 (1992 Volume and 1996 Supplement)

25 BY adding to

26 Article - State Government
27 Section 8-403(p)
28 Annotated Code of Maryland
29 (1995 Replacement Volume and 1996 Supplement)

30 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

31 MARYLAND, That the Laws of Maryland read as follows:

2

1 **Article - Business Regulation**

2 TITLE 20.

3 MULTISTATE INDUSTRIAL RETENTION COMMISSION.

4 SUBTITLE 1. DEFINITIONS.

5 20-101.

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

7 (B) "AFFILIATE" MEANS ANY ENTITY WHICH HAS A RELATIONSHIP WITH AN
8 EMPLOYER IN WHICH THE ENTITY, DIRECTLY OR INDIRECTLY, IS CONTROLLED BY
9 OR CONTROLS THE EMPLOYER.

10 (C) "AGENCY" MEANS A STATE AND ANY OF ITS INSTRUMENTALITIES,
11 INCLUDING ANY OF ITS AGENCIES OR POLITICAL SUBDIVISIONS AND ANY
12 AUTHORITIES CREATED BY THE LEGISLATURE OF THE STATE.

13 (D) "COMMISSION" MEANS THE MULTISTATE INDUSTRIAL RETENTION
14 COMMISSION ESTABLISHED UNDER § 20-201 OF THIS TITLE.

15 (E) "COMMISSIONER" MEANS A MEMBER APPOINTED TO THE COMMISSION
16 PURSUANT TO THIS TITLE.

17 (F) "CONCURRING STATE" MEANS ANY STATE WHICH ENACTS LEGISLATION
18 WHICH CONCURS WITH THIS LEGISLATION.

19 (G) (1) "CONTRACT" MEANS ANY AGREEMENT BETWEEN AN AGENCY AND
20 A CONTRACTOR UNDER WHICH THE CONTRACTOR FURNISHES GOODS OR SERVICES
21 TO THE AGENCY.

22 (2) "CONTRACT" DOES NOT INCLUDE A CONTRACT UNDER WHICH THE
23 GOODS OR SERVICES ARE PAID FOR BY THE UNITED STATES.

24 (H) "CONTRACTOR" MEANS ANY EMPLOYER WHO ENTERS INTO A CONTRACT
25 WITH AN AGENCY.

26 (I) (1) "ECONOMIC DEVELOPMENT ASSISTANCE" MEANS ANY ECONOMIC
27 DEVELOPMENT ASSISTANCE PROVIDED TO AN EMPLOYER BY AN AGENCY,
28 INCLUDING, DIRECT GRANTS, JOB TRAINING GRANTS, AND SUBSIDIZED FINANCING.

29 (2) "ECONOMIC DEVELOPMENT ASSISTANCE" DOES NOT INCLUDE ANY
30 ASSISTANCE WHICH IS FINANCED BY FUNDS PROVIDED BY THE UNITED STATES.

31 (J) "EMPLOYER" MEANS AN INDIVIDUAL OR PRIVATE BUSINESS ENTITY
32 WHICH EMPLOYS THE WORKFORCE AT AN ESTABLISHMENT AND INCLUDES ALL
33 AFFILIATES OF THE EMPLOYER.

34 (K) (1) "ESTABLISHMENT" MEANS A SINGLE PLACE OF EMPLOYMENT
35 OPERATED BY AN EMPLOYER.

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1 (2) "ESTABLISHMENT" DOES NOT INCLUDE A TEMPORARY
2 CONSTRUCTION SITE.

3 (L) "SIGNIFICANT TRANSFER OR TERMINATION OF OPERATIONS" MEANS A
4 TERMINATION OF OPERATIONS OR TRANSFER OF OPERATIONS WHICH RESULTS,
5 DURING ANY CONTINUOUS PERIOD OF NOT MORE THAN 180 DAYS, IN THE
6 TERMINATION OF EMPLOYMENT OF 50 OR MORE EMPLOYEES.

7 (M) (1) "TERMINATION OF EMPLOYMENT" MEANS THE LAYOFF OF AN
8 EMPLOYEE WITHOUT A COMMITMENT TO REINSTATE THE EMPLOYEE TO THE
9 PREVIOUS EMPLOYMENT WITHIN 6 MONTHS OF THE LAYOFF.

10 (2) "TERMINATION OF EMPLOYMENT" DOES NOT INCLUDE:

11 (I) ANY LAYOFF OF A CONSTRUCTION WORKER UPON THE
12 COMPLETION OF A CONSTRUCTION PROJECT;

13 (II) ANY LAYOFF OF A SEASONAL EMPLOYEE; OR

14 (III) ANY SITUATION IN WHICH AN EMPLOYER OFFERS TO AN
15 EMPLOYEE, AT A LOCATION NOT MORE THAN 30 MILES FROM THE PREVIOUS PLACE
16 OF EMPLOYMENT, THE SAME EMPLOYMENT OR A POSITION WITH EQUIVALENT
17 STATUS, BENEFITS, PAY, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT.

18 (N) "TERMINATION OF OPERATIONS" MEANS THE PERMANENT TERMINATION
19 OF ALL OR A PORTION OF THE OPERATIONS CONDUCTED IN AN ESTABLISHMENT,
20 EXCEPT FOR A TERMINATION OF OPERATIONS MADE NECESSARY BECAUSE OF A
21 COURT ORDER, FIRE, FLOOD, NATURAL DISASTER, NATIONAL EMERGENCY, ACT OF
22 WAR, CIVIL DISORDER, OR INDUSTRIAL SABOTAGE.

23 (O) "TRANSFER OF OPERATIONS" MEANS THE TRANSFER OF ALL OR A
24 PORTION OF THE OPERATIONS CONDUCTED IN AN ESTABLISHMENT TO ANOTHER
25 LOCATION, INSIDE OR OUTSIDE OF THE STATE WHERE THE ESTABLISHMENT IS
26 LOCATED.

27 SUBTITLE 2. COMMISSION ESTABLISHED; POWERS AND DUTIES.

28 20-201.

29 THERE IS A MULTISTATE INDUSTRIAL RETENTION COMMISSION IN THE
30 DEPARTMENT OF LABOR, LICENSING, AND REGULATION.

31 20-202.

32 (A) THE COMMISSION SHALL CONSIST OF ONE COMMISSIONER FROM EACH
33 CONCURRING STATE.

34 (B) (1) THE COMMISSIONER FROM THIS STATE SHALL BE APPOINTED BY
35 THE GOVERNOR TO A 3-YEAR TERM.

36 (2) THE COMMISSIONER SHALL NOT RECEIVE COMPENSATION FROM
37 THE COMMISSION BUT MAY BE REIMBURSED FOR NECESSARY EXPENSES INCURRED
38 IN AND INCIDENT TO THE PERFORMANCE OF THE DUTIES OF THE COMMISSIONER.

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1 (C) (1) THE COMMISSION SHALL ORGANIZE UPON THE ENACTMENT OF
2 CONCURRING LEGISLATION BY NOT LESS THAN FIVE STATES AND UPON THE
3 APPOINTMENT OF A COMMISSIONER FROM EACH OF THOSE STATES AND SHALL
4 SUBSEQUENTLY ORGANIZE ITSELF ANNUALLY.

5 (2) THE COMMISSION SHALL:

6 (I) ELECT A CHAIRPERSON AND VICE CHAIRPERSON FROM
7 AMONG ITS COMMISSIONERS AND APPOINT AN EXECUTIVE DIRECTOR WHO SHALL
8 SERVE AS ITS SECRETARY AND CHIEF EXECUTIVE OFFICER;

9 (II) PROVIDE FOR ITS OWN ORGANIZATION, ADMINISTRATION,
10 AND PROCEDURES; AND

11 (III) ADOPT RULES AND REGULATIONS GOVERNING ITS MEETINGS
12 AND TRANSACTIONS.

13 (D) (1) EACH COMMISSIONER SHALL BE ENTITLED TO ONE VOTE ON ALL
14 MATTERS WHICH MAY COME BEFORE THE COMMISSION EXCEPT AS PROVIDED
15 UNDER § 20-305 OF THIS TITLE.

16 (2) NO DETERMINATION, DECISION, OR ACTION OF THE COMMISSION
17 SHALL BE MADE OR TAKEN UNLESS A MAJORITY OF THE COMMISSIONERS VOTES IN
18 FAVOR OF THE ACTION.

19 20-203.

20 (A) THE COMMISSION SHALL HAVE THE POWERS AND DUTIES SET FORTH IN
21 THIS TITLE AND ANY ADDITIONAL POWERS AND DUTIES AS ARE CONFERRED UPON
22 IT BY SUBSEQUENT ACTION OF THE LEGISLATURES OF ALL OF THE CONCURRING
23 STATES.

24 (B) THE COMMISSION SHALL HAVE THE POWER TO:

25 (1) SUE AND BE SUED IN A COURT OF COMPETENT JURISDICTION;

26 (2) ADOPT AND HAVE A SEAL;

27 (3) PROVIDE FOR THE HIRING, ORGANIZATION, AND ADMINISTRATION
28 OF A COMMISSION STAFF, INCLUDING:

29 (I) RETAINING AND EMPLOYING COUNSEL; AND

30 (II) FIXING AND PROVIDING FOR THE QUALIFICATION,
31 APPOINTMENT, REMOVAL, TERM, TENURE, COMPENSATION, PENSION, AND
32 RETIREMENT RIGHTS OF ITS OFFICERS AND EMPLOYEES;

33 (4) ESTABLISH ONE OR MORE OFFICES FOR THE TRANSACTING OF ITS
34 BUSINESS;

35 (5) MAKE AND ENFORCE RULES AND REGULATIONS THAT THE
36 COMMISSION DEEMS NECESSARY TO EFFECTUATE THE PURPOSES OF THIS TITLE,
37 PROVIDED THAT ANY RULE OR REGULATION, OTHER THAN ONE WHICH DEALS
38 SOLELY WITH THE INTERNAL MANAGEMENT OF THE COMMISSION, SHALL BE

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1 ADOPTED ONLY AFTER PUBLIC HEARING AND SHALL NOT BE EFFECTIVE UNLESS
2 FILED IN ACCORDANCE WITH THE LAW OF EACH RESPECTIVE CONCURRING STATE
3 APPLICABLE TO THE FILING OF RULES AND REGULATIONS;

4 (6) CONDUCT, UPON THE REQUEST OF THE DESIGNATED AGENCY OF A
5 CONCURRING STATE, ANY INVESTIGATION AND HEARING NECESSARY TO
6 IMPLEMENT THE PURPOSES OF THIS TITLE;

7 (7) FOR THE PURPOSE OF CONDUCTING AN INVESTIGATION AND
8 HEARING REQUESTED BY AN AGENCY OF A CONCURRING STATE:

9 (I) ADMINISTER OATHS AND ISSUE SUBPOENAS TO COMPEL THE
10 ATTENDANCE OF WITNESSES, THE GIVING OF TESTIMONY, AND THE PRODUCTION
11 OF OTHER EVIDENCE; AND

12 (II) HAVE FULL AND FREE ACCESS TO AND FROM ALL PROPERTY,
13 PREMISES, AND PLACES NECESSARY TO CONDUCT THE INVESTIGATION;

14 (8) COOPERATE WITH AND RECEIVE ASSISTANCE AND DATA FROM ANY
15 AGENCY WHICH WILL ENABLE IT TO IMPLEMENT THE PURPOSES OF THIS TITLE,
16 AND, IN THE MANNER PROVIDED UNDER § 20-303 OF THIS TITLE, RECOMMEND
17 ACTIONS TO BE TAKEN BY THE AGENCY; AND

18 (9) DO ALL OTHER THINGS NECESSARY OR INCIDENTAL TO THE
19 ADMINISTRATION OF ITS FUNCTIONS PURSUANT TO THIS TITLE.

20 SUBTITLE 3. DETRIMENTAL NET RELOCATION.

21 20-301.

22 (A) (1) THE COMMISSION SHALL PROVIDE INFORMATION, ANALYSIS, AND
23 RECOMMENDATIONS TO CONCURRING STATES WHICH WILL ASSIST THEM IN
24 MAKING INFORMED DECISIONS WHEN THEY ACT IN THEIR ROLES AS MARKET
25 PARTICIPANTS.

26 (2) THE COMMISSION SHALL WORK TO PREVENT THE HARM CAUSED TO
27 THE WELFARE OF THE CITIZENS OF THE CONCURRING STATES CAUSED BY THE
28 DETRIMENTAL NET RELOCATIONS OF EMPLOYMENT ASSOCIATED WITH
29 SIGNIFICANT TRANSFERS OR TERMINATIONS OF OPERATIONS OF ESTABLISHMENTS.

30 (B) (1) THE COMMISSION SHALL INVESTIGATE ANY SIGNIFICANT
31 TRANSFER OR TERMINATION OF OPERATIONS OF AN ESTABLISHMENT LOCATED IN
32 A CONCURRING STATE UPON A REQUEST BY THE DESIGNATED AGENCY OF THE
33 STATE WHERE THE ESTABLISHMENT IS LOCATED.

34 (2) THE COMMISSION MAY INVESTIGATE ANY POSSIBLE FUTURE
35 SIGNIFICANT TRANSFER OR TERMINATION OF OPERATION OF AN ESTABLISHMENT
36 UPON THE REQUEST OF THE DESIGNATED AGENCY OF THE STATE WHERE THE
37 ESTABLISHMENT IS LOCATED.

38 (C) THE GOAL OF EACH INVESTIGATION UNDERTAKEN BY THE COMMISSION
39 OF AN ACTUAL OR ANTICIPATED SIGNIFICANT TRANSFER OR TERMINATION OF
40 OPERATIONS OF AN ESTABLISHMENT SHALL BE TO MAKE A DETERMINATION OF

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1 FACT AS TO WHETHER THE EMPLOYER AT THE ESTABLISHMENT IS RESPONSIBLE
2 FOR A DETRIMENTAL NET RELOCATION OF EMPLOYMENT IN CONNECTION WITH
3 THE TRANSFER OR TERMINATION.

4 20-302.

5 (A) FOR THE PURPOSES OF THIS TITLE, AN EMPLOYER SHALL BE DEEMED
6 RESPONSIBLE FOR A DETRIMENTAL NET RELOCATION OF EMPLOYMENT IF THE
7 COMMISSION FINDS THAT:

8 (1) THE EMPLOYMENT LOST FROM THE ESTABLISHMENT WAS
9 TRANSFERRED OR IS BEING TRANSFERRED TO ONE OR MORE OTHER LOCATIONS,
10 INCLUDING ANY TRANSFER BY MEANS OF OUTSOURCING OR CONTRACTING OUT
11 PRODUCTION;

12 (2) THE EMPLOYMENT LOSS IS NOT THE RESULT OF THE EMPLOYER
13 REDUCING OR DISCONTINUING ENTIRELY ITS TOTAL SALE OR USE OF THE
14 PRODUCT LINE OR LINES WHICH HAD BEEN PRODUCED AT THE ESTABLISHMENT;
15 AND

16 (3) BY COMPARING THE CONDITIONS WHERE THE ESTABLISHMENT IS
17 LOCATED TO THE CONDITIONS OF THE OTHER LOCATIONS, THE TRANSFER OF
18 EMPLOYMENT HAS CONTRIBUTED OR WILL CONTRIBUTE TO AN UNDERMINING OF
19 LABOR, HEALTH, ENVIRONMENTAL, HUMAN RIGHTS, CIVIL RIGHTS, OR OTHER
20 STANDARDS, AS DEMONSTRATED BY:

21 (I) A DIMINISHMENT OF THE PAY AND CONDITIONS OF
22 EMPLOYEES;

23 (II) THE FUNDING OF EDUCATION OR OTHER PUBLIC SERVICES
24 REQUIRED FOR THE GENERAL WELFARE; OR

25 (III) OTHER CONDITIONS AFFECTING EMPLOYEES AND THEIR
26 COMMUNITIES.

27 (B) (1) IN ORDER TO CONDUCT A DETERMINATION OF WHETHER AN
28 EMPLOYER IS RESPONSIBLE FOR A DETRIMENTAL RELOCATION, THE COMMISSION
29 SHALL REQUIRE THE EMPLOYER TO REPORT ALL CHANGES IN THE LOCATION,
30 DURING THE PRECEDING PERIOD OF NOT LESS THAN 10 YEARS, OF ALL
31 EMPLOYMENT AND PRODUCTION OF THE EMPLOYER RELATED TO EACH PRODUCT
32 LINE PRODUCED AT THE AFFECTED ESTABLISHMENT, INCLUDING CHANGES
33 RELATED TO THE OUTSOURCING OR CONTRACTING OUT OF PRODUCTION.

34 (2) THE COMMISSION SHALL CONSIDER ALL OF THOSE CHANGES WHEN
35 DETERMINING WHETHER THE EMPLOYER IS RESPONSIBLE FOR A DETRIMENTAL
36 NET RELOCATION OF EMPLOYMENT.

37 (C) IN THE COURSE OF ITS INVESTIGATION, THE COMMISSION SHALL
38 CONDUCT ONE OR MORE HEARINGS TO PROVIDE AN OPPORTUNITY FOR THE
39 EMPLOYER TO PRESENT ITS VIEWS WITH RESPECT TO WHETHER THE SIGNIFICANT
40 TRANSFER OR TERMINATION OF OPERATIONS HAS OCCURRED OR WILL OCCUR AND

7
1 WHETHER THE EMPLOYER IS RESPONSIBLE FOR A DETRIMENTAL NET RELOCATION
2 OF EMPLOYMENT.

3 20-303.

4 (A) IF IT IS DETERMINED THAT THE EMPLOYER IS RESPONSIBLE FOR A
5 DETRIMENTAL NET RELOCATION OF EMPLOYMENT, THE COMMISSION MAY
6 RECOMMEND THAT EACH CONCURRING STATE PLACE THE EMPLOYER, FOR A
7 PERIOD OF TIME DETERMINED BY THE COMMISSION, ON:

8 (1) A LIST OF CONTRACTORS DEBARRED FROM ENTERING INTO
9 CONTRACTS WITH ANY AGENCY OF THAT STATE, EXCEPT THAT THE DEBARMENT
10 SHALL NOT APPLY TO THE PURCHASE OF GOODS OR SERVICES FROM THE
11 EMPLOYER IF THAT EMPLOYER IS THE ONLY PERSON ABLE TO PROVIDE THOSE
12 GOODS OR SERVICES IN COMMERCIAL QUANTITIES AND OF SATISFACTORY
13 QUALITY;

14 (2) A LIST OF EMPLOYERS DEBARRED FROM RECEIVING ECONOMIC
15 DEVELOPMENT ASSISTANCE FROM ANY AGENCY OF THAT STATE; AND

16 (3) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A LIST
17 OF EMPLOYERS DEBARRED FROM HAVING INVESTMENTS MADE IN THEM OF ASSETS
18 OF ANY PENSION OR ANNUITY FUNDS, CASH MANAGEMENT FUNDS, AND OTHER
19 FUNDS WHICH ANY AGENCY OF THAT STATE IS AUTHORIZED TO INVEST.

20 (B) THE COMMISSION MAY NOT RECOMMEND THAT ANY CONCURRING
21 STATE IMPOSE A BAR ON INVESTMENT PURSUANT TO THIS PARAGRAPH UNTIL THE
22 TOTAL AMOUNT OF INVESTMENT ASSETS OF ALL CONCURRING STATES IS \$150
23 BILLION OR MORE.

24 (C) TO COMPLY WITH THE RECOMMENDATION FOR DEBARMENT OF AN
25 EMPLOYER, A STATE SHALL:

26 (1) PROHIBIT ANY NEW INVESTMENT OF FUND ASSETS IN THE
27 EMPLOYER SUBSEQUENT TO THE DATE THAT THE EMPLOYER IS PLACED ON THE
28 LIST; AND

29 (2) TAKE APPROPRIATE ACTION TO SELL, REDEEM, DIVEST, OR
30 WITHDRAW ANY INVESTMENT HELD IN THE EMPLOYER NOT LATER THAN 1 YEAR
31 AFTER THE EMPLOYER IS PLACED ON THE LIST.

32 (D) OF THE EMPLOYERS WHO ARE DETERMINED DURING ANY 1 YEAR TO BE
33 RESPONSIBLE FOR A DETRIMENTAL NET RELOCATION OF EMPLOYMENT:

34 (1) NOT LESS THAN 50% SHALL BE SUBJECT TO A RECOMMENDATION
35 THAT CONCURRING STATES TAKE THE ACTION INDICATED IN SUBSECTION (A)(1) OF
36 THIS SECTION;

37 (2) NOT LESS THAN 75% SHALL BE SUBJECT TO A RECOMMENDATION
38 THAT CONCURRING STATES TAKE THE ACTION INDICATED IN SUBSECTION (A)(2) OF
39 THIS SECTION; AND

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1 (3) NOT LESS THAN 25% SHALL BE SUBJECT TO A RECOMMENDATION
2 THAT CONCURRING STATES TAKE THE ACTION INDICATED IN SUBSECTION (A)(3) OF
3 THIS SECTION.

4 (E) IN DETERMINING WHETHER TO RECOMMEND ONE OR MORE OF THE
5 ACTIONS PERMITTED PURSUANT TO SUBSECTION (A) OF THIS SECTION TO BE TAKEN
6 AGAINST AN EMPLOYER DETERMINED TO BE RESPONSIBLE FOR A DETRIMENTAL
7 NET RELOCATION OF EMPLOYMENT, THE COMMISSION SHALL CONSIDER THE
8 FOLLOWING FACTORS

9 (1) THE SERIOUSNESS OF THE IMPACT OF THE NET RELOCATION ON
10 THE WORKERS AND OTHER CITIZENS OF THE CONCURRING STATE AND WHETHER
11 THE EMPLOYER HAS BEEN RESPONSIBLE FOR OTHER DETRIMENTAL NET
12 RELOCATIONS OF EMPLOYMENT;

13 (2) HOW LIKELY IT IS THAT THE ACTION OR ACTIONS WILL HAVE AN
14 IMPACT ON THE EMPLOYER SUFFICIENT TO DETER THE EMPLOYER FROM
15 CARRYING OUT THE DETRIMENTAL NET RELOCATION OF EMPLOYMENT, OR, IF THE
16 RELOCATION HAS ALREADY OCCURRED, SUBSEQUENT NET RELOCATIONS; AND

17 (3) ANY LIKELY NEGATIVE IMPACT THAT THE ACTION OR ACTIONS
18 MAY HAVE ON THE CONCURRING STATES AND THEIR CITIZENS.

19 (F) IF AN EMPLOYER REVERSES ITS DECISION TO UNDERTAKE A
20 SIGNIFICANT TRANSFER OR TERMINATION OF OPERATIONS AND REHIRES ANY
21 EMPLOYEES WHO HAVE LOST EMPLOYMENT AS A RESULT OF THE TRANSFER OR
22 TERMINATION, THE COMMISSION MAY WITHDRAW ITS RECOMMENDATION.

23 (G) (1) ANY DECISION TO RECOMMEND ANY OF THE ACTIONS AGAINST AN
24 EMPLOYER PURSUANT TO SUBSECTION (A) OF THIS SECTION OR WITHDRAW A
25 RECOMMENDATION SHALL REQUIRE AN AFFIRMATIVE VOTE OF NOT LESS THAN
26 TWO-THIRDS OF ALL OF THE VOTES OF THE MEMBERS OF THE COMMISSION.

27 (2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS
28 PARAGRAPH, EACH COMMISSIONER SHALL BE ENTITLED TO ONE VOTE ON ANY
29 DECISION TO RECOMMEND ANY OF THE ACTIONS OR WITHDRAW A
30 RECOMMENDATION.

31 (II) IN THE CASE OF A DECISION REGARDING THE PLACEMENT OF
32 THE EMPLOYER ON THE LIST OF EMPLOYERS BARRED FROM INVESTMENT
33 PURSUANT TO PARAGRAPH (A)(3) OF THIS SECTION, EACH COMMISSIONER SHALL BE
34 GIVEN ONE ADDITIONAL VOTE FOR EACH \$10 BILLION IN ASSETS OF ANY PENSION
35 OR ANNUITY FUNDS, CASH MANAGEMENT FUNDS, AND OTHER FUNDS WHICH THAT
36 COMMISSIONER'S CONCURRING STATE OR ANY AGENCY OF THAT STATE IS
37 AUTHORIZED TO INVEST.

38 (H) (1) THE COMMISSION SHALL MAKE AVAILABLE TO EACH CONCURRING
39 STATE ALL INFORMATION AT ITS DISPOSAL THAT IS NECESSARY OR USEFUL TO
40 ENABLE THE STATE TO IMPLEMENT ANY RECOMMENDATION OF THE COMMISSION.

41 (2) THE COMMISSION AND EACH CONCURRING STATE SHALL MAKE
42 AVAILABLE TO THE PUBLIC A LIST OF ALL EMPLOYERS WHO ARE DETERMINED BY

9
1 THE COMMISSION TO BE RESPONSIBLE FOR A DETRIMENTAL NET RELOCATION OF
2 EMPLOYMENT AND A LIST OF ALL EMPLOYERS WHO ARE SUBJECT TO EACH OF THE
3 RECOMMENDATIONS INDICATED IN SUBSECTION (A) OF THIS SECTION.

4 20-304.

5 (A) (1) ALL MEETINGS AND HEARINGS OF THE COMMISSION SHALL BE
6 OPEN TO THE PUBLIC.

7 (2) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, THE
8 MINUTES OF THE PUBLIC MEETINGS AND HEARINGS OF THE COMMISSION SHALL BE
9 PUBLIC RECORDS OPEN TO INSPECTION AND COPYING AT ITS OFFICES DURING
10 REGULAR BUSINESS HOURS, SUBJECT TO THE LAW RELATING TO PUBLIC RECORDS
11 OF THE CONCURRING STATES IN WHICH SUCH MINUTES ARE LOCATED.

12 (B) ANY INFORMATION OBTAINED FROM ANY PERSON BY THE COMMISSION
13 WHICH WOULD ADVERSELY AFFECT THE COMPETITIVE POSITION OF THE PERSON IF
14 MADE PUBLIC SHALL BE RETAINED SOLELY FOR THE USE OF THE COMMISSION AND
15 THE CONCURRING STATES IN THE IMPLEMENTATION OF THIS TITLE.

16 20-305.

17 (A) IF AN ESTABLISHMENT LOCATED IN A CONCURRING STATE IS SUBJECT TO
18 A SIGNIFICANT TRANSFER OR TERMINATION OF OPERATIONS, THE EMPLOYER WHO
19 OPERATES THE ESTABLISHMENT SHALL PROVIDE, NOT LATER THAN THE TIME AT
20 WHICH THE FIRST TERMINATION OF EMPLOYMENT OCCURS IN CONNECTION WITH
21 THE TRANSFER OR TERMINATION OF OPERATIONS, NOTIFICATION OF THE
22 TRANSFER OR TERMINATION OF OPERATIONS TO THE DESIGNATED AGENCY IN THE
23 CONCURRING STATE, THE POLITICAL SUBDIVISION WHERE THE ESTABLISHMENT IS
24 LOCATED, THE AFFECTED EMPLOYEES, AND ANY COLLECTIVE BARGAINING UNIT
25 OF THE EMPLOYEES.

26 (B) (1) THE SUBDIVISION, EMPLOYEES, OR COLLECTIVE BARGAINING UNIT
27 MAY FILE A REQUEST THAT THE DESIGNATED AGENCY REQUEST THE COMMISSION
28 TO CONDUCT AN INVESTIGATION OF THE TRANSFER OR TERMINATION OF
29 OPERATIONS UNDER § 20-303 OF THIS SUBTITLE.

30 (2) THE NOTIFICATION SHALL BE IN WRITING ON A FORM PROVIDED BY
31 THE COMMISSION AND SHALL INCLUDE:

32 (I) A STATEMENT OF THE NUMBER OF EMPLOYEES WHOSE
33 EMPLOYMENT WILL BE TERMINATED, WHEN THE TERMINATIONS WILL OCCUR, ANY
34 EMPLOYMENT AVAILABLE TO EMPLOYEES AT ANY OTHER ESTABLISHMENT
35 OPERATED BY THE EMPLOYER, AND INFORMATION REGARDING THE TERMS,
36 CONDITIONS, AND LOCATION OF THAT EMPLOYMENT;

37 (II) A STATEMENT OF THE REASONS FOR THE TRANSFER OR
38 TERMINATION OF OPERATIONS; AND

39 (III) A STATEMENT WHICH DESCRIBES:

40 1. THE RIGHT OF THE DESIGNATED AGENCY TO REQUEST
41 AN INVESTIGATION OF THE TRANSFER OR TERMINATION OF OPERATIONS;

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1 2. THE RIGHT OF THE POLITICAL SUBDIVISION, THE
2 EMPLOYEES, OR THEIR COLLECTIVE BARGAINING UNIT TO FILE A REQUEST TO
3 HAVE THE AGENCY MAKE THE REQUEST; AND

4 3. THE ACTIONS THAT THE COMMISSION MAY RECOMMEND
5 UNDER § 20-303 OF THIS SUBTITLE IF THE COMMISSION DETERMINES THAT THE
6 EMPLOYER IS RESPONSIBLE FOR A DETRIMENTAL NET RELOCATION OF
7 EMPLOYMENT.

8 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

9 20-401.

10 (A) A PERSON MAY NOT OBSTRUCT, WITHHOLD REQUESTED INFORMATION,
11 OR IN ANY OTHER WAY INTERFERE WITH A COMMISSIONER OR OFFICER,
12 EMPLOYEE OR AGENT OF THE COMMISSION ENGAGED IN:

13 (1) CONDUCTING AN INVESTIGATION DEEMED NECESSARY BY THE
14 COMMISSION TO IMPLEMENT THE PURPOSES OF THIS TITLE; OR

15 (2) THE PERFORMANCE OF ANY OTHER DUTY PURSUANT TO THE
16 PROVISIONS OF THIS TITLE.

17 (B) (1) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, IF THE
18 COMMISSION DETERMINES THAT AN EMPLOYER HAS VIOLATED OR ATTEMPTED OR
19 CONSPIRED TO VIOLATE ANY PROVISION OF § 20-305 OF THIS TITLE OR SUBSECTION
20 (A) OF THIS SECTION, THE COMMISSION SHALL RECOMMEND THAT THE EMPLOYER
21 BE PLACED ON ALL OF THE DEBARMENT LISTS PROVIDED IN § 20-303 OF THIS TITLE
22 UNTIL THE VIOLATION HAS CEASED.

23 (2) PRIOR TO MAKING A DETERMINATION REGARDING A VIOLATION
24 PURSUANT TO PARAGRAPH (1) OF THIS SUBSECTION, THE COMMISSION SHALL
25 CONDUCT A HEARING TO PROVIDE AN OPPORTUNITY FOR THE EMPLOYER TO
26 PRESENT ITS VIEWS WITH RESPECT TO THE VIOLATION.

27 (C) (1) ANY ACTION, RECOMMENDATION, OR DETERMINATION OF THE
28 COMMISSION SHALL BE SUBJECT TO JUDICIAL REVIEW IN ANY COURT OF
29 COMPETENT JURISDICTION AS PROVIDED BY THE LAW OF A CONCURRING STATE.

30 (2) COURT COSTS RELATED TO THE JUDICIAL REVIEW SHALL BE PAID
31 BY THE PARTY THAT DOES NOT PREVAIL.

32 (3) ANY SUBPOENA ISSUED BY THE COMMISSION SHALL BE ENFORCED
33 BY ANY COURT OF COMPETENT JURISDICTION OF THE CONCURRING STATES,
34 ACCORDING TO THE PRACTICE AND PROCEDURE OF THE COURT APPLICABLE TO
35 SUBPOENAS ISSUED IN PROCEEDINGS PENDING BEFORE IT.

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1 SUBTITLE 5. MISCELLANEOUS PROVISIONS.

2 20-501.

3 (A) THE COMMISSION SHALL PROVIDE FOR AN ANNUAL INDEPENDENT
4 AUDIT OF ITS ACCOUNTS AND FINANCIAL TRANSACTIONS BY A CERTIFIED PUBLIC
5 ACCOUNTANT, AND FOR THE PUBLICATION OF THE REPORT OF THE AUDIT.

6 (B) THE COMMISSION SHALL ALSO MAKE AN ANNUAL REPORT OF ITS
7 ACTIVITIES TO THE GOVERNORS AND LEGISLATURES OF THE CONCURRING STATES.

8 20-502.

9 (A) THE COMMISSION SHALL:

10 (1) ANNUALLY ADOPT A CURRENT EXPENSE BUDGET FOR EACH FISCAL
11 YEAR; AND

12 (2) APPORTION THE AMOUNT REQUIRED TO BALANCE THE
13 EXPENDITURES THEREIN, LESS ESTIMATED REVENUES FROM ALL SOURCES, TO THE
14 CONCURRING STATES IN ACCORDANCE WITH EQUITABLE COST-SHARING
15 FORMULAE ADOPTED BY THE COMMISSION, EXCEPT THAT THE ANNUAL SHARE FOR
16 EACH CONCURRING STATE SHALL BE AN AMOUNT EQUIVALENT TO NOT LESS THAN
17 3 CENTS PER EACH MEMBER OF THE STATE'S TOTAL POPULATION.

18 (B) FOLLOWING THE ADOPTION OF ITS ANNUAL BUDGET, THE COMMISSION
19 SHALL TRANSMIT CERTIFIED COPIES OF THE BUDGET TO THE BUDGET OFFICERS OF
20 THE CONCURRING STATES AT THE TIME AND IN THE MANNER REQUIRED UNDER
21 THEIR RESPECTIVE BUDGETARY PROCEDURES.

22 (C) THE BUDGET SHALL INCLUDE THE AMOUNT APPORTIONED FOR THE
23 SUPPORT OF THE COMMISSION'S CURRENT EXPENSE BUDGET IN THEIR RESPECTIVE
24 BUDGETS NEXT TO BE ADOPTED, SUBJECT TO THE REVIEW AND APPROVAL
25 REQUIRED BY THE BUDGETARY PROCESSES OF THE RESPECTIVE CONCURRING
26 STATES.

27 (D) THE AMOUNTS SHALL BE DUE AND PAYABLE TO THE COMMISSION IN
28 EQUAL QUARTERLY INSTALLMENTS DURING THE COMMISSION'S FISCAL YEAR.

29 20-503.

30 (A) AMENDMENTS AND SUPPLEMENTS TO THIS ACT MAY BE ADOPTED BY
31 LEGISLATIVE ACTION OF ALL THE CONCURRING STATES.

32 (B) A CONCURRING STATE MAY WITHDRAW FROM ITS CONCURRENCE WITH
33 THIS ACT BY REPEALING ITS CONCURRING LEGISLATION.

34 (C) THE PROVISIONS OF THIS TITLE SHALL NOT BE OPERATIVE DURING ANY
35 TIME THAT THE TOTAL NUMBER OF CONCURRING STATES IS REDUCED TO LESS
36 THAN FIVE.

37 20-504.

38 THE PROVISIONS OF THIS ACT SHALL BE SEVERABLE, AND IF ANY PROVISION
39 OF THE ACT IS DECLARED TO BE UNCONSTITUTIONAL OR THE APPLICABILITY

12

1 THEREOF TO ANY CONCURRING STATE, AGENCY, PERSON, OR CIRCUMSTANCE IS
2 HELD INVALID, THE CONSTITUTIONALITY OF THE REMAINDER OF THE ACT AND ITS
3 APPLICABILITY TO ANY OTHER CONCURRING STATE, AGENCY, PERSON, OR
4 CIRCUMSTANCE SHALL NOT BE AFFECTED.

5 20-505.

6 THE COMMISSIONERS ARE HEREBY AUTHORIZED TO APPLY TO THE CONGRESS
7 OF THE UNITED STATES FOR ITS CONSENT AND APPROVAL OF THIS ACT OR ANY
8 PROVISION OF THIS ACT, IF THAT CONSENT AND APPROVAL IS REQUIRED UNDER
9 FEDERAL LAW, BUT IN THE ABSENCE OF THE CONSENT AND APPROVAL OF THE
10 CONGRESS, THE COMMISSION SHALL HAVE ALL OF THE POWERS THAT THE
11 CONCURRING STATES MAY CONFER UPON IT WITHOUT THAT CONSENT AND
12 APPROVAL.

13 SUBTITLE 6. SHORT TITLE; TERMINATION OF TITLE.

14 20-601.

15 THIS TITLE MAY BE CITED AS THE "MULTISTATE INDUSTRIAL RETENTION
16 ACT".

17 20-602.

18 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
19 MARYLAND PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS
20 ADOPTED UNDER THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER
21 JULY 1, 2008.

22 **Article - State Government**

23 8-403.

24 (P) EXCEPT AS OTHERWISE PROVIDED IN SUBSECTION (E) OF THIS SECTION,
25 ON OR BEFORE JULY 1, 2007, AN EVALUATION SHALL BE MADE OF THE MULTISTATE
26 INDUSTRIAL RETENTION COMMISSION AND THE REGULATIONS THAT RELATE TO
27 THE MULTISTATE INDUSTRIAL RETENTION COMMISSION.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
29 October 1, 1997.