HOUSE DOCKET, NO. 978 FILED ON: 1/15/2013

HOUSE . . . . . No. 2872

The Commonwealth of Massachusetts

PRESENTED BY:

Byron Rushing

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to the disclosure of participation in the historic slave trade.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Byron Rushing	*9th Suffolk*
Kay Khan	*11th Middlesex*
Denise Provost	*27th Middlesex*

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HOUSE . . . . . No. 2872

By Mr. Rushing of Boston, a petition (accompanied by bill, House, No. 2872) of Byron Rushing, Kay Khan and Denise Provost for legislation to require companies entering into contracts with the Commonwealth to disclose information of their participation in the historic slave trade. State Administration and Regulatory Oversight.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. *1746* OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to the disclosure of participation in the historic slave trade.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Chapter 7 of the General Laws is hereby amended by adding a new Section:

For the purposes of this section, the following words shall, unless the context indicates otherwise, have the following meanings:

"Company" means any person, firm, corporation, partnership or combination of these.

"Contract" means any agreement, franchise, lease or concession including an agreement for any occasional professional or technical personal services, the performance of any work or service, the provision of any materials or supplies or rendering of any service to any state agency or state authority of the public, which is let, awarded, or entered into with or on behalf of any state agency or state authority.

"Enslaved Person" means any person who was wholly subject to the will of another and whose person and services were wholly under the control of another and who was in a state of enforced compulsory service to another during the Slavery Era.

"Investment" means to make use of an Enslaved Person for future benefits or advantages.

14 “License” means permission granted by a person to another to exercise a certain privilege
15 or to carry on a particular business.

16 “Majority-owned subsidiary” means a company that is at least fifty-one percent owned by
17 another company.

18 “Person” means any individual and any partnership, firm, association, corporation, or
19 other entity, or their subsidiaries.

20 “Participation” means having been a Slaveholder during the Slavery Era.

21 “Predecessor Company” means an entity whose ownership, title and interest, including
22 all rights, benefits, duties, and liabilities were acquired in an uninterrupted chain of succession
23 by the company.

24 “Profits” means any economic advantage or financial benefit derived from the use of
25 Enslaved Persons.

26 “Secretary” means the Secretary of Administration and Finance.

27 “Slavery” means the practice of owning Enslaved Persons.

28 “Slavery Era” means the period of time in North America and South America, including
29 the United States of America, Brazil, and the Caribbean, prior to1889.

30 “Slaveholder” means holders of Enslaved Persons, owners of business enterprises using
31 Enslaved Persons, owners of vessels carrying Enslaved Persons or other means of transporting
32 Enslaved Persons, merchants or financiers dealing in the purchase, sale or financing of the
33 business of Enslaved Persons.

34 “Slaveholder Insurance Policies” means policies issued to or for the benefit of
35 Slaveholders to insure them against the death of, or injury to, Enslaved Persons.

36 “State agency”, all awarding authorities of the commonwealth, including, but not limited
37 to, all executive offices, agencies, departments, commissions, and public institutions of higher
38 education, and any office, department or division of the judiciary.

39 “State authority”, shall include, but not be limited to the: Bay State Skills Corporation,
40 centers of excellence, Community Economic Development Assistance Corporation, Community
41 Development Finance Corporation, Government Land Bank, Massachusetts Bay Transportation
42 Authority, Massachusetts Business Development Corporation, Massachusetts Capital Resource
43 Company, Massachusetts Convention Center Authority, Massachusetts Corporation for
44 Educational Telecommunications, Massachusetts educational loan authority, Massachusetts
45 Health and Educational Facilities Authority, Massachusetts Higher Education Assistance
46 Corporation, Massachusetts Housing Finance Agency, Massachusetts Horse Racing Authority,

Massachusetts Industrial Finance Agency, Massachusetts Industrial Service Program, Massachusetts Legal Assistance Corporation, Massachusetts Port Authority, Massachusetts Product Development Corporation, Massachusetts Technology Development Corporation, Massachusetts Technology Park Corporation, Massachusetts Turnpike Authority, Massachusetts Water Resources Authority, Nantucket Land Bank, New England Loan Marketing Corporation, pension reserves investment management board, State College Building Authority, Southeastern Massachusetts University Building Authority, Thrift Institutions Fund for Economic Development, University of Lowell Building Authority, University of Massachusetts Building Authority, victim and witness board, and the Woods Hole, Martha's Vineyard, and Nantucket Steamship Authority.

Section 2. The Secretary, state agency or state authority shall require companies that have entered into a contract with the Commonwealth to complete an affidavit certifying that:

A. The company has searched any and all records of the company or majority-owned subsidiary and any predecessor company or its majority-owned subsidiary regarding records of participation or investments in, and profits derived, from slavery; and

B. The company has disclosed any and all records of participation in or profits derived by the company or majority-owned subsidiary and any predecessor company or its majority-owned subsidiary from slavery, including but not limited to, issuance of slaveholder insurance policies provided by insurance companies, during the slavery era, and identified names of any enslaved persons or slaveholders described in the records.

C. Subsections (A) and (B) of section 3 apply only to companies, majority-owned subsidiaries, predecessor companies, and predecessor majority-owned subsidiaries in existence before 1889.