

# HOUSE . . . . . No. 2635

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## The Commonwealth of Massachusetts

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PRESENTED BY:

***Lori A. Ehrlich***

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*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 requiring public pension fund divestment from ammunition and firearms.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Lori A. Ehrlich</i>	<i>8th Essex</i>	<i>1/29/2021</i>
<i>Maria Duaime Robinson</i>	<i>6th Middlesex</i>	<i>2/5/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>3/8/2021</i>
<i>Christine P. Barber</i>	<i>34th Middlesex</i>	<i>3/16/2021</i>
<i>Jack Patrick Lewis</i>	<i>7th Middlesex</i>	<i>5/26/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>7/8/2021</i>

# HOUSE . . . . . No. 2635

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By Ms. Ehrlich of Marblehead, a petition (accompanied by bill, House, No. 2635) of Lori A. Ehrlich and others for legislation to require the public pension fund to divest from ammunition and firearms. Public Service.

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[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 2244 OF 2019-2020.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Second General Court  
(2021-2022)  
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An Act requiring public pension fund divestment from ammunition and firearms.

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

1           SECTION 1. As used in this act the following words shall, unless the context clearly  
2 requires otherwise, have the following meanings:-

3           “Ammunition”, ammunition as defined in section 121 of chapter 140 of the General  
4 Laws, as amended by section 18 of the acts of 2017.

5           “Ammunition manufacturing company”, a company that derives more than 15 per cent of  
6 its revenues from the manufacture of ammunition offered for sale for non-law enforcement or  
7 non-military purposes.

8           “Ammunition retailing company”, a company that derives more than 15 per cent of its  
9 revenues from the sale of ammunition for non-law enforcement or non-military purposes.

“Board”, the Pension Reserves Investment Management Board established in section 23 of chapter 32 of the General Laws.

“Company”, a sole proprietorship, organization, association, corporation, partnership, joint venture, limited partnership, limited liability partnership, limited liability company or other entity or business association, including all wholly-owned subsidiaries, majority-owned subsidiaries, parent companies or affiliates of such entities or business associations that exist for profit-making purposes.

“Direct holdings”, all securities of a company held directly by the public fund or in an account or fund in which the public fund owns all shares or interests.

"Firearm", an assault weapon, firearm, large capacity weapon, machine gun, rifle, sawed-off shotgun, or shotgun as defined by section 121 of chapter 140 of the General Laws, as amended by section 18 of the acts of 2017.

“Firearm manufacturing company”, a company that derives more than 15 per cent of its revenues from the manufacture of firearms offered for sale for non-law enforcement or non-military purposes.

“Firearm retailing company”, a company that derives more than 15 per cent of its revenues from the sale of firearms for non-law enforcement or non-military purposes.

“Firearm Accessory”, a bump stock, large capacity feeding device, or trigger crank as defined in section 121 of chapter 140, as amended by section 18 of the acts of 2017.

“Firearm accessory manufacturing company”, a company that derives more than 15 per cent of its revenues from the manufacture of firearm accessories for sale for non-law enforcement or non-military purposes.

“Firearm accessory retailing company”, a company that derives more than 15 per cent of its revenues from the sale of firearm accessories for non-law enforcement or non-military purposes.

“Indirect holdings”, all securities of a company held in an account or fund, such as a mutual fund, managed by 1 or more persons not employed by the public fund, in which the public fund owns shares or interests together with other investors not subject to this act.

“Public fund”, the Pension Reserves Investment Trust or the Pension Reserves Investment Management Board charged with managing the pooled investment fund consisting of the assets of the state employees’ and teachers’ retirement systems as well as the assets of local retirement systems under the control of the board.

SECTION 2. Notwithstanding any general or special law to the contrary, within 30 days of enactment, the public fund shall identify all ammunition, firearm or firearm accessory manufacturing or retailing companies in which the fund owns direct or indirect holdings and shall file a list of any such holdings with the attorney general and with the clerks of the senate and the house of representatives.

SECTION 3. Notwithstanding any general or special law to the contrary, it shall be the settled policy of the public fund and of the board of the public fund not to invest in any ammunition, firearm or firearm accessory manufacturing or retailing companies. The public fund shall sell, redeem, divest or withdraw all publicly-traded securities of each company identified

pursuant to section 2 of this act within 12 months of enactment. This section shall not apply to indirect holdings in actively managed investment funds; provided, however, that the public fund shall submit letters to the managers of any such investment funds that contain companies identified pursuant to section 2 of this act, requesting that they remove such companies from the investment fund or create a similar actively managed fund with indirect holdings devoid of such companies.

SECTION 4. Notwithstanding any general or special law to the contrary, with respect to actions taken in compliance with this act, the public fund shall be exempt from any conflicting statutory or common law obligation, including any such obligations with respect to choice of asset managers, investment funds or investments for the public fund's securities portfolios and all good faith determinations regarding ammunition, firearm or firearm accessory manufacturing or retailing companies.

SECTION 5. Notwithstanding any general or special law to the contrary, the public fund shall be permitted to cease divesting from companies identified pursuant to section 2 of this act, to reinvest in companies identified pursuant to section 2 of this act, or to continue to invest in companies pursuant to section 2 of this act from which it has not yet divested upon clear and convincing evidence showing that the value for all assets under management by the public fund becomes equal to or less than 99.5 per cent (50 basis points) of the hypothetical value of all assets under management by the public fund assuming no divestment for any company had occurred under said subsection. Cessation of divestment, reinvestment or any subsequent ongoing investment authorized by this section shall be strictly limited to the minimum steps necessary to avoid the contingency set forth in the preceding sentence.

73 In advance of any cessation of divestment authorized by this subsection, the public fund  
74 shall provide a written report to the attorney general, the senate and house committees on ways  
75 and means and the joint committee on public service, updated annually thereafter as applicable,  
76 setting forth the reasons and justification, supported by clear and convincing evidence, for its  
77 decisions to cease divestment, to reinvest or to remain invested in companies identified pursuant  
78 to section 2.

79 SECTION 6. Present, future and former board members of the public fund, jointly and  
80 individually, state officers and employees, and investment managers under contract with the  
81 public fund shall be indemnified from the General Fund and held harmless by the  
82 Commonwealth from all claims, demands, suits, actions, damages, judgments, costs, charges and  
83 expenses, including court costs and attorney's fees, and against all liability, losses, and damages  
84 of any nature whatsoever that these present, future, or former board members, officers,  
85 employees, or contract investment managers shall or may at any time sustain by reason of any  
86 decision to restrict, reduce, or eliminate investments in ammunition, firearm, or firearm  
87 accessory manufacturing or retailing companies.

88 SECTION 7. The public fund shall annually, as applicable, file a report with the attorney  
89 general and with the clerks of the senate and the house of representatives, including: (i) all  
90 investments sold, redeemed, divested or withdrawn in compliance with this act within the  
91 preceding year; and (ii) all investments prohibited by this act from which the public fund has not  
92 yet divested.