

HOUSE No. 2892

The Commonwealth of Massachusetts

PRESENTED BY:

Nika C. Elugardo

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 corporate board diversity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Nika C. Elugardo</i>	<i>15th Suffolk</i>	<i>2/18/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/24/2021</i>
<i>Maria Duaine Robinson</i>	<i>6th Middlesex</i>	<i>2/24/2021</i>
<i>Patrick Joseph Kearney</i>	<i>4th Plymouth</i>	<i>2/26/2021</i>
<i>Carlos González</i>	<i>10th Hampden</i>	<i>2/26/2021</i>
<i>Chynah Tyler</i>	<i>7th Suffolk</i>	<i>2/26/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>2/26/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>5/10/2021</i>

HOUSE No. 2892

By Ms. Elugardo of Boston, a petition (accompanied by bill, House, No. 2892) of Nika C. Elugardo and others for legislation to establish a separate fund to be known as the Massachusetts power sharing trust fund. Revenue.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to corporate board diversity.

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. Chapter 29 of the General Laws is hereby amended by inserting after
2 section 2CCCCC the following new section: -

3 Section 2DDDDD. (a) There shall be established and set up on the books of the
4 commonwealth a separate fund to be known as the Massachusetts Power Sharing Trust Fund,
5 which shall consist of all fees collected under subsections (b) and (c). Amounts credited to the
6 fund shall be received by the department of revenue impressed with a trust on behalf of the
7 Commissions listed in subsection (d) and the underrepresented populations they serve, and shall
8 be available, without further appropriation, to be used exclusively for carrying out the purposes
9 of this section.

10 (b) On June 30 of each year, each publicly held domestic or foreign corporation whose
11 principal executive offices are located in the commonwealth and whose governing board has had
12 fewer than 15% members of color serving concurrently for the majority of the preceding year or,

13 for a corporation whose governing board had fewer than 11 members, had fewer than 2 members
14 of color serving concurrently for the majority of the preceding year, shall contribute an
15 assessment to said fund in an amount equal to twice the average annual cash compensation of an
16 independent member of its governing board; provided, however, that the minimum number of
17 members of color shall be determined by rounding to the nearest whole number.

18 (c) On June 30 of each year, if the governing board of Massachusetts Bay Transportation
19 Authority Fiscal and Management Control board, Massachusetts Growth Capital Corporation,
20 Massachusetts Port Authority, the board of trustees of the University of Massachusetts,
21 MassVentures, Massachusetts Life Sciences Center, the Massachusetts Clean Energy
22 Technology Center, or the board of Higher Education has had fewer than 15% members of color
23 serving concurrently for the majority of the preceding year or, for a board with fewer than 11
24 members, had fewer than 2 members of color serving concurrently for the majority of the
25 preceding year, said entity shall contribute \$1 to the fund.

26 (d) The comptroller shall, without further appropriation, annually transfer the balance of
27 the Massachusetts Power Sharing Trust Fund to the Commission on the Status of African
28 Americans, the Commission on the Status of Latinos and Latinas, and the Commission on the
29 Status of Citizens of Asian Descent in proportion to the fraction of the commonwealth's total
30 non-white population that each commission's constituent population represents, according to the
31 most recent decennial census data available. Amounts deposited in the fund that are unexpended
32 at the end of a fiscal year shall not revert to the General Fund and shall be transferred, without
33 further appropriation, to the Massachusetts Commission Against Discrimination. Each
34 commission shall expend such funds in furtherance of its mission.

35 (e) The department of revenue shall annually publish a report including, but not limited
36 to: the list of all corporations and entities that contributed an assessment to the fund under
37 paragraph (b) and (c); and the total amount of fees collected from each corporation or entity.