

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

Bruce E. Tarr

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 to combat unjust acts of war by Russia.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	
<i>Ryan C. Fattman</i>	<i>Worcester and Norfolk</i>	
<i>Patrick M. O'Connor</i>	<i>Plymouth and Norfolk</i>	
<i>Bradley H. Jones, Jr.</i>	<i>20th Middlesex</i>	
<i>Walter F. Timilty</i>	<i>Norfolk, Bristol and Plymouth</i>	<i>3/2/2022</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>3/2/2022</i>
<i>Joseph D. McKenna</i>	<i>18th Worcester</i>	<i>3/3/2022</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>3/3/2022</i>
<i>Marc T. Lombardo</i>	<i>22nd Middlesex</i>	<i>3/3/2022</i>
<i>Timothy R. Whelan</i>	<i>1st Barnstable</i>	<i>3/3/2022</i>
<i>Todd M. Smola</i>	<i>1st Hampden</i>	<i>3/3/2022</i>
<i>Paul K. Frost</i>	<i>7th Worcester</i>	<i>3/3/2022</i>
<i>Steven G. Xiarhos</i>	<i>5th Barnstable</i>	<i>3/3/2022</i>
<i>David K. Muradian, Jr.</i>	<i>9th Worcester</i>	<i>3/3/2022</i>
<i>David F. DeCoste</i>	<i>5th Plymouth</i>	<i>3/3/2022</i>
<i>Mark C. Montigny</i>	<i>Second Bristol and Plymouth</i>	<i>3/3/2022</i>
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>3/3/2022</i>
<i>Kimberly N. Ferguson</i>	<i>1st Worcester</i>	<i>3/3/2022</i>

<i>Angelo L. D'Emilia</i>	<i>8th Plymouth</i>	<i>3/3/2022</i>
<i>David T. Vieira</i>	<i>3rd Barnstable</i>	<i>3/3/2022</i>
<i>Susan Williams Gifford</i>	<i>2nd Plymouth</i>	<i>3/3/2022</i>
<i>Anne M. Gobi</i>	<i>Worcester, Hampden, Hampshire and Middlesex</i>	<i>3/3/2022</i>
<i>Mathew J. Muratore</i>	<i>1st Plymouth</i>	<i>3/3/2022</i>
<i>Michael J. Soter</i>	<i>8th Worcester</i>	<i>3/3/2022</i>
<i>F. Jay Barrows</i>	<i>1st Bristol</i>	<i>3/3/2022</i>
<i>Barry R. Finegold</i>	<i>Second Essex and Middlesex</i>	<i>3/3/2022</i>
<i>Kelly W. Pease</i>	<i>4th Hampden</i>	<i>3/4/2022</i>
<i>Lenny Mirra</i>	<i>2nd Essex</i>	<i>3/4/2022</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>3/4/2022</i>
<i>Linda Dean Campbell</i>	<i>15th Essex</i>	<i>3/4/2022</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>3/4/2022</i>
<i>Jamie Zahlaway Belsito</i>	<i>4th Essex</i>	<i>3/4/2022</i>
<i>Eric P. Lesser</i>	<i>First Hampden and Hampshire</i>	<i>3/7/2022</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>3/8/2022</i>
<i>Shawn Dooley</i>	<i>9th Norfolk</i>	<i>3/15/2022</i>
<i>Brian W. Murray</i>	<i>10th Worcester</i>	<i>3/16/2022</i>
<i>Peter J. Durant</i>	<i>6th Worcester</i>	<i>3/17/2022</i>

SENATE No.

By Mr. Tarr, a petition (accompanied by bill) (subject to Joint Rule 12) of Bruce E. Tarr, Ryan C. Fattman, Patrick M. O'Connor, Bradley H. Jones, Jr. and other members of the General Court for legislation to combat unjust acts of war by Russia. Public Service.

The Commonwealth of Massachusetts

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

An Act to combat unjust acts of war by Russia.

Whereas, The deferred operation of this act would tend to defeat its purpose, which is to address unjust acts of war by the Russian Federation upon the sovereign nation of Ukraine, and inflicting great harm, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public peace.

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 have the following meanings:-

2 “Active business operations”, all business operations that are not inactive business
3 operations.

4 “Board”, the pension reserves investment management board established pursuant to
5 section 23 of chapter 32 of the General Laws.

6 “Business operations”, engaging in commerce in any form in the Russian Federation,
7 including by acquiring, developing, maintaining, owning, selling, possessing, leasing, or
8 operating equipment, facilities, personnel, products, services, personal property, real property, or
9 any other apparatus of business or commerce.

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

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

17 “Inactive business operations”, the continued holding or renewal of rights to property
18 previously operated for the purpose of generating revenues but not presently deployed for such
19 purpose.

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

24 “Public fund”, the Pension Reserves Investment Trust or the Pension Reserves
25 Investment Management Board in charge of managing the pooled investment fund consisting of
26 the assets of the State Employees’ and Teachers’ Retirement Systems as well as the assets of
27 local retirement systems under the control of the board.

28 SECTION 2. The Treasurer shall forthwith identify and take action to divest from all
29 companies engaged in business operations, in which the public fund has direct or indirect
30 holdings or could possibly have such holdings in the future. The identification of companies

31 shall be the responsibility of an independent, third-party research firm, as identified by the public
32 fund, and based on the criteria set forth in this act.

33 SECTION 3. (a)(1) The public fund shall immediately determine the companies engaged
34 in business operations, in which the public fund owns direct or indirect holdings.

35 (2) The public fund shall sell, redeem, divest, or withdraw all publicly-traded securities of
36 a company identified in paragraph (1) with active business operations.

37 (3) If a company identified in paragraph (1) with only inactive business operations
38 converts such operations to active business operations, paragraph (2) will immediately apply.

39 SECTION 4. The public fund shall file a report with the clerks of the senate and the
40 house of representatives and the attorney general that includes the list of companies engaged in
41 business operations within 30 days after the list is created. Annually thereafter, the public fund
42 shall file a report to the clerks of the senate and the house of representatives, and the attorney
43 general, including but not limited to, all investments sold, redeemed, divested, or withdrawn in
44 compliance with section 3.

45 SECTION 5. Notwithstanding any general or special law, rule, or regulation to the
46 contrary, the state secretary and the division of banks are authorized and directed to take any and
47 all lawful actions to prevent access to, or benefit from, direct or indirect holdings owned or
48 controlled by the Russian Federation, its political subdivisions, banking institutions or other
49 companies who conduct business operations domiciled in the Russian Federation if such direct or
50 indirect holdings including but not limited to cash accounts are held in financial institutions
51 licensed, governed, regulated or overseen by the commonwealth.

52 SECTION 6. Notwithstanding any general or special law, rule or regulation to the
53 contrary, the governor of the commonwealth, acting by and through components of the executive
54 branch, including but not limited to, the Executive Office of Administration and Finance, the
55 Operational Services Division, and the Department of Capital Asset Maintenance and
56 Management, is hereby authorized, to the maximum feasible extent, to identify, document, and
57 analyze and contract or other financial vehicles by which the commonwealth conveys a direct
58 tangible or intangible benefit to the Russian Federation, or any of its political subdivisions, or
59 any company that has business operations domiciled in the Russian Federation and to terminate
60 such agreements and any included commitments, to the extent authorized by their terms or any
61 other available mechanism pursuant to the laws of the United States and the commonwealth. Any
62 action taken pursuant to this section shall be fully documented and reported in a timely manner,
63 but in no event later than 30 days, to the clerks of the House and Senate, and posted
64 electronically.

65 SECTION 7. SECTION 5 and 6 are hereby repealed.

66 SECTION 8. SECTION 7 shall go into effect March 1, 2024.