HOUSE DOCKET, NO. 2061 FILED ON: 1/20/2011

HOUSE . . . . . No. 2483

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 relating to shareholder advocacy with companies doing business in Burma (Myanmar).

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Byron Rushing	*9th Suffolk*
Denise Provost	*27th Middlesex*
Jason M. Lewis	*31st Middlesex*
Ruth B. Balser	*12th Middlesex*
Thomas P. Conroy	*13th Middlesex*
Tom Sannicandro	*7th Middlesex*
Martha M. Walz	*8th Suffolk*
Gloria L. Fox	*7th Suffolk*
Kay Khan	*11th Middlesex*

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HOUSE . . . . . No. 2483

By Mr. Rushing of Boston, a petition (accompanied by bill, House, No. 2483) of Byron Rushing and others for legislation to regulate the investment of public service funds relative to the investment in companies doing business in or with Burma (Myanmar). Public Service.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relating to shareholder advocacy with companies doing business in Burma (Myanmar).

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

Section 23 of Chapter 32 of the General Laws is hereby amended by adding a new subdivision:

(_) No new investment funds shall be made in stocks, securities, or other obligations of any company doing business in or with the country of Burma (Myanmar).

(b) For the purposes of Section 23, the following words shall, unless the context indicates otherwise, have the following meanings:

DEFINITIONS

(1) “Company”: any partnership, firm, association, corporation or other entity, or their subsidiaries.

(2) “Doing business with Burma”:

11 (A) providing goods, commercial services or financial services to the government of
12 Burma or an enterprise in which the government of Burma has an ownership interest. For
13 purposes of this section, financial services include providing direct loans, insurance,
14 underwriting government securities, providing any consulting advice or assistance, providing
15 brokerage services or acting as a trustee or escrow agent; or

16 (B) participating in a joint venture or investment with the government of Burma or an
17 enterprise in which the government of Burma has an ownership interest.

18 (C) "Government of Burma" includes any public or quasi-public entity operating within
19 Burma (Myanmar), including, but not limited to, municipal, provincial, national or other
20 governmental and military bodies, including all departments and agencies of such bodies, public
21 utilities, public facilities, or any national corporation in which Burma has a financial interest or
22 operational responsibilities.

23 (c) SUPPORT FOR SHAREHOLDER RESOLUTIONS

24 (i) For companies doing business with the government of Burma whose securities are
25 held in the portfolios of the boards of the municipal employees' retirement system, the
26 Massachusetts state retirement system or the state teachers' retirement system, the state treasurer
27 shall implement the purposes of this act by filing shareholder resolutions and/or voting in favor
28 of shareholder resolutions filed by other shareholders when those resolutions raise concerns
29 about doing business in Burma, including requests:

30 (1) to report on company activities in Burma;

31 (2) to report on the full costs of doing business in Burma;

32 (3) to address human rights or drug trafficking conditions in Burma;

33 (4) to report on all named individuals and companies on the United States Specially

34 Designated Nationals list or;

35 (5) to establish human rights guidelines.

36 (ii) For companies doing business with the government of Burma whose securities are
37 held in the portfolios of the boards of the municipal employees' retirement system, the
38 Massachusetts state retirement system or the state teachers' retirement system, the state treasurer
39 may co-file shareholder resolutions filed by shareholders of companies that do business with the
40 government of Burma when those resolutions raise concerns about doing business in Burma.

41 (iii) This section authorizes only those actions that comply with the relevant rules of the
42 U.S. Securities and Exchange Commission.

43 (d) NOTIFICATION OF COMPANY

44 When voting for a resolution under Sec. 3 of this act, the state treasurer shall separately
45 notify the company in a letter reciting the legislative findings contained in Sec. 1 of this act and
46 stating that Massachusetts wishes to express its grave concern regarding the company's
47 economic ties to the government of Burma and its oppressive system, including the serious moral
48 issues and the potential economic risk associated with investing with the government of Burma.

49 (e) REPORTS

50 The state treasurer shall produce a written report to the General Court of Massachusetts
51 by July 31st each year describing the actions that the state treasurer has taken in compliance with
52 this act.

53 (f) EFFECTIVE DATE; SUNSET

54 (i) This act shall take effect upon passage.

55 (ii) This act shall be repealed on the date the state treasurer certifies to the General Court
56 that the United States Secretary of State has determined that the democratically elected leaders of
57 Burma are exercising the powers and duties of the offices to which they were elected.