

HOUSE No.

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 passage of the accompanying bill:

An Act relative to investment in companies doing business in Burma.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Byron Rushing	9th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 2729 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO INVESTMENT IN COMPANIES DOING BUSINESS IN BURMA.

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

1 Subdivision (2) of Section 23 of Chapter 32 of the General Laws, as amended by Chapter 119 of
2 the Acts of 1997 first annual session, is hereby amended by inserting after the word “products”,
3 the following:

4

5 and no new investment funds shall be made in stocks, securities, or other obligations of any
6 company doing business in or with the country of Burma (Myanmar). For the purposes of
7 Section 23, the following words shall, unless the context indicates otherwise, have the following
8 meanings:

9

10 Sec. 1 DEFINITIONS

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

13 (2) “Doing business with Burma”:

14 (A) providing goods, commercial services or financial services to the government of Burma or
15 an enterprise in which the government of Burma has an ownership interest. For purposes of

16 this section, financial services include providing direct loans, underwriting government
17 securities, providing any consulting advice or assistance, providing brokerage services or acting
18 as a trustee or escrow agent; or

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

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

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27 Sec. 2. SUPPORT FOR SHAREHOLDER RESOLUTIONS

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

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

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

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

37 (4) to establish human rights guidelines.

38

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

44 (c) This section authorizes only those actions that comply with the relevant rules of the U.S.
45 Securities and Exchange Commission.

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47 Sec. 3. NOTIFICATION OF COMPANY

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

53

54 Sec. 4 REPORTS

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

58

59 Sec. 5 EFFECTIVE DATE; SUNSET

60 (a) This act shall take effect upon passage.

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

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