

HOUSE No. 72

The Commonwealth of Massachusetts

PRESENTED BY:

Nicholas A. Boldyga

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 the welfare of the citizens of the Commonwealth of Massachusetts.

PETITION OF:

NAME:

Nicholas A. Boldyga

David F. DeCoste

DISTRICT/ADDRESS:

3rd Hampden

5th Plymouth

HOUSE No. 72

By Mr. Boldyga of Southwick, a petition (accompanied by bill, House, No. 72) of Nicholas A. Boldyga and David F. DeCoste relative to reporting requirements of public benefit recipients. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 3288 OF 2013-2014.]

The Commonwealth of Massachusetts

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**In the One Hundred and Eighty-Ninth General Court
(2015-2016)**
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An Act relative to the welfare of the citizens of the Commonwealth of Massachusetts.

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. Section 2 of chapter 18 of the General Laws, as most recently amended by
2 chapter 161 of the Acts of 2012, is hereby amended by adding after the word “eighteen E”, in
3 line 9, the following words:- or direct cash assistance after June 30, 2014.

4 SECTION 2. Section 2 of chapter 18 is hereby further amended by adding the following
5 paragraphs:

6 (g) the department shall require all recipients to provide notice of change of address
7 within 10 days changing residences. The department shall notify recipients of this requirement
8 when they first apply for benefits; provided, however, that the department shall not be required
9 to remind recipients of this requirement upon the recipient’s change of address. Failure to notify

10 the department of a change in address shall be punished by a loss of benefits for a period of 3
11 months for the first offense, by a loss of benefits equal to the period of time spent at the
12 recipient's new address in violation of this section for the second offense and by a permanent
13 loss of benefits for the third offense.

14 (h) the department shall cross reference all recipients with the registry of motor vehicles.

15 (i) the department shall maintain records affirming that recipients do not have assets that
16 exceed the eligibility requirements described in section 2(A); provided further, that such records
17 shall be available for public inspection at all times.

18 SECTION 3. Chapter 18 of the General Laws, as most recently amended by chapter 161
19 of the Acts of 2012, is hereby amended by striking section 5I and inserting in place thereof the
20 following section:-

21 (a) As used in sections 5I through 5J inclusive the following terms shall, unless the
22 context clearly requires otherwise, have the following meanings:--

23 "Access device", a card, code or other means of access that can be used, alone or in
24 conjunction with another access device, to obtain payments, allotments, benefits, money, goods
25 or other things of value, or that can be used to initiate a transfer of funds under the federal Food
26 and Nutrition Act of 2008, 7 U.S.C. § 2011 et seq., or regulations issued pursuant to the federal
27 Food and Nutrition Act of 2008.

28 "Direct cash assistance", any manner of cash assistance provided by the department of
29 transitional assistance including, but not limited to, temporary aid to families with dependent
30 children, wherein the assistance is provided directly to the recipient, rather than a vendor;

31 provided, however, that the department shall cease providing direct cash assistance on June 30,
32 2014.

33 “Electronic benefit transfer card”, a card that provides benefits through an electronic
34 benefit transfer.

35 “Electronic benefit transfer transaction”, the use of a credit or debit card service,
36 automated teller machine, point-of-sale terminal or access to an online system for the withdrawal
37 of funds or the processing of a payment for merchandise purchased or services rendered in the
38 commonwealth.

39 “Essential items”, food items identified in the food guide pyramid established by the
40 United States department of agriculture.

41 “Vacation services”, furnishing interstate or foreign travel services solely for the purpose
42 of recreation including, but not limited to transportation, lodging and travel agent services;
43 provided, however, that vacation services shall not include travel related to: a personal or family
44 emergency, the death of a family member, employment, medical treatment, appearance before a
45 court of law, court-authorized parental visitation and such other categories of travel which may
46 be designated from time to time by the department as non-recreational travel.

47 (b) No person shall knowingly use or accept direct cash assistance funds held on
48 electronic benefit transfer cards, access devices or any other form of liquidity for the purchase of
49 any non-essential item, including: alcoholic beverages as defined in section 1 of chapter 138;
50 lottery tickets; tobacco products as defined in section 1 of chapter 64C; visual material or
51 performances intended to create or simulate sexual conduct or sexual excitement as those terms
52 are defined in section 31 of chapter 272; firearms and ammunition as defined in section 121 of

53 chapter 140; vacation services; tattoos or body piercings; jewelry; for gambling as defined in
54 section 2 of chapter 23K or for the payment to the commonwealth of or any political subdivision
55 thereof of any fees, fines, bail or bail bonds ordered by a court.

56 (c) Any eligible recipient of direct cash assistance who knowingly makes a prohibited
57 purchase in violation of this section shall experience a loss of benefits equal to the amount spent
58 on the prohibited item for the first offense, a loss of benefits equal to the amount spent on the
59 prohibited item plus a loss of benefits equal to a period of 3 month for the second offense and a
60 permanent loss of benefits for the third offense.

61 (d) the department shall submit semi-annual reports detailing enforcement and violations
62 of the section. The report shall include, but not necessarily be limited to, the number of alleged
63 violations reported, the number of alleged violations investigated, the number of violations
64 found, the amount received for reimbursements for purchases made in violation of this section,
65 the number of 2 month disqualifications, the number of permanent disqualification notices,
66 hearings, and permanent disqualifications, and further specify actions taken to improve the
67 implementation of this section and limit the number of eligible recipients who knowingly make a
68 prohibited purchase in violation of this section. The reports shall be filed with the clerks of the
69 house of representatives and the senate, with the first report to be filed not later than March 15,
70 2013.

71 SECTION 4. Chapter 18 of the General Laws, as most recently amended by chapter 161
72 of the Acts of 2012, is hereby amended by inserting after section 5I, the following section:-

73 Section 5I½. (a) No person shall knowingly use direct cash assistance funds held on
74 electronic benefits transfer cards, access devices or in any other form of liquidity for the
75 purchase of goods or services outside the commonwealth.

76 (b) Any eligible recipient of direct cash assistance who knowingly makes a prohibited
77 purchase in violation of this section shall experience a loss of benefits equal to the amount spent
78 on the prohibited item for the first offense, a loss of benefits equal to the amount spend on the
79 prohibited item plus a loss of benefits equal to a period of 3 months for the second offense and a
80 permanent loss of benefits for the third offense.

81 SECTION 5. Section 5J of chapter 18 of the General Laws, as most recently amended by
82 chapter 161 of the Acts of 2012, is hereby amended by inserting after the word “transaction”, the
83 following words:- for non-essential items including from transactions.