

SENATE No. 01603

The Commonwealth of Massachusetts

PRESENTED BY:

Richard T. Moore

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 the receipt of state services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Richard T. Moore</i>	<i>Worcester and Norfolk</i>
<i>Michael R. Knapik</i>	<i>Second Hampden and Hampshire</i>
<i>Marc R. Pacheco</i>	<i>First Plymouth and Bristol</i>
<i>Thomas M. Stanley</i>	<i>9th Middlesex</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>
<i>James E. Timilty</i>	<i>Bristol and Norfolk</i>

SENATE No. 01603

By Mr. Moore, petition (accompanied by bill, Senate, No. 1603) of Timilty, Tarr, Stanley and other members of the General Court for legislation relative to the receipt of state services [Joint Committee on State Administration and Regulatory Oversight].

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act relative to the receipt of state services.

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. Clause (1) of subsection (c) of section 29F of chapter 29 of the general
2 laws, as appearing in the 2008 official edition, is hereby amended by adding the following
3 subclause:--

4 (x) a violation of federal law prohibiting the employment of unauthorized aliens; or.

5 SECTION 2. (a) The general laws are hereby amended by inserting after chapter 30B
6 the following new chapter:--

7 Chapter 30C. Public Contract Integrity

8 Section 1. For the purposes of this chapter, the following terms shall have the
9 following meanings, unless the context clearly requires otherwise:

10 “Public employer,” a department agency or public instrumentality of the commonwealth or a
11 person, corporation, partnership, sole proprietorship, joint venture or other business entity
12 providing goods or services to a department, agency or public instrumentality of the
13 commonwealth including, but not limited to, the Massachusetts Department of Transportation,
14 the Massachusetts Water Resources Authority, the Massachusetts Port Authority and the
15 Massachusetts Bay Transportation Authority;

16 “Work authorization program”, an electronic verification of work authorization program or an
17 equivalent work authorization program operated by the United States Department of Homeland
18 Security, the United States Department of Labor, the Social Security Administration, other
19 federal agency or by a private verification system authorized by the director of labor to verify
20 information of newly hired employees, pursuant to the Immigration Reform and Control Act of
21 1986 and its successor acts.

22 Section 2. No public employer shall enter into a contract for the provision of goods or
23 services within the commonwealth unless the contractor registers and participates in a work
24 authorization program to verify information on all new employees and certifies to that effect in
25 writing to the director of labor.

26 Section 3. No contractor or subcontractor who enters a contract with a public employer
27 shall enter into a contract or subcontract in connection with the provision of goods or services in
28 the commonwealth unless the contractor or subcontractor registers and participates in a work
29 authorization program to verify information on all employees and certifies to that effect in
30 writing to the director of labor.

31 Section 4. This chapter shall be enforced without regard to race, religion, gender,
32 ethnicity or national origin.

33 Section 5. Except as may be otherwise provided in this chapter, the director of labor
34 shall prescribe forms and promulgate rules and regulations necessary to implement and
35 administer this chapter.

36 Section 6. The inspector general shall develop and promulgate regulations to ensure
37 that a person receiving funds pursuant to a contract awarded pursuant to chapter 30B and section
38 44A of chapter 149 is in compliance with federal laws pertaining to immigration and citizenship
39 including, but not limited to 42 U.S.C. section 1436(a). Such regulations shall include, but not be
40 limited to, ascertaining and verifying immigration and citizenship status through a work
41 authorization program.

42 Section 7. No contract shall be awarded by or to a public employer and no public funds
43 shall be expended under any such contract unless the public employer complies with the
44 regulations prescribed in this chapter.

45 Section 7. No funds shall be expended in accordance with a contract awarded by or to a public
46 employer which will result in the payment of any kind to a person not in compliance with any
47 and all federal laws pertaining to immigration and citizenship, including but not limited to 42
48 U.S.C. 1436(a).”; and

49 SECTION 3. The first paragraph of section 2 of chapter 90 of the General Laws, as so
50 appearing, is hereby amended by striking out the second and third sentences and inserting in
51 place thereof the following 3 sentences:--

52 If the owner is a corporation or business entity, the application shall contain the name of the
53 corporation or business entity, the full address, including the street, city or town, state and zip
54 code, the federal tax identification number if a corporation and the social security number if the
55 business entity is a sole proprietorship and does not have a federal tax identification number. If
56 an applicant is a natural person, the application shall contain his name, full residential address,
57 date of birth, license number or identification card number issued by the registrar and such other
58 particulars as the registrar may require. Except as otherwise provided in this chapter or in
59 regulations adopted by the registrar, no registration shall be issued for a motor vehicle or trailer
60 owned or leased by a natural person unless 1 of its registering owners or lessees holds a valid
61 license or identification card issued by the registrar. The registrar shall provide by regulation for
62 exemptions for out-of-state students, military personnel, senior citizens and disabled persons.”

63 SECTION 4. Said section 2 of said chapter 90 is hereby further amended by inserting
64 after the word “statement”, in line 13, as so appearing, the following word:- signed.

65 SECTION 5. Said section 2 of said chapter 90 is hereby further amended by striking
66 out, in lines 21 to 23, inclusive, as so appearing, the words “register in a book or upon suitable
67 index cards to be kept for the purpose the motor vehicle or trailer described in the application,
68 giving to the vehicle” and inserting in place thereof the following:- keep a record of motor
69 vehicles and trailers that satisfy the application requirements, assign to each motor vehicle and
70 trailer.

71 SECTION 6. Section 20 of said chapter 90, as so appearing, is hereby amended by
72 striking out, in line 10, the words “of not less than \$100 nor more than \$1000” and inserting in
73 place thereof the following: by a fine of not more than \$500 for a first offense, by a fine of not

74 less than \$500 nor more than \$1,000, for a second offense, by a fine of not less than \$1,000 nor
75 more than \$2,000 or by imprisonment for not more than 30 days, or both such fine and
76 imprisonment, for a third or subsequent offense.

77 SECTION 7. Section 24B of said chapter 90, as so appearing, is hereby amended by
78 inserting after the first paragraph the following paragraph:-

79 Whoever falsely makes, steals, alters, forges or counterfeits a learner's permit, a license to
80 operate motor vehicles or an identification card issued under section 8E with the intent to
81 distribute such learner's permit, license to operate motor vehicles or identification card or
82 knowingly assists another to do so, shall be punished as follows: (i) for acts involving 1 to 5
83 documents, by a fine of not more than \$500 dollars or by imprisonment in the house of
84 correction for not more than 1 year; (ii) for acts involving 6 to 10 documents, by a fine of not
85 more than \$1,000 dollars or by imprisonment in the state prison for not more than 5 years or in
86 jail or house of correction for not more than 2 1/2 years; for acts involving more than 10
87 documents, by a fine of not more than \$10,000 dollars or by imprisonment in the state prison for
88 not more than 15 years.

89 SECTION 8. The third paragraph of section 34B of said chapter 90, as so appearing, is
90 hereby amended by adding the following 3 sentences: - Any person who transfers, alters,
91 defaces, uses or carries any such card or license or uses the identification card or motor vehicle
92 license of another or furnishes false information in obtaining such card or license shall be guilty
93 of a misdemeanor and shall be punished by a fine of not more than \$500 for a first offense or by
94 a fine of not more than \$1,000 or imprisonment for not more than 3 months, or both such fine
95 and imprisonment for a second or subsequent offense. Any person who makes, sells or

96 distributes a false identification card shall be guilty of a felony and shall be punished by a fine of
97 not more than \$5,000 or imprisonment for not more than 5 years, or both such fine and
98 imprisonment.”

99 SECTION 9. Section 1 of chapter 118E of the General Laws, as appearing in the 2008
100 Official Edition, is hereby amended by adding the following paragraph:-

101 Benefits for individuals over age 18 for any program established under this chapter or which can
102 be obtained only through an application for benefits under this chapter shall be available only to
103 otherwise eligible individuals who document their lawful presence in the United States in
104 accordance with federal requirements applicable to federal public benefits under Title XIX and
105 Title XXI of the Social Security Act, including the requirements or the waiver of any
106 requirements under section 1115 of the Social Security Act. The documentation requirements
107 shall apply regardless of whether those benefits are subject to federal funding.

108 SECTION 10. Section 32 of chapter 121B of the General Laws, as so appearing, is
109 hereby amended by adding the following paragraph:-

110 Notwithstanding any general or special law or rule or regulation to the contrary, an applicant for
111 assisted housing under this chapter who is not eligible for federal assisted housing under 42
112 U.S.C. section 1436a or who is not a person residing in the United States under color of law as
113 provided in section 16D of chapter 118E shall not be given priority over or otherwise displace an
114 applicant who has such status.

115 SECTION 11. Section 2 of chapter 149 of the General Laws, as so appearing, is hereby
116 amended by adding the following paragraph:--

117 The attorney general shall make available a 24-hour toll-free hotline which may be used for
118 reporting suspected violations of this chapter, including sections 19C and 26 relative to
119 immigration status and wage laws and for violations of 8 U.S.C. section 1324a relative to the
120 unlawful employment of unauthorized aliens in the commonwealth. Calls to the hotline shall be
121 confidential and callers shall have the option of reporting violations anonymously. All
122 complaints, whether received through the hotline, in writing, electronically or in any other form
123 shall be recorded, documented and investigated by the attorney general. The attorney general
124 shall immediately refer any suspected violations of federal law including, but not limited to,
125 violations of 8 U.S.C. section 1324a, to the Attorney General of the United States. The attorney
126 general shall annually prepare a year-end report detailing all reported violations of said sections
127 19C and 26 and violations of 8 U.S.C. sections 1324a, the nature of the violations, the date on
128 which each complaint was received and documented, any enforcement action taken against an
129 employer who knowingly employs illegal aliens and any violations of federal law forwarded to
130 the Attorney General of the United States. The report shall be submitted annually to the house
131 and senate committees on ways and means and to the joint committee on labor and workforce
132 development not later than February 1.

133 SECTION 12. The second paragraph of section 19C of said chapter 149, as so
134 appearing, is hereby amended by adding the following sentence:- Such regulations shall include
135 but not be limited to ascertaining and verifying immigration and/or citizenship status utilizing a
136 work authorization program as defined in section 1 of chapter 30C.

137 SECTION 13. Said section 19C of said chapter 149, as so appearing, is hereby further
138 amended by striking out the third paragraph and inserting in place thereof the following
139 paragraph:-

140 Any person who violates this section or who knowingly utilizes a false identification document
141 for the purposes of soliciting, securing or maintaining employment from a public employer shall
142 be punished by a fine of not more than \$500 nor less than \$200 or by imprisonment in the jail or
143 house of correction for not more than 1 year.

144 SECTION 14. Not later than 8 months after the effective date of this act and
145 notwithstanding any general or special law to the contrary, the attorney general may facilitate
146 and enter into a memorandum of understanding with the Attorney General of the United States
147 pursuant to the provisions of 8 U.S.C. section 1357(g), for the purpose of enforcing state and
148 federal laws pertaining to immigration and citizenship; provided, however, that if the attorney
149 general has not entered into a memorandum of understanding by that date, the attorney general
150 shall submit a written report to the clerks of the senate and house of representatives stating the
151 reasons for which an agreement was not reached, including any recommendations for state action
152 necessary to facilitate such an agreement.

153 SECTION 15. Notwithstanding any general or special law to the contrary the
154 immigration status of every defendant shall be confirmed at the arraignment stage of a criminal
155 court proceeding.

156 SECTION 16. Notwithstanding any special or general law to the contrary, a person
157 who is a lawful immigrant or permanent resident of the United States, or is eligible to apply and
158 has applied for such status, shall be eligible to be considered for Massachusetts residency for
159 tuition purposes, provided that the person meets the same requirements for establishing residency
160 in Massachusetts as are required of a United States citizen. Non-citizens who are in, or who are
161 eligible to apply and have applied for, refugee or asylum status, shall be eligible to be considered

162 for Massachusetts residency for tuition purposes, provided that the person meets the same
163 requirements for establishing residency in Massachusetts as are required of a United States
164 citizen. All non-citizens shall provide appropriate documentation to verify their status with the
165 United States Immigration and Naturalization Service.

166 SECTION 17. (a) Notwithstanding any general or special law to the contrary, an
167 applicant for the MassGrant program administered by the department of higher education office
168 of grant assistance shall complete the Free Application for Federal Student Aid or other federal
169 student loan program that verifies both financial and citizenship eligibility.

170 (b) The secretary of education shall report annually to the senate and house committees
171 on ways and means and the executive office for administration and finance the amount of money
172 recovered by the department of education from those who received assistance fraudulently and
173 the number of recipients who were issued partial or lifetime disqualifications.

174 SECTION 18. (a) Notwithstanding any general or special law to the contrary, the
175 MassHealth program within the department of health and human services shall register for the
176 federal Systematic Alien Verification for Entitlements or SAVE system by January 1, 2011, and
177 shall use that system to verify whether applicants whose documentation is not available or is
178 questionable are legal aliens and whether they are qualified aliens for benefit eligibility purposes.
179 The department shall be exempt from this requirement if it has reported before January 1, 2011,
180 to the senate and house committees on ways and means and the executive office for
181 administration and finance that using the SAVE system would not be cost effective.

182 (b) The department of health and human services shall report annually to the senate
183 and house committees on ways and means and the executive office for administration and

184 finance the amount of money recovered by the division from those who received benefits
185 fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

186 SECTION 19. (a)(1) Notwithstanding any general or special law to the contrary, the
187 department of housing and economic development shall direct local housing authorities to:

188 (i) require an applicant to provide the local housing authority with access to
189 reliable and reasonably obtainable documentation verifying the accuracy of information provided
190 by an applicant on an application form or otherwise necessary at the time of determining final
191 eligibility and qualification; provided, however, that income of applicants shall be verified by the
192 procedure set forth in paragraph (2); provided further, that if the local housing authority has
193 verified any information when making a preliminary determination of eligibility for the
194 applicant, the local housing authority shall reverify that information on its final determination of
195 eligibility and qualification; and provided further, that nonreceipt of requested documentation,
196 without good cause established by the applicant, shall be cause for determining that the applicant
197 is unqualified;

198 (ii) require an applicant to provide the names and current addresses of all
199 landlords or housing providers for the applicant and the applicant's household members during
200 the 5 years immediately preceding the application to the date of the final determination;
201 provided, however, that if after request the local housing authority has failed to receive a
202 reference from a landlord or a housing provider, it shall notify the applicant of nonreceipt and the
203 local housing authority shall request that the applicant use his best efforts to cause his landlord or
204 housing provider to submit the reference to the local housing authority; provided further, that in
205 the event that the applicant uses his best efforts but is unsuccessful, the applicant shall cooperate

206 with the local housing authority in securing information from other sources relative to the
207 tenancy; and provided further, that nonreceipt of a reference from a landlord or housing provider
208 shall be cause for determining an applicant unqualified unless the applicant can show that he has
209 used best efforts to secure the reference and that he has complied with reasonable requests for
210 cooperation in securing other information;

211 (iii) obtain criminal offender record information for each applicant and, if
212 necessary, check public records, credit reports, other sources of public information and other
213 reliable sources; provided, however, that the local housing authority may conduct a home visit,
214 which shall be scheduled reasonably in advance; and provided further, that observations by the
215 person making such a visit shall be promptly reduced to writing and placed in the applicant's file;
216 and

217 (iv) obtain information regarding eligibility or qualification from interviews
218 with the applicant and with others from telephone conversations, letters or other documents and
219 from other oral or written materials; provided, however, that all such information received shall
220 be recorded in the applicant's file, including the date of its receipt, the identity of the source and
221 the person receiving the information.

222 (2) The local housing authority shall assess financial eligibility by reviewing the
223 applicant's net household income. In reviewing the applicant's financial status, the local
224 housing authority shall assess, but shall not be limited to assessing:

225 (i) the full amount, before any payroll deductions, of wages and salaries,
226 overtime pay, commissions, fees, tips and bonuses and other compensation for personal services;

227 (ii) income from the operation of a business or profession by each self-
228 employed household member after deduction for the ordinary and necessary expenses of the
229 business or profession; provided, however, that the deductible expenses of the business or
230 profession shall not exceed 85 per cent of the gross receipts of the business or profession; and
231 provided further, that deductible expenses of the business or profession shall not include rent or
232 utilities paid for the tenant's unit if the business or profession is located in the tenant's unit;

233 (iii) income of any kind from real or personal property, including rent,
234 dividends and interest; provided, however, that amortization of capital indebtedness and
235 depreciation shall not be deducted in computing net income; provided further, that any
236 realization of taxable capital gain on the sale or transfer of an investment or other real or
237 personal property shall be included as income; provided further that if the household has
238 marketable real or personal property with a value to be determined by the department of housing
239 and community development, excluding any automobile used as the primary means of
240 transportation by household members, gross household income shall include the higher of actual
241 income derived from any such property or a percentage of the value of such property; and
242 provided further, that this percentage shall be the current passbook savings rate, as determined
243 from time to time by the United States Department of Housing and Urban Development for
244 federally assisted housing or as otherwise determined by the department of housing and
245 community development;

246 (iv) periodic payments received from social security, annuities, retirement
247 funds and pensions, individual retirement accounts and other similar types of periodic payments
248 of retirement benefits, excluding nontaxable amounts which constitute return of capital and are
249 specifically identified as such by payer;

250 (v) payments in lieu of earnings, including unemployment compensation,
251 Supplemental Security Income, and Social Security Disability Income, and benefits in lieu of
252 earnings under disability insurance, health and accident insurance or workers' compensation;
253 provided, however, that an unallocated lump sum settlement or similar payment, all or partly, on
254 account of lost wages resulting from an injury shall be equitably allocated to reflect a monthly
255 payment on account of lost wages for the period during which the recipient is likely to be
256 disabled from the injury and the recipient shall be deemed to receive such a monthly payment
257 each month during the continuance of his disability until the allocated funds are deemed
258 exhausted; and provided further, that payments from the government which are subsequently
259 reimbursed to the government shall not be included as income;

260 (vi) regularly recurring contributions or gifts received from nonhousehold
261 members; provided, however, that to be regularly recurring, a contribution or gift shall occur at
262 least twice a year for at least 2 years; provided further, that a contribution or gift of a value to be
263 determined by the department of housing and community development, which occurs once a year
264 from year to year for at least 2 years shall also be deemed to be regularly recurring;

265 (vii) regular payments of public assistance;

266 (viii) payments received for the support of a minor including, but not limited
267 to, payments for child support, foster care, social security or public assistance, including
268 payments nominally made to a minor for his support but controlled for his benefit by a household
269 member who is responsible for his support;

270 (ix) lottery winnings, gambling winnings and similar receipts;

271 (x) receipts of principal and income from the trustee of a trust and receipts of
272 income from the executor or administrator of an estate or from some other fiduciary;

273 (xi) alimony or payment for separate support;

274 (xii) gifts which are not regularly recurring;

275 (xiii) amounts, including lump sums, specifically received for the cost of
276 medical care or which are made to compensate for personal injury or damage to or loss of
277 property under health, accident or liability insurance, workers' compensation, judgments or
278 settlements of claims, insofar as these payments do not compensate for loss of income for a
279 period when the recipient was or would be a tenant;

280 (xiv) amounts of educational scholarships or stipends for housing paid by a
281 nonhousehold member for a student at an educational institution, including amounts paid for
282 these purposes to part-time students, whether paid directly to the student or to the educational
283 institution, and amounts paid by the United States Government to a veteran for use in paying
284 tuition, fees or the cost of books, to the extent that such payments are so used;

285 (xv) the special pay to a member of the armed forces on account of service in
286 a war zone;

287 (xvi) relocation payments made pursuant to state or federal law;

288 (xvii) payments received from the Social Security Administration's Plan to
289 Attain Self Sufficiency program, provided that the recipient fulfills all the program requirements;

290 (xviii) the value of food stamps;

291 (xix) payments received by participants or volunteers in programs pursuant
292 to the Domestic Volunteer Service Act of 1973;

293 (xx) the increased amount of income earned from employment by a
294 household member if the increase in earned income would otherwise result in a rent increase
295 unless: (A) the household's income has been derived, at least in part, from Transitional Aid to
296 Families with Dependent Children, Emergency Assistance to the Elderly, Disabled and Children
297 Program, Supplemental Security Income, Social Security Disability Income or a successor
298 program for each of the previous 12 months; (B) the household's increased earned income has
299 been accompanied by a decrease in the amount of Transitional Aid to Families with Dependent
300 Children, Emergency Assistance to the Elderly, Disabled and Children Program, Supplemental
301 Security Income, Social Security Disability Income or public assistance from a successor
302 program; or (C) if at the commencement of this exclusion, the recipient of such public assistance
303 would have remained eligible for such assistance if the income had not been earned; provided,
304 however, that this earned income exclusion shall be in effect for a continuous 12-month period,
305 regardless of any changes or gaps in employment during that period; provided further, that this
306 exclusion may be exercised by the tenant when a household member has procured either full-
307 time or part-time employment; and provided further, it shall be within the tenant's sole discretion
308 whether or when to exercise this 1-time earned income exclusion;

309 (xxi) payments for a household member for participation in an employment
310 program operated by a bona fide program providing employment training if such program is
311 approved by the department or if sponsored or administered by a government agency to cover
312 costs related to training or employment including, but not limited to, transportation, program
313 fees, books or child care during training; provided, however, that this exclusion shall not apply to

314 wages received through programs for training for employment, such as wages from on-the-job
315 training;

316 (xxii) wages or salary earned by a full-time student or by an unemancipated
317 minor;

318 (xxiii) income of a live-in personal care attendant, who is not a family
319 member, who is paid for the fair market value of his services to a household member with a
320 disability and whose income is not available for the needs of any household member: provided,
321 however, that the personal care attendant shall be required to substantiate that he receives
322 wages for the fair market value of his services and that such income is not available for the needs
323 of any household member;

324 (xxiv) inheritances and life insurance proceeds; provided, however, that this
325 exclusion shall not apply to post-death interest paid on inheritances or insurance proceeds;

326 (xxv) at the discretion of the local housing authority, with respect to an
327 unemployable disabled veteran whose disability occurred in connection with military service, all
328 but an amount to be determined by the department of housing and community development of
329 the annual amount received by such unemployable disabled veteran from the United States
330 government on account of such disability; provided, however, that if the local housing authority
331 excludes all but \$1,800 of such amount, no deductions shall be applied against that amount to be
332 determined by the department of housing and community development;

333 (xxvi) a return of capital upon the sale or transfer of an investment or of
334 other real or personal property;

335 (xxvii) wages or salary earned by a tenant who is age 62 or older or any other
336 household member who is age 62 or older, but this amount shall not exceed the total amount
337 earned by a person working 20 hours per week at the minimum wage specified in section 1 of
338 chapter 151; and

339 (xxviii) net household income which shall be not less than zero and which
340 shall be calculated by the gross household income less the following deductions: (A) an amount
341 to be determined by the department of housing and community development for a household
342 living in family housing in which the tenant is an elderly person of low income or a handicapped
343 person of low income if the household is not overhoused, as defined in 760 CMR 6.03; (B) an
344 amount to be determined by the department of housing and community development for each
345 unemancipated minor household member under age 18; (C) an amount to be determined by the
346 department of housing and community development for each adult household member, other
347 than the tenant; provided, however that this deduction shall be limited by the amount by which
348 the gross income of such adult household member exceeds all other deductions claimed against
349 his income; (D) a deduction for heat in the amount prescribed by the department's schedule of
350 heat deductions; provided, however, that this deduction shall be available only to a household
351 that separately pays for the cost of heat; (E) payments for necessary medical expenses, including
352 copayment amounts which are not covered by insurance or otherwise reimbursed; provided,
353 however, that such expenses shall be in excess of 3 per cent of the annual gross household
354 income and are paid by household members; and provided further, that payments for medical
355 health insurance shall be considered medical expenses; (F) payments for the care of a child of a
356 sick or incapacitated household member provided that the local housing authority shall have
357 determined the payments to be necessary for the employment of another household member who

358 would otherwise have provided such care; provided, however, that the total amount deducted for
359 this deduction and the deductions in clauses (vii) and (viii) for this household member who
360 makes the payment shall not exceed his gross income; (G) child support, separate support or
361 alimony paid under court order or court approved agreement by a household member for the
362 support of a minor child, spouse or former spouse not residing in the household; provided,
363 however, that the total amount deducted for this deduction and the deductions in clauses (vi) and
364 (viii) for this household member shall not exceed his gross income; (H) nonreimbursable
365 payments of tuition and fees of vocationally-related post-secondary education of a household
366 member who is not a full-time student; provided, however, that the amount deducted for this
367 deduction and the deductions in clauses (vi) and (vii) for this household member shall not exceed
368 his gross income; (I) nonreimbursable payments for reasonable and necessary housekeeping or
369 personal care services for a household member with a disability who, as a result of his disability,
370 is physically unable to perform the housekeeping or personal care services if no household
371 member is reasonably available to perform these services; and (J) travel expenses in excess of
372 the cost of the least expensive available transportation for a household member with a disability
373 who, as a result of his disability, is physically unable to use the least expensive available
374 transportation and who uses the least expensive transportation practical for him in connection
375 with necessary activities, provided that the necessary activities cannot reasonably be performed
376 by another household member.

377 (b) The secretary of housing and economic development shall report annually to the
378 senate and house committees on ways and means and the executive office for administration and
379 finance the amount of money recovered by the department from those who received assistance
380 fraudulently and the number of recipients who were issued partial or lifetime disqualifications.

381 SECTION 20. Notwithstanding any general or special law to the contrary and to
382 prevent fraud and misuse of unemployment benefits, the division of unemployment assistance
383 shall:

384 (1) maintain interagency agreements with the United States Social Security
385 Administration to verify all claimant's demographics and the United States Department of
386 Homeland Security Citizenship and Immigration Service to verify a noncitizen claimant's work
387 authorization;

388 (2) determine citizenship during new claim filings;

389 (3) require noncitizen claimants to provide their alien registration number;
390 provided, however, that the department of unemployment assistance shall verify that claimant
391 information and alien registration number with the United States Department of Homeland
392 Security Citizenship and Immigration Service;

393 (4) require noncitizen claimants who cannot provide an alien registration
394 number during the new claim process to send copies of any official documents they have that
395 authorize them to work in the United States to the unemployment insurance program integrity
396 department;

397 (5) issue no payment after the first payment until the claim has been verified
398 by the secondary verification process and the issue is approved for a claim from a monetarily
399 eligible noncitizen that could not be verified by the above processes;

400 (6) institute a secondary verification process, using unemployment insurance
401 program integrity department staff to review the documents and transmit pertinent information

402 from the documents for verification with the Department of Homeland Security Citizenship and
403 Immigration Service;

404 (7) flag expiration dates of work authorizations or in the unemployment
405 insurance system if such dates exist; and

406 (8) report annually to the senate and house committees on ways and means
407 and the executive office for administration and finance the amount of money recovered by the
408 division from those who received benefits fraudulently as well as the numbers of recipients who
409 were issued partial or lifetime disqualifications.

410 SECTION 21. Notwithstanding any general or special law to the contrary and to
411 prevent fraud and misuse of public assistance benefits, the department of transitional assistance
412 shall:

413 (1) consistent with federal and state law, require all applicants for benefits to
414 provide verification of citizenship or their legal alien status; provided, however, that noncitizens
415 shall be required to provide documentation from the United States Department of Homeland
416 Security Citizenship and Immigration Services for verification purposes; provided further, that if
417 such documentation is not available or is questionable, the department shall use the federal
418 SAVE system to verify their legal alien status and determine whether they are qualified aliens for
419 benefit eligibility purposes;

420 (2) implement data matching with the department of revenue, the
421 department of children and families, the division of unemployment assistance and any other
422 relevant agencies to verify financial and categorical eligibility criteria;

423 (3) cooperate fully with the food and nutrition service of the United States
424 Department of Agriculture in pursuing and prosecuting vendor fraud;

425 (4) refer all credible reports of fraud received from its fraud hotline or any
426 other source to the bureau of special investigations for investigation;

427 (5) pursue, to the fullest extent possible, administrative disqualification
428 penalties for instances of Supplemental Nutrition Assistance Program and cash assistance fraud;
429 and

430 (6) report annually to the senate and house committees on ways and means
431 and the executive office for administration and finance the amount of money recovered by the
432 division from those who received benefits fraudulently and the number of recipients who were
433 issued partial or lifetime disqualifications.”

434 SECTION 22. The state auditor shall conduct a study of the costs to the
435 commonwealth of implementing amendment 52 as originally drafted and any new cost savings
436 likely to accrue to the commonwealth as a result of that implementation. The study shall include,
437 but not be limited to, consideration of the impact of similar legislation in Colorado and the 2007
438 adoption of additional status verification requirements in the commonwealth for Medicaid
439 services, as well as a distributional analysis showing the impact of implementation on taxpayers
440 of varying income levels. A report on the results of study shall be submitted to the house and
441 senate committees on ways and means not later than December 31, 2010.

442 SECTION 23. Sections 2 and 3 of chapter 30C of the General Laws shall apply as
443 follows:

444 (1) on or after September 1, 2010, with respect to public employers,
445 contractors, or subcontractors of 500 or more employees;

446 (2) on or after September 1, 2011, with respect to public employers,
447 contractors, or subcontractors of 100 or more employees; and

448 (3) on or after September 1, 2012, with respect to all public employers,
449 contractors or subcontractors.

450 SECTION 24. Chapter 18 of the General Laws is hereby amended by inserting after
451 section 5H the following new sections:--

452 Section 5I. Notwithstanding any general or special law to the contrary, eligible
453 recipients of direct cash assistance shall not use direct cash assistance funds held on electronic
454 benefit transfer cards for the purchase of alcoholic beverages or tobacco products. An individual
455 or store owner who knowingly accepts electronic benefit transfer cards in violation of this
456 section shall be punished by imprisonment in a jail or house of correction for not more than 2
457 and one-half years or by a fine of not less than \$1,000, or both such fine and imprisonment.

458 Section 5J. Notwithstanding any general or special law to the contrary, whoever
459 embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property provided
460 by the department of transitional assistance and whoever receives, conceals or retains such funds,
461 assets or property for his own interest knowing such funds, assets or property have been
462 embezzled, willfully misapplied, stolen or obtained by fraud shall, if such funds, assets or
463 property are of a value of \$100 or more, be punished by a fine of not more than \$25,000 or by
464 imprisonment in a jail or house of correction for not more than 5 years, or both such fine and
465 imprisonment, or if such funds, assets or property are of a value of less than \$100, by a fine of

466 not more than \$1,000 or by imprisonment in a jail or house of correction for not more than 1
467 year, or both such fine and imprisonment.