HOUSE DOCKET, NO. 947 FILED ON: 1/15/2013

HOUSE . . . . . No. 147

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:

An Act ensuring equal access to services for all residents of the Commonwealth.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Byron Rushing	*9th Suffolk*
Martha M. Walz	*8th Suffolk*
Kay Khan	*11th Middlesex*
Timothy J. Toomey, Jr.	*26th Middlesex*
Cheryl A. Coakley-Rivera	*10th Hampden*
James B. Eldridge	*Middlesex and Worcester*
Gloria L. Fox	*7th Suffolk*
Denise Provost	*27th Middlesex*
Aaron Vega	*5th Hampden*
Marjorie C. Decker	*25th Middlesex*

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HOUSE . . . . . No. 147

By Mr. Rushing of Boston, a petition (accompanied by bill, House, No. 147) of Byron Rushing and others relative to ensuring equal access to programs, projects or activity for the provision of services, financial aid or other benefits services for all residents of the Commonwealth. Children, Families and Persons with Disabilities.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
HOUSE
, NO. *74* OF 2011-2012.]

The Commonwealth of Massachusetts

An Act ensuring equal access to services for all residents of the Commonwealth.

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

SECTION 1. Chapter 30 of the General Laws is hereby amended by adding after section 64 the following new section: —

Section 65. (a) For the purposes of this section the following terms shall mean:

Program: any program, project or activity for the provision of services, financial aid, or other benefits to individuals. This shall include, but not be limited to, education or training, employment, health, welfare, rehabilitation, housing or other services, whether provided directly by the recipient of funds of the commonwealth or provided by others through contracts or other arrangements with the recipient.

Recipient: any political subdivision of the commonwealth or instrumentality thereof, including quasi-public commissions, or any public or private agency, institution or organization, or other entity, or any individual, in any political subdivision of the commonwealth to whom funds of the commonwealth are extended, either directly or through another recipient, for any program.

Recipient shall include any successor, assignee, or transferee thereof. It shall not include any ultimate beneficiary under such program.

16 (b) It shall be the policy of the commonwealth to support and encourage any residents in
17 their attempt to obtain legal immigration status and, if they choose, citizenship. Nothing in this
18 section shall prohibit an agency or employee of the commonwealth or recipient of
19 commonwealth funds from requesting information or documentation regarding immigration
20 status to the extent necessary to assist an individual in resolving an immigration question when
21 such assistance is part of a program's activities and is consistent with this subsection.

22 (c)(1) No regulation, rule, or other requirement may be imposed by any agency or
23 employee of the commonwealth nor by a recipient of funds from the commonwealth which
24 denies any assistance, benefit, payment, service, or participation in any program or activity on
25 the basis of alienage or immigration status, except as required by federal or state statute, or court
26 decision.

27 (c)(2) No agency or employee of the commonwealth nor any recipient of commonwealth
28 funds shall request information about, investigate, or assist in the investigation of the alienage or
29 immigration status of any person unless such inquiry or investigations required by federal or
30 state statute, or court decision; nor shall any such individual or entity disseminate information
31 regarding the citizenship or residency status of any person unless required to do so by federal or
32 state statute, or court decision; nor shall any such individual or entity condition the provision of
33 any assistance, benefit, payment, service, or participation in any program or activity on the basis
34 of alienage or immigration status, unless required to do so by federal or state statute, court
35 decision, or except insofar as may be lawfully imposed on those persons who are committed to
36 the custody of the department of corrections.

37 (d) Nothing in this section shall prohibit an agency or employee of the commonwealth or
38 a recipient of commonwealth funds from requesting information or documentation regarding
39 alienage or immigration status to the extent necessary to secure federal reimbursement for a
40 specific program.