SENATE DOCKET, NO. 1735 FILED ON: 1/21/2011

SENATE . . . . . No. 1603

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:

An Act relative to the receipt of state services.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Richard T. Moore	*[District]*
Michael R. Knapik	*[District]*
Marc R. Pacheco	*[District]*
Thomas M. Stanley	*9th Middlesex*
Bruce E. Tarr	*[District]*
James E. Timilty	*[District]*

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SENATE . . . . . No. 1603

By Mr. Moore, a petition (accompanied by bill, Senate, No. 1603) of Richard T. Moore, Michael R. Knapik, Marc R. Pacheco, Thomas M. Stanley and other members of the General Court for legislation relative to the receipt of state services. 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:

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

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

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

Chapter 30C. Public Contract Integrity

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

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

"Work authorization program", an electronic verification of work authorization program or an equivalent work authorization program operated by the United States Department of Homeland Security, the United States Department of Labor, the Social Security Administration, other federal agency or by a private verification system authorized by the director of labor to

20 verify information of newly hired employees, pursuant to the Immigration Reform and Control
21 Act of 1986 and its successor acts.

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

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

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

33 Section 5. Except as may be otherwise provided in this chapter, the director of
34 labor 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
37 ensure that a person receiving funds pursuant to a contract awarded pursuant to chapter 30B and
38 section 44A of chapter 149 is in compliance with federal laws pertaining to immigration and
39 citizenship including, but not limited to 42 U.S.C. section 1436(a). Such regulations shall
40 include, but not be limited to, ascertaining and verifying immigration and citizenship status
41 through a work authorization program.

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

45 Section 7. No funds shall be expended in accordance with a contract awarded by or to a
46 public employer which will result in the payment of any kind to a person not in compliance with
47 any 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
50 Laws, as so appearing, is hereby amended by striking out the second and third sentences and
51 inserting in place thereof the following 3 sentences:--

52 If the owner is a corporation or business entity, the application shall contain the name of
53 the 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
64 inserting 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
66 striking out, in lines 21 to 23, inclusive, as so appearing, the words "register in a book or upon
67 suitable index cards to be kept for the purpose the motor vehicle or trailer described in the
68 application, giving to the vehicle" and inserting in place thereof the following:- keep a record of
69 motor vehicles and trailers that satisfy the application requirements, assign to each motor vehicle
70 and trailer.

71 SECTION 6. Section 20 of said chapter 90, as so appearing, is hereby amended
72 by striking out, in line 10, the words "of not less than $100 nor more than $1000" and inserting
73 in 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
78 amended by inserting after the first paragraph the following paragraph:-

79 Whoever falsely makes, steals, alters, forges or counterfeits a learner's permit, a license
80 to 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
90 appearing, is hereby amended by adding the following 3 sentences: - Any person who transfers,
91 alters, defaces, uses or carries any such card or license or uses the identification card or motor

92 vehicle license of another or furnishes false information in obtaining such card or license shall be
93 guilty of a misdemeanor and shall be punished by a fine of not more than $500 for a first offense
94 or by a fine of not more than $1,000 or imprisonment for not more than 3 months, or both such
95 fine 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
100 the 2008 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
102 which can be obtained only through an application for benefits under this chapter shall be
103 available only to otherwise eligible individuals who document their lawful presence in the
104 United States in accordance with federal requirements applicable to federal public benefits under
105 Title XIX and Title XXI of the Social Security Act, including the requirements or the waiver of
106 any requirements under section 1115 of the Social Security Act. The documentation
107 requirements 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
109 appearing, is hereby amended by adding the following paragraph:-

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

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

117 The attorney general shall make available a 24-hour toll-free hotline which may be used
118 for 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
138 further 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
141 document for the purposes of soliciting, securing or maintaining employment from a public
142 employer shall be punished by a fine of not more than $500 nor less than $200 or by
143 imprisonment in the jail or 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
157 person who is a lawful immigrant or permanent resident of the United States, or is eligible to
158 apply and has applied for such status, shall be eligible to be considered for Massachusetts
159 residency for tuition purposes, provided that the person meets the same requirements for
160 establishing residency in Massachusetts as are required of a United States citizen. Non-citizens
161 who are in, or who are eligible to apply and have applied for, refugee or asylum status, shall be
162 eligible to be considered for Massachusetts residency for tuition purposes, provided that the
163 person meets the same requirements for establishing residency in Massachusetts as are required
164 of a United States citizen. All non-citizens shall provide appropriate documentation to verify
165 their status with the United States Immigration and Naturalization Service.

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

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

174 SECTION 18. (a) Notwithstanding any general or special law to the contrary,
175 the MassHealth program within the department of health and human services shall register for
176 the federal Systematic Alien Verification for Entitlements or SAVE system by January 1, 2011,
177 and 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
183 senate 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
187 contrary, the department of housing and economic development shall direct local housing
188 authorities to:

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

199 (ii) require an applicant to provide the names and current addresses
200 of all landlords or housing providers for the applicant and the applicant's household members
201 during the 5 years immediately preceding the application to the date of the final determination;
202 provided, however, that if after request the local housing authority has failed to receive a

203 reference from a landlord or a housing provider, it shall notify the applicant of nonreceipt and the
204 local housing authority shall request that the applicant use his best efforts to cause his landlord or
205 housing provider to submit the reference to the local housing authority; provided further, that in
206 the event that the applicant uses his best efforts but is unsuccessful, the applicant shall cooperate
207 with the local housing authority in securing information from other sources relative to the
208 tenancy; and provided further, that nonreceipt of a reference from a landlord or housing provider
209 shall be cause for determining an applicant unqualified unless the applicant can show that he has
210 used best efforts to secure the reference and that he has complied with reasonable requests for
211 cooperation in securing other information;

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

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

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

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

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

235 (iii) income of any kind from real or personal property, including
236 rent, dividends and interest; provided, however, that amortization of capital indebtedness and
237 depreciation shall not be deducted in computing net income; provided further, that any
238 realization of taxable capital gain on the sale or transfer of an investment or other real or
239 personal property shall be included as income; provided further that if the household has

240 marketable real or personal property with a value to be determined by the department of housing
241 and community development, excluding any automobile used as the primary means of
242 transportation by household members, gross household income shall include the higher of actual
243 income derived from any such property or a percentage of the value of such property; and
244 provided further, that this percentage shall be the current passbook savings rate, as determined
245 from time to time by the United States Department of Housing and Urban Development for
246 federally assisted housing or as otherwise determined by the department of housing and
247 community development;

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

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

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

268 (vii) regular payments of public assistance;

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

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

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

276 (xi) alimony or payment for separate support;

277 (xii) gifts which are not regularly recurring;

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

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

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

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

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

294 (xviii) the value of food stamps;

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

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

311 time or part-time employment; and provided further, it shall be within the tenant's sole discretion
312 whether or when to exercise this 1-time earned income exclusion;

313 (xxi) payments for a household member for participation in an
314 employment program operated by a bona fide program providing employment training if such
315 program is approved by the department or if sponsored or administered by a government agency
316 to cover costs related to training or employment including, but not limited to, transportation,
317 program fees, books or child care during training; provided, however, that this exclusion shall
318 not apply to wages received through programs for training for employment, such as wages from
319 on-the-job training;

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

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

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

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

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

340 (xxvii) wages or salary earned by a tenant who is age 62 or older or
341 any other household member who is age 62 or older, but this amount shall not exceed the total
342 amount earned by a person working 20 hours per week at the minimum wage specified in section
343 1 of chapter 151; and

344 (xxviii) net household income which shall be not less than zero and
345 which shall be calculated by the gross household income less the following deductions: (A) an

346 amount to be determined by the department of housing and community development for a
347 household living in family housing in which the tenant is an elderly person of low income or a
348 handicapped person of low income if the household is not overhoused, as defined in 760 CMR
349 6.03; (B) an amount to be determined by the department of housing and community development
350 for each unemancipated minor household member under age 18; (C) an amount to be determined
351 by the department of housing and community development for each adult household member,
352 other than the tenant; provided, however that this deduction shall be limited by the amount by
353 which the gross income of such adult household member exceeds all other deductions claimed
354 against his income; (D) a deduction for heat in the amount prescribed by the department's
355 schedule of heat deductions; provided, however, that this deduction shall be available only to a
356 household that separately pays for the cost of heat; (E) payments for necessary medical expenses,
357 including copayment amounts which are not covered by insurance or otherwise reimbursed;
358 provided, however, that such expenses shall be in excess of 3 per cent of the annual gross
359 household income and are paid by household members; and provided further, that payments for
360 medical health insurance shall be considered medical expenses; (F) payments for the care of a
361 child of a sick or incapacitated household member provided that the local housing authority shall
362 have determined the payments to be necessary for the employment of another household member
363 who would otherwise have provided such care; provided, however, that the total amount
364 deducted for this deduction and the deductions in clauses (vii) and (viii) for this household
365 member who makes the payment shall not exceed his gross income; (G) child support, separate
366 support or alimony paid under court order or court approved agreement by a household member
367 for the support of a minor child, spouse or former spouse not residing in the household; provided,
368 however, that the total amount deducted for this deduction and the deductions in clauses (vi) and
369 (viii) for this household member shall not exceed his gross income; (H) nonreimbursable
370 payments of tuition and fees of vocationally-related post-secondary education of a household
371 member who is not a full-time student; provided, however, that the amount deducted for this
372 deduction and the deductions in clauses (vi) and (vii) for this household member shall not exceed
373 his gross income; (I) nonreimbursable payments for reasonable and necessary housekeeping or
374 personal care services for a household member with a disability who, as a result of his disability,
375 is physically unable to perform the housekeeping or personal care services if no household
376 member is reasonably available to perform these services; and (J) travel expenses in excess of
377 the cost of the least expensive available transportation for a household member with a disability
378 who, as a result of his disability, is physically unable to use the least expensive available
379 transportation and who uses the least expensive transportation practical for him in connection
380 with necessary activities, provided that the necessary activities cannot reasonably be performed
381 by another household member.

382 (b) The secretary of housing and economic development shall report annually
383 to the senate and house committees on ways and means and the executive office for
384 administration and finance the amount of money recovered by the department from those who

385 received assistance fraudulently and the number of recipients who were issued partial or lifetime
386 disqualifications.

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

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

394 (2) determine citizenship during new claim filings;

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

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

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

406 (6) institute a secondary verification process, using unemployment
407 insurance program integrity department staff to review the documents and transmit pertinent
408 information from the documents for verification with the Department of Homeland Security
409 Citizenship and Immigration Service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

464 Section 5J. Notwithstanding any general or special law to the contrary,
465 whoever embezzles, willfully misapplies, steals or obtains by fraud any funds, assets or property
466 provided by the department of transitional assistance and whoever receives, conceals or retains
467 such funds, assets or property for his own interest knowing such funds, assets or property have
468 been embezzled, willfully misapplied, stolen or obtained by fraud shall, if such funds, assets or
469 property are of a value of $100 or more, be punished by a fine of not more than $25,000 or by
470 imprisonment in a jail or house of correction for not more than 5 years, or both such fine and
471 imprisonment, or if such funds, assets or property are of a value of less than $100, by a fine of
472 not more than $1,000 or by imprisonment in a jail or house of correction for not more than 1
473 year, or both such fine and imprisonment.