SENATE DOCKET, NO. 1455 FILED ON: 1/21/2011

SENATE . . . . . No. 1560

The Commonwealth of Massachusetts

PRESENTED BY:

Steven A. Baddour

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 comprehensive illegal immigration reform and safeguards.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Steven A. Baddour	
	☐ *[District]*
	☐

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SENATE . . . . . No. 1560

By Mr. Baddour, a petition (accompanied by bill, Senate, No. 1560) of Steven A. Baddour for legislation relative to illegal immigration reform. State Administration and Regulatory Oversight.

The Commonwealth of Massachusetts

An Act relative to comprehensive illegal immigration reform and safeguards.

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. The General Laws are hereby amended by inserting after chapter 30B the following:-

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

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

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

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

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

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

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

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

45 S ECTION 2. The first paragraph of section 2 of chapter 90 of the General Laws, as
46 so appearing, is hereby amended by striking out the second and third sentences and inserting in
47 place thereof the following 3 sentences:- If the owner is a corporation or business entity, the
48 application shall contain the name of the corporation or business entity, the full address,
49 including the street, city or town, state and zip code, the federal tax identification number if a
50 corporation and the social security number if the business entity is a sole proprietorship and does
51 not have a federal tax identification number. If an applicant is a natural person, the application
52 shall contain his name, full residential address, date of birth, license number or identification
53 card number issued by the registrar and such other particulars as the registrar may require.
54 Except as otherwise provided in this chapter or in regulations adopted by the registrar, no
55 registration shall be issued for a motor vehicle or trailer owned or leased by a natural person
56 unless 1 of its registering owners or lessees holds a valid license or identification card issued by
57 the registrar. The registrar shall provide by regulation for exemptions for out-of-state students,
58 military personnel, senior citizens and disabled persons.?

59 SECTION 3. Said section 2 of said chapter 90 is hereby further amended by inserting
60 after the word ?statement?, in line 13, as so appearing, the following word:- signed.

61 SECTION 4. Said section 2 of said chapter 90 is hereby further amended by striking out,
62 in lines 21 to 23, inclusive, as so appearing, the words ?register in a book or upon suitable index
63 cards to be kept for the purpose the motor vehicle or trailer described in the application, giving to
64 the vehicle? and inserting in place thereof the following:- keep a record of motor vehicles and
65 trailers that satisfy the application requirements, assign to each motor vehicle and trailer.

66 SECTION 5. Section 20 of said chapter 90, as so appearing, is hereby amended by
67 striking out, in line 10, the words ?of not less than $100 nor more than $1000? and inserting in
68 place thereof the following: by a fine of not more than $500 for a first offense, by a fine of not
69 less than $500 nor more than $1,000, for a second offense, by a fine of not less than $1,000 nor
70 more than $2,000 or by imprisonment for not more than 30 days, or both such fine and
71 imprisonment, for a third or subsequent offense.

72 SECTION 6. Section 24B of said chapter 90, as so appearing, is hereby amended by
73 inserting after the first paragraph the following paragraph:-

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

84 SECTION 7. The third paragraph of section 34B of said chapter 90, as so appearing, is
85 hereby amended by adding the following 3 sentences: - Any person who transfers, alters,
86 defaces, uses or carries any such card or license or uses the identification card or motor vehicle
87 license of another or furnishes false information in obtaining such card or license shall be guilty
88 of a misdemeanor and shall be punished by a fine of not more than $500 for a first offense or by
89 a fine of not more than $1,000 or imprisonment for not more than 3 months, or both such fine
90 and imprisonment for a second or subsequent offense. Any person who makes, sells or
91 distributes a false identification card shall be guilty of a felony and shall be punished by a fine of
92 not more than $5,000 or imprisonment for not more than 5 years, or both such fine and
93 imprisonment.

94 SECTION 8. Section 1 of chapter 118E of the General Laws, as appearing in the 2008
95 Official Edition, is hereby amended by adding the following paragraph:-

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

103 SECTION 9. Section 32 of chapter 121B of the General Laws, as so appearing, is hereby
104 amended by adding the following paragraph:-

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

110 SECTION 10. Section 2 of chapter 149 of the General Laws, as so appearing, is hereby
111 amended by adding the following paragraph:-

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

128 SECTION 11. The second paragraph of section 19C of said chapter 149, as so appearing,
129 is hereby amended by adding the following sentence:- Such regulations shall include but not be
130 limited to ascertaining and verifying immigration and/or citizenship status utilizing a work
131 authorization program as defined in section 1 of chapter 30C.

132 SECTION 12. Said section 19C of said chapter 149, as so appearing, is hereby further
133 amended by striking out the third paragraph and inserting in place thereof the following
134 paragraph:-

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

139 SECTION 13. Not later than 8 months after the effective date of this act and
140 notwithstanding any general or special law to the contrary, the attorney general may facilitate
141 and enter into a memorandum of understanding with the Attorney General of the United States
142 pursuant to the provisions of 8 U.S.C. section 1357(g), for the purpose of enforcing state and
143 federal laws pertaining to immigration and citizenship; provided, however, that if the attorney
144 general has not entered into a memorandum of understanding by that date, the attorney general
145 shall submit a written report to the clerks of the senate and house of representatives stating the
146 reasons for which an agreement was not reached, including any recommendations for state action
147 necessary to facilitate such an agreement.

148 SECTION 14. Notwithstanding any general or special law to the contrary the
149 immigration status of every defendant shall be confirmed at the arraignment stage of a criminal
150 court proceeding.

151 SECTION 15. Notwithstanding any special or general law to the contrary, a person who
152 is a lawful immigrant or permanent resident of the United States, or is eligible to apply and has
153 applied for such status, shall be eligible to be considered for Massachusetts residency for tuition
154 purposes, provided that the person meets the same requirements for establishing residency in
155 Massachusetts as are required of a United States citizen. Non-citizens who are in, or who are
156 eligible to apply and have applied for, refugee or asylum status, shall be eligible to be considered
157 for Massachusetts residency for tuition purposes, provided that the person meets the same
158 requirements for establishing residency in Massachusetts as are required of a United States
159 citizen. All non-citizens shall provide appropriate documentation to verify their status with the
160 United States Immigration and Naturalization Service.?

161 SECTION 16. Notwithstanding any general or special law to the contrary and to prevent
162 fraud and misuse of public assistance benefits, the department of transitional assistance shall:

163 (1) consistent with federal and state law, require all applicants for benefits to provide
164 verification of citizenship or their legal alien status; provided, however, that noncitizens shall be
165 required to provide documentation from the United States Department of Homeland Security
166 Citizenship and Immigration Services for verification purposes; provided further, that if such
167 documentation is not available or is questionable, the department shall use the federal SAVE

168 system to verify their legal alien status and determine whether they are qualified aliens for
169 benefit eligibility purposes;

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

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

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

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

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

183 SECTION 17. The state auditor shall conduct a study of the costs to the commonwealth
184 of implementing this bill and any new cost savings likely to accrue to the commonwealth as a
185 result of that implementation. The study shall include, but not be limited to, consideration of the
186 impact of similar legislation in Colorado and the 2007 adoption of additional status verification
187 requirements in the commonwealth for Medicaid services, as well as a distributional analysis
188 showing the impact of implementation on taxpayers of varying income levels. A report on the
189 results of study shall be submitted to the house and senate committees on ways and means not
190 later than December 31, 2011.

191 SECTION 18. Sections 2 and 3 of chapter 30C of the General Laws shall apply as
192 follows:

193 (1) on or after September 1, 2011, with respect to public employers, contractors, or
194 subcontractors of 500 or more employees;

195 (2) on or after September 1, 2012, with respect to public employers, contractors, or
196 subcontractors of 100 or more employees; and

197 (3) on or after September 1, 2014, with respect to all public employers, contractors or
198 subcontractors.