

SENATE No.

The Commonwealth of Massachusetts

PRESENTED BY:

John A. Hart, Jr.

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 contract compliance with homeland security.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
John A. Hart, Jr.	First Suffolk
Marc R. Pacheco	First Plymouth and Bristol

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S01067 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT RELATIVE TO CONTRACT COMPLIANCE WITH HOMELAND SECURITY.

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

1 SECTION 1. Section 27B of Chapter 149 of the General Laws as appearing in the 2004
2 Official Edition is hereby amended by inserting in line 7 after the word “employee” the
3 following:

4 “, and a copy of the completed Employment Eligibility Verification (Form I-9) for each
5 employee,”

6 SECTION 2: Said Section 27B is hereby further amended by inserting at the end of the
7 STATEMENT OF COMPLIANCE the following:

8 “That I have complied with Federal Department of Homeland Security Requirements concerning
9 Employment Eligibility, including without limitation the faithful completion of the Form I-9
10 process, and have verified the information on said Form I-9 through participation in the Basic
11 Pilot Employment Verification Program administered by the Social Security Administration and

12 the Department of Homeland Security, in hiring any and all employees employed on said
13 Project.”

14 SECTION 3: Subsection (a)(1) of Section 27C of Chapter 149 of the General Laws as appearing
15 in the 2004 Official Edition is hereby amended by inserting at the end thereof the following:

16 “All violations of said sections 26, 27, 27A, 27B, 27F, 27G, 27H, 148, 148A, 148B or 159C or
17 section 1A, 1B or 19 of chapter 151 involving a person not lawfully present in the United States
18 shall be deemed a willful violation.”

19 SECTION 4: The FORM FOR GENERAL BID in Section 44E of said Chapter 149 is hereby
20 amended by inserting after line 80 the following:

21 “The undersigned further certifies under pains and penalties of perjury that any and all
22 employees to be employed in the work of the project by the contractor and any subcontractor of
23 any tier will be hired in compliance with Federal Department of Homeland Security
24 Requirements concerning Employment Eligibility, including without limitation the faithful
25 completion of the Form I-9 process, and that the information on said Form I-9 will be verified
26 through participation in the Basic Pilot Employment Verification Program administered by the
27 Social Security Administration and the Department of Homeland Security.”

28 SECTION 5: The FORM FOR SUB BID in Section 44F of said Chapter 149 is hereby amended
29 by inserting after line 145 the following:

30 “The undersigned further certifies under pains and penalties of perjury that he will comply with
31 Federal Department of Homeland Security Requirements concerning Employment Eligibility,
32 including without limitation the faithful completion of the Form I-9 process, and will verify the

33 information on said Form I-9 through participation in the Basic Pilot Employment Verification
34 Program administered by the Social Security Administration and the Department of Homeland
35 Security, in hiring any and all employees to be employed in the work of the Project.”

36 SECTION 6: Subsection (c) of Section 39M of Chapter 30 of the General Laws, as appearing in
37 the 2004 Official Edition, is hereby amended by inserting at the end thereof the following:-

38 “; and (6) who shall certify under pains and penalties of perjury that any and all employees to be
39 employed in the work of the project by the contractor and any subcontractor of any tier will be
40 hired in compliance with Federal Department of Homeland Security Requirements concerning
41 Employment Eligibility, including without limitation the faithful completion of the Form I-9
42 process, and that the information on said Form I-9 will be verified through participation in the
43 Basic Pilot Employment Verification Program administered by the Social Security
44 Administration and the Department of Homeland Security.”

45 SECTION 7: Subsection (a) of Section 39S of said Chapter 30 is hereby further amended by
46 inserting at the end thereof the following:

47 “and; (4) that he will comply with Federal Department of Homeland Security Requirements
48 concerning Employment Eligibility, including without limitation the faithful completion of the
49 Form I-9 process, and will verify the information on said Form I-9 through participation in the
50 Basic Pilot Employment Verification Program administered by the Social Security
51 Administration and the Department of Homeland Security, in hiring any and all employees to be
52 employed in the work of the Project.”

53 SECTION 8: Subsection (c) 2 of Section 29F of Chapter 29 of the General Laws as appearing in
54 the 2004 Official Edition is hereby amended by inserting in line 87 after the words “thereto: (v)”
55 the following:

56 “employing persons not lawfully present in the United States; (vi)”