

HOUSE BILL NO. 1427

Introduced by

Representatives Olson, Rich S. Becker, B. Koppelman, K. Koppelman, Owens, Vetter

Senators Holmberg, J. Lee, Luick

1 A BILL for an Act to provide for the determination of refugee absorptive capacity.

2 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

3 **SECTION 1.**

4 **Definitions.**

5 1. "Absorptive capacity" is a determination made by the governor or by a local
6 government evaluating:

7 a. The capacity of the social service agencies, child welfare agencies, child care
8 facilities, educational facilities, health care facilities, translation and interpreter
9 services, and law enforcement agencies of the state or in the jurisdiction of the
10 local government to meet the existing needs of the community's current residents
11 considering budgetary and other restraints;

12 b. The capacity to provide medical care to refugees who at the time of resettlement
13 in the state or in the jurisdiction of the local government are determined to have
14 medical conditions requiring, or medical histories indicating a need for, treatment
15 or observation, or affecting the public health, both with or without expenditures by
16 this state, including expenditures under this state's approved medicaid state plan
17 in accordance with section 1902(a)(10)(C) of the Social Security Act, children's
18 health insurance program, or other public assistance programs;

19 c. The capacity to provide affordable housing, low-cost housing, or both,
20 considering existing waiting lists for housing in the state or in the jurisdiction of
21 the local government;

22 d. The capacity of the local school district in the jurisdiction of the local government
23 to meet the needs of the existing or anticipated refugee population, including

- 1 education of unaccompanied refugee minors, and providing English language
2 training;
- 3 e. The capacity of the economy of the state or the jurisdiction of the local
4 government to absorb new workers, including the likelihood of refugees placed in
5 the jurisdiction of the local government becoming employed, self-sufficient, and
6 free from long-term dependence on public assistance, without causing
7 competition with local residents for job opportunities, displacing existing local
8 workers, or adversely affecting the wages or working conditions of the local
9 workforce;
- 10 f. The capacity of state and local law enforcement in the jurisdiction of the local
11 government to assure law and order can be maintained, and ensure the refugee
12 population and the general public can be protected from crime, including child
13 abuse, domestic abuse, and sex trafficking, as well as threats to national security;
14 and
- 15 g. The capacity of the state and local government to provide services considering
16 whether the jurisdiction of the local government has been highly affected by the
17 presence of refugees or comparable populations, including the proportion of
18 refugees and comparable entrants in the population in the state or in the
19 jurisdiction of the local government, the amount of secondary migration of
20 refugees to the state or to the jurisdiction of the local government, and the
21 proportion of refugees in the state or in the jurisdiction of the local government
22 receiving cash or medical assistance through public assistance.
- 23 2. "Local educational agency" means the board of a school district.
- 24 3. "Local government" means the city governing body or board of county commissioners,
25 or both, that regulates any host community being considered for refugee resettlement
26 activity.
- 27 4. "Refugee resettlement organization" means any organization that receives federal
28 funding for refugee resettlement, including any replacement designee.
- 29 5. "State office for refugees" means the state office that administers the refugee program
30 for this state, or the entity or agency to which the state has delegated that function and

1 which has been designated and recognized by the federal government to administer
2 the program.

3 6. "State refugee coordinator" means the official designated by the state office for
4 refugees.

5 **SECTION 2.**

6 **State office for refugees and refugee resettlement organization duties.**

7 The state office for refugees and any refugee resettlement organization shall:

- 8 1. Meet at least quarterly with representatives of local governments to plan and
9 coordinate the appropriate placement of refugees in advance of the refugees' arrival;
- 10 2. Ensure representatives of local resettlement agencies, local community service
11 agencies, and other publicly funded or tax-exempt agencies that serve refugees in this
12 state meet at least quarterly with representatives of local governments, including
13 representatives of law enforcement and local educational agencies, to plan and
14 coordinate the appropriate placement of refugees in the host community in advance of
15 the refugees' arrival;
- 16 3. Execute a memorandum of understanding with each agency providing refugee
17 resettlement services in this state. The memorandum of understanding must require
18 the parties to mutually consult, prepare a plan for the initial placement of refugees in a
19 host community, and set forth the continuing process of consultation between the
20 parties. The provisions of the memorandum of understanding must be consistent with
21 federal law regulating the resettlement of refugees;
- 22 4. At least quarterly, transmit copies of the memoranda of understanding and any initial
23 refugee placement plans prepared pursuant to the memoranda of understanding to
24 the legislative management, the governor, the attorney general, the mayors or
25 chairmen of the boards of county commissioners of the local governments hosting or
26 impacted by the host refugee community, the heads of all local law enforcement
27 agencies in the areas hosting or impacted by the host refugee community, and the
28 heads of all local educational agencies in the areas hosting or impacted by the host
29 refugee community; and
- 30 5. By January thirty-first of each year, transmit to the legislative management, the
31 governor, the attorney general, the mayors or chairmen of the boards of county

1 commissioners hosting or impacted by the host refugee community, the heads of all
2 local law enforcement agencies in the areas hosting or impacted by the host refugee
3 community, the following data for the prior fiscal or calendar year:

4 a. Copies of statistical and programmatic information provided to the federal
5 government, including any reception and placement program proposal or
6 resettlement abstract;

7 b. Copies of the written policies of the refugee cash assistance program, including
8 agency policies regarding eligibility standards, the duration and amount of cash
9 assistance payments, the requirements for participation in services, the penalties
10 for noncooperation, and client rights and responsibilities to ensure a refugee
11 understands the programs and services for which the refugee is eligible, what is
12 expected of a refugee, and what protections are available to a refugee;

13 c. Copies of any written public or private refugee cash assistance program
14 operating at any time in the calendar year;

15 d. A report documenting the number of refugees sanctioned for failure to comply
16 with the requirements of the refugee cash assistance program, and the number
17 of determinations concerning employability or failure or refusal to carry out job
18 search requirements or to accept an appropriate offer of employability services or
19 employment, which result in denial or termination of assistance;

20 e. A certification that women have the same opportunities as men to participate in
21 all services provided, including job placement services;

22 f. Any reports, either submitted or received, of crime committed by a refugee who
23 has been resettled in the state, or crime committed against a refugee who has
24 been resettled in the state, including incidents of child abuse, female genital
25 mutilation, domestic abuse, sex or human trafficking, or terrorism, whether
26 prosecuted or not; and

27 g. A report delineating:

28 (1) The total number of refugees resettled;

29 (2) The total number of refugees resettled who are under eighteen years of
30 age;

- 1 (3) The total number of refugees resettled who are between eighteen and forty
2 years of age;
- 3 (4) The total number of refugees resettled who are between forty and sixty-five
4 years of age;
- 5 (5) The total number of refugees over sixty-five years of age;
- 6 (6) The total number of refugees who are male and female, respectively;
- 7 (7) The public assistance benefit programs refugees have applied for or in
8 which refugees have enrolled;
- 9 (8) The total number of refugee minors enrolled in a public school;
- 10 (9) The total number of refugee minors accessing English language learner
11 services;
- 12 (10) The education levels of the refugees resettled, by gender;
- 13 (11) The locations by zip code of initial resettlement for refugees resettled that
14 year;
- 15 (12) The locations by zip code of refugees who have migrated from the zip code
16 at which the refugees were initially resettled;
- 17 (13) The numbers of refugees resettled with and without family already residing
18 in the United States; and
- 19 (14) The number of refugees for which the president of the United States, the
20 secretary of state, the United States attorney general, or the secretary of
21 homeland security exercised discretionary authority granted by section
22 212(d)(3)(B)(i) of the Immigration and Nationality Act, 79 Federal Register
23 6913, not to apply the material support inadmissibility provisions of section
24 212(a)(3)(B) of the Immigration and Nationality Act to admit the refugee into
25 the United States.

26 **SECTION 3.**

27 **Moratorium on new refugee resettlement activities.**

- 28 1. The state office for refugees or the governor shall accept an application from a local
29 government for a moratorium on new refugee resettlement activities in a host
30 community that lacks sufficient absorptive capacity.

1 2. A host community lacks sufficient absorptive capacity if the local government, after
2 consultation with the state refugee coordinator, holds a public hearing and issues
3 findings that, based on absorptive capacity factors under subsection 1 of section 1 of
4 this Act, further resettlement of refugees in the host community would result in an
5 adverse impact to existing residents.

6 3. Upon notice of a determination made under subsection 2, the state office for refugees
7 or the governor shall suspend additional resettlement of refugees in that community
8 until the state refugee coordinator and the local government have determined jointly
9 that sufficient absorptive capacity for refugee resettlement exists to implement the
10 initial refugee placement plan prepared for the host refugee community.

11 4. The period of validity of a moratorium described in subsection 3, or any extension of
12 the moratorium, may not exceed one year.

13 **SECTION 4.**

14 **Governor may declare moratorium by executive order.**

15 The governor may issue findings that, based on the absorptive capacity factors in
16 subsection 1 of section 1 of this Act, further resettlement of refugees in the state would result in
17 an adverse impact to existing residents of the state, and issue an executive order declaring the
18 state, through any entity or designee, will not, until revocation of the executive order, participate
19 in the resettlement of refugees.