

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~~ for an Act to
2 provide for a legislative management study of refugee resettlement in North Dakota.

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

4 ~~SECTION 1.~~

5 ~~Definitions.~~

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

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

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

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

23 ~~d. The capacity of the local school district in the jurisdiction of the local government~~
24 ~~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~~

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

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

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

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

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

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

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

~~g. A report delineating:~~

~~(1) The total number of refugees resettled;~~

~~(2) The total number of refugees resettled who are under eighteen years of 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.~~

20 **SECTION 1. LEGISLATIVE MANAGEMENT STUDY - REFUGEE RESETTLEMENT.**

21 During the 2017-18 interim, the legislative management shall consider studying refugee
22 resettlement in the state. The study must include consideration of the impact, if any, of refugees
23 on the wages or working conditions of the local workforce, state and local law enforcement,
24 state and local government services, housing, the provision of medical care, child care,
25 translation and interpreter services, and public education, including the provision of English
26 language training. The study must include examination of the relevant federal and state laws on
27 refugee resettlement, the role state and local government agencies may have in refugee
28 resettlement matters, an overview of the security measures taken by the United States
29 government prior to refugee resettlement, integration outcomes, and the religious, political,
30 economic, and social conditions of refugees' countries of origin, including the prevalence of
31 violence and other forms of oppression against women and children in those countries. The

1 study must include examination of the number of refugees resettled in the state, including the
2 number of refugees resettled by age and gender, the number of refugees resettled who are
3 under eighteen years of age, the number of refugees resettled who are between forty and
4 sixty-five years of age, the number of refugees over sixty-five years of age, the number of
5 refugees who are male, the number of refugees who are female, the number of refugee children
6 enrolled in a public school, the number of refugee children accessing English language learner
7 services, the initial resettlement locations for refugees, and the numbers of refugees resettled
8 with and without family already residing in the United States. The study must include input from
9 stakeholders, including refugee resettlement agencies, law enforcement personnel, social and
10 clinical service providers, educational leaders, medical providers, and representatives of county
11 social services agencies, affected municipalities, and the department of human services. The
12 legislative management shall reports its findings and recommendations, together with any
13 legislation required to implement the recommendations, to the sixty-sixth legislative assembly.