HOUSE BILL NO. 1427

Sixty-fifth
Legislative Assembly
of North Dakota

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:

SECTION 1.

Definitions.

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

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

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

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

d. The capacity of the local school district in the jurisdiction of the local government to meet the needs of the existing or anticipated refugee population, including
education of unaccompanied refugee minors, and providing English language training:

e. The capacity of the economy of the state or the jurisdiction of the local government to absorb new workers, including the likelihood of refugees placed in the jurisdiction of the local government becoming employed, self-sufficient, and free from long-term dependence on public assistance, without causing competition with local residents for job opportunities, displacing existing local workers, or adversely affecting the wages or working conditions of the local workforce:

f. The capacity of state and local law enforcement in the jurisdiction of the local government to assure law and order can be maintained, and ensure the refugee population and the general public can be protected from crime, including child abuse, domestic abuse, and sex trafficking, as well as threats to national security:

and

g. The capacity of the state and local government to provide services considering whether the jurisdiction of the local government has been highly affected by the presence of refugees or comparable populations, including the proportion of refugees and comparable entrants in the population in the state or in the jurisdiction of the local government, the amount of secondary migration of refugees to the state or to the jurisdiction of the local government, and the proportion of refugees in the state or in the jurisdiction of the local government receiving cash or medical assistance through public assistance.

2. "Local educational agency" means the board of a school district.

3. "Local government" means the city governing body or board of county commissioners, or both, that regulates any host community being considered for refugee resettlement activity.

4. "Refugee resettlement organization" means any organization that receives federal funding for refugee resettlement, including any replacement designee.

5. "State office for refugees" means the state office that administers the refugee program for this state, or the entity or agency to which the state has delegated that function and
which has been designated and recognized by the federal government to administer
the program.

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

SECTION 2.
State office for refugees and refugee resettlement organization duties.
The state office for refugees and any refugee resettlement organization shall:
1. Meet at least quarterly with representatives of local governments to plan and
coordinate the appropriate placement of refugees in advance of the refugees’ arrival;
2. Ensure representatives of local resettlement agencies, local community service
agencies, and other publicly funded or tax-exempt agencies that serve refugees in this
state meet at least quarterly with representatives of local governments, including
representatives of law enforcement and local educational agencies, to plan and
coordinate the appropriate placement of refugees in the host community in advance of
the refugees’ arrival;
3. Execute a memorandum of understanding with each agency providing refugee
resettlement services in this state. The memorandum of understanding must require
the parties to mutually consult, prepare a plan for the initial placement of refugees in a
host community, and set forth the continuing process of consultation between the
parties. The provisions of the memorandum of understanding must be consistent with
federal law regulating the resettlement of refugees;
4. At least quarterly, transmit copies of the memoranda of understanding and any initial
refugee placement plans prepared pursuant to the memoranda of understanding to
the legislative management, the governor, the attorney general, the mayors or
chairmen of the boards of county commissioners of the local governments 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, and the
heads of all local educational agencies in the areas hosting or impacted by the host
refugee community; and
5. By January thirty-first of each year, transmit to the legislative management, the
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;
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The total number of refugees resettled who are between eighteen and forty years of age;

The total number of refugees resettled who are between forty and sixty-five years of age;

The total number of refugees over sixty-five years of age;

The total number of refugees who are male and female, respectively;

The public assistance benefit programs refugees have applied for or in which refugees have enrolled;

The total number of refugee minors enrolled in a public school;

The total number of refugee minors accessing English language learner services;

The education levels of the refugees resettled, by gender;

The locations by zip code of initial resettlement for refugees resettled that year;

The locations by zip code of refugees who have migrated from the zip code at which the refugees were initially resettled;

The numbers of refugees resettled with and without family already residing in the United States; and

The number of refugees for which the president of the United States, the secretary of state, the United States attorney general, or the secretary of homeland security exercised discretionary authority granted by section 212(d)(3)(B)(i) of the Immigration and Nationality Act, 79 Federal Register 6913, not to apply the material support inadmissibility provisions of section 212(a)(3)(B) of the Immigration and Nationality Act to admit the refugee into the United States.

SECTION 3.

Moratorium on new refugee resettlement activities.

1. The state office for refugees or the governor shall accept an application from a local government for a moratorium on new refugee resettlement activities in a host community that lacks sufficient absorptive capacity.
2. A host community lacks sufficient absorptive capacity if the local government, after consultation with the state refugee coordinator, holds a public hearing and issues findings that, based on absorptive capacity factors under subsection 1 of section 1 of this Act, further resettlement of refugees in the host community would result in an adverse impact to existing residents.

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

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

SECTION 4.

Governor may declare moratorium by executive order.

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