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MEMORANDUM

To: Chairman Pauls
Members of the House Committee on Federal and State Affairs

From: Jason B. Long, Senior Assistant Revisor

Date: February 17, 2016

Subject: HB 2612 – Refugee Absorptive Capacity Act.

House Bill No. 2612 creates the Refugee Absorptive Capacity Act. First, the bill creates the State Office for Refugees (SOR) within the Department for Children and Families. The SOR is to be directed by the State Refugee Coordinator, who is to be appointed by the Governor in consultation with the Secretary for DCF. The Coordinator and any refugee resettlement organization are required to perform the following duties:

- (1) Meet at least once every quarter with representatives of local governments to plan and coordinate the placement of refugees prior to their arrival.
- (2) Ensure that representatives of agencies that provide services to refugees are meeting at least once every quarter with representatives of local governments to plan and coordinate the placement of refugees prior to their arrival.
- (3) Enter into a letter agreement with each agency that provides refugee resettlement services that requires continued consultation and planning for the placement of refugees.
- (4) Send copies of agreement letters, initial placement plans, and the date and reports specified in the bill to the chairs of the committees on federal and state affairs and judiciary in both houses, the adjutant general, the attorney general, the governing bodies of any local government where refugees are placed and the head of any local law enforcement agency affected by such placement.

Section 4 of HB 2612 authorizes a local government to apply for a moratorium on the placement of refugees in the jurisdiction of such local government. Such application shall be based on the lack of absorptive capacity of the local community to host refugees. The absorptive

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capacity of the local community is to be determined based on the factors set out in the definition of “absorptive capacity” in section 2(a) of the bill. If the Governor in consultation with the State Refugee Coordinator finds that a local community lacks the absorptive capacity, then the Governor is to suspend the placement of any refugees in such community. The moratorium on refugee placement will continue until such time as the Coordinator and the local government jointly determine that the community has sufficient absorptive capacity.

Section 6 of the bill authorizes the Governor to make a finding regarding the absorptive capacity of the state, as a whole, and issue an executive order prohibiting governmental entities in the state from participating in any resettlement of refugees in the state.

Section 5 authorizes the Governor to direct the Kansas Bureau of Investigation to investigate any crime committed by a refugee or against a refugee.

Relevant definitions are contained in Section 2 of the bill. The absorptive capacity of a community is based on the following factors:

- (1) Capacity of social services, educational facilities, healthcare facilities, and law enforcement agencies to meet existing needs of the community.
- (2) Capacity to provide medical services to refugees.
- (3) Capacity to provide affordable housing to refugees.
- (4) Capacity of local school districts to meet the needs of refugee students.
- (5) Capacity of the state and local economy to absorb new workers.
- (6) Capacity of state and local law enforcement to assure that law and order can be maintained.
- (7) Capacity of state and local government to provide government services considering whether the local government has been highly impacted by the presence of refugees or comparable populations.

If enacted the provisions of HB 2612 would become effective on July 1, 2016.