

SESSION OF 2016

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2612

As Recommended by House Committee on
Federal and State Affairs

Brief*

HB 2612 would create the Refugee Absorptive Capacity Act and would establish a state office for refugees within the Department for Children and Families (DCF). The bill would make findings relating to the United States Refugee Act of 1980 to direct that recommendations of the state regarding placement of refugees would be taken into account, and cooperation and consultation would exist between the state, local governments, and voluntary refugee resettlement agencies to plan and coordinate in advance the placement of refugees in Kansas.

The bill would define “absorptive capacity” as a determination made by the Governor in consultation with affected local governments and would include the following factors:

- The capacity of social service agencies to meet the existing needs of the community’s current residents;
- The capacity to provide medical care to refugees;
- The capacity to provide affordable, low-cost housing;
- The capacity of local school districts to meet the needs of existing or anticipated refugee populations;

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

- The capacity of the state and local economies to absorb new workers;
- The capacity of local law enforcement to maintain law and order in the community and to ensure that the general public, as well as the refugee population, are protected from crime; and
- The capacity of state and local governments to provide services to areas highly impacted by the presence of refugees or comparable populations.

The bill also would establish a state Office for Refugees in the DCF to be directed by the State Refugee Coordinator (Coordinator). The Coordinator would be appointed by the Governor, in consultation with the DCF Secretary. The duties of the Coordinator and any refugee resettlement organization would include:

- Meet, at least quarterly, with representatives of local governments to plan and coordinate the placement of refugees in advance of their arrival;
- Ensure that local resettlement, community service, or other non-profit agencies meet at least quarterly with local law enforcement and educational agencies to plan and coordinate the placement of refugees in advance of their arrival;
- Execute a letter of agreement with each agency providing refugee resettlement services in the state that would require the parties to mutually consult and prepare a plan for the initial placement of refugees, consistent with federal law;
- Transmit, at least quarterly, copies of the letters of agreement and any initial refugee placement plans to the House and Senate committees on Federal and State Affairs; the House and Senate committees on Judiciary; the Adjutant General; the

Attorney General; the governing bodies of the localities hosting refugees; and the chiefs of all local law enforcement agencies affected by refugee resettlement; and

- Transmit, at least quarterly and within 30 days of the close of the calendar year, certain data on refugees from the prior fiscal or calendar year to the House and Senate committees on Federal and State Affairs; the House and Senate committees on Judiciary; the Adjutant General; the Attorney General; the governing bodies of the localities hosting refugees; and the chiefs of all local law enforcement agencies affected by refugee resettlement.

Refugee data, as reported by the Coordinator, would include:

- Copies of federal refugee placement program proposals;
- Copies of the written policies of the refugee cash assistance program;
- Copies of any written public or private refugee cash assistance program;
- A report documenting the number of refugees sanctioned for failure to comply with the requirements of the refugee cash assistance program and determinations of employability of refugees;
- A certification that women have the same opportunities as men to participate in all services provided;
- Any reports 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; and

- A report outlining the demographics of refugees settled in the state.

Under provisions of the bill, local governments would be able to seek a moratorium on new refugee resettlement when, after consultation with the Coordinator, a public hearing, and using the factors of absorptive capacity outlined above, it determines that further resettlement of refugees would adversely impact existing residents. The Governor and the Coordinator would then be able to suspend resettlement in that area for a period not to exceed one year.

In addition, the bill would allow the Governor to direct the Kansas Bureau of Investigation (KBI) to investigate any crime committed by a refugee or any crime committed against a refugee.

Finally, the bill would allow the Governor to issue an executive order prohibiting state participation in resettlement activities based on those factors of absorptive capacity outlined in the bill.

Background

The bill was introduced in the House Committee on Federal and State Affairs. In the hearing before the House Committee, several conferees testified in support of the bill, including: Representative Barton; Representative Mast; a representative of the Center for Security Policy; and a private citizen. Proponents generally expressed a need for record-keeping in refugee resettlement and greater coordination among resettlement agencies, localities, and State agencies. Opponents of the bill included the Executive Director of the American Civil Liberties Union of Kansas and the Executive Director of Kansas Interfaith Action. Opponents expressed concern over the bill's constitutionality and its potential for

permitting discrimination on the basis of national origin and alienage. Written testimony in opposition to the bill was submitted by the Catholic Charities of Northeast Kansas. Neutral testimony on the bill was submitted by DCF.

The fiscal note prepared by the Division of the Budget indicates enactment of the bill would require three additional full-time employees for DCF, for a total of \$180,787 in expenditures in FY 2017. The fiscal note also indicates expenditures for a statewide database would be required by enactment of the bill, costing \$800,000 over an 18-month period. The KBI states it could have additional costs in the future depending on the volume of crimes committed against or by refugees. The Kansas Association of Counties states there could be additional costs to local governments to meet the bill's requirements. Any fiscal effect associated with the bill is not reflected in *The FY 2017 Governor's Budget Report*.