

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2685

FISCAL
NOTE

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WILSON AND JEFFRIES, J.

[Introduced January 25, 2019; Referred
to the Committee on Veterans' Affairs and Homeland
Security then Government Organization.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §15-15-1, §15-15-2, §15-15-3, §15-15-4, and §15-15-5, all relating to enacting
 3 the Refugee Information Act; including short title and definitions; requiring the state office
 4 within the Department of Health and Human Resources which deals with refugees to
 5 prepare and distribute fiscal impact assessment reports; and including administrative and
 6 severability provisions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 15. REFUGEE INFORMATION ACT.

§15-15-1. Definitions.

1 As used in this article:

2 “Local government” or “local governments” refers to either the city council or county
 3 commission that regulates any host community being considered for refugee resettlement activity.

4 “Local educational agency” means:

5 (A) A public board of education or other public authority legally constituted within a state
 6 for either administrative control of or direction of, or to perform service functions for, public
 7 elementary or secondary schools in:

8 (i) A county; or

9 (ii) Such combination of school districts or counties the state recognizes as an
 10 administrative agency for its public elementary or secondary schools; or

11 (B) Any other public institution or agency that has administrative control and direction of a
 12 public elementary or secondary school.

13 “Refugee resettlement organization” means any organization that receives federal funding
 14 for refugee resettlement, including any replacement designee.

15 “State office dealing with refugees” means the state office within the Department of Health
 16 and Human Resources that administers the refugee program for this state, or the entity or agency
 17 to whom the state has delegated such function and that has been designated and recognized by

18 the federal government to administer such program.

19 “State refugee coordinator” means the official designated by the state office dealing with
20 refugees.

§15-15-2. State office within the Department of Health and Human Resources dealing with
refugees.

1 The state office within the Department of Health and Human Resources which deals with
2 refugees shall:

3 (1) Meet at least quarterly, giving at least 30 days public notice, with representatives of
4 local governments to plan and coordinate the appropriate placement of refugees in advance of
5 the refugees’ arrival;

6 (2) Ensure that representatives of local resettlement agencies, local community service
7 agencies, and other publicly-funded or tax-exempt agencies that serve refugees in this state meet
8 at least quarterly with representatives of local governments, including representatives of law
9 enforcement and local educational agencies, to plan and coordinate the appropriate placement
10 of refugees in the host community in advance of the refugees' arrival;

11 (3) Execute a letter of agreement with each agency providing refugee resettlement
12 services in this state; which requires the parties to mutually consult and prepare a plan for the
13 initial placement of refugees in a host community and set forth the continuing process of
14 consultation between the parties. The provisions of the letter agreement shall be consistent with
15 federal law regulating the resettlement of refugees;

16 (4) Provide a certification that the refugees settled in the state do not pose a security or
17 health risk to the citizens of the state; and

18 (5) At least quarterly transmit copies of the letters of agreement and any initial refugee
19 placement plans prepared thereunder to the chairman of the House of Delegates and Senate
20 committees on Veterans Affairs and Homeland Security and the Judiciary, respectively, to the
21 chairman of the budget committee of the local government hosting the host refugee community,

22 to the Secretary of the Department of Military Affairs and Public Safety, to the Attorney General
23 of the state, to the head of all local law-enforcement agencies in the state, to the Superintendent
24 of the West Virginia State Police, to the sheriff of every county in this state, to the West Virginia
25 Superintendent of Schools, and to the superintendent of schools for each county in the state.

26 (6) On or before July 1, 2020, the state refugee coordinator shall provide to the chairman
27 of the House of Delegates and Senate committees on Veterans Affairs and Homeland Security
28 and the Judiciary, respectively, to the chairman of the budget committee of the local government
29 hosting the host refugee community, to the Secretary of the Department of Military Affairs and
30 Public Safety, to the Attorney General of the state, to the head of all local law-enforcement
31 agencies in the state, to the Superintendent of the West Virginia State Police, to the sheriff of
32 every county in this state, to the West Virginia Superintendent of Schools, and to the
33 superintendent of schools for each county in the state, the fiscal impact refugees have had on the
34 state and the economic impact refugees have had on the state from July 1, 2014, through July 1,
35 2020.

36 (7) Commencing after the fulfillment of subdivision (6) of this section in 2020, within 30
37 days of the close of that calendar year, and in each succeeding year, transmit to the chairman of
38 the House of Delegates and Senate committees on Veterans Affairs and Homeland Security and
39 the Judiciary, respectively; to the chairman of the budget committee of the local government
40 hosting the host refugee community, to the Secretary of the Department of Military Affairs and
41 Public Safety, to the Attorney General of the state, to the head of all local law-enforcement
42 agencies in the state, to the Superintendent of the West Virginia State Police, to the sheriff of
43 every county in this state, to the West Virginia Superintendent of Schools, and to the
44 superintendent of schools for each county in the state, the following data for the prior fiscal or
45 calendar year:

46 (A) Copies of statistical and programmatic information provided to the federal government,
47 including any Reception and Placement Program Proposal or resettlement abstract, but this

48 information shall be provided prior to being provided to the federal government;

49 (B) Copies of the written policies of the Refugee Cash Assistance program, including
50 agency policies regarding eligibility standards, the duration and amount of cash assistance
51 payments, the requirements for participation in services, the penalties for noncooperation, and
52 client rights and responsibilities to ensure that refugees understand what they are eligible for,
53 what is expected of them, and what protections are available to them;

54 (C) Copies of any written public/private Refugee Cash Assistance program operating at
55 any time in the calendar year;

56 (D) A report documenting the number of refugees sanctioned for failure to comply with the
57 requirements of the Refugee Cash Assistance Program, and the number of determinations
58 concerning employability, or failure or refusal to carry out job search or to accept an appropriate
59 offer of employability services or employment, resulting in denial or termination of assistance;

60 (E) A certification that women have the same opportunities as men to participate in all
61 services provided, including job placement services;

62 (F) Any reports, either submitted or received, of any crime committed by or any crime
63 committed against a refugee who has been resettled in the state, including incidents of child
64 abuse, female genital mutilation, domestic abuse, sex trafficking, human trafficking, or terrorism,
65 whether prosecuted or not; and

66 (G) A report delineating:

67 (i) The total number of refugees resettled;

68 (ii) The total number of refugees under the age of 18 resettled;

69 (iii) The total number of refugees between the ages of 18 and 40 resettled;

70 (iv) The total number of refugees between the ages of 40 and 65 resettled;

71 (v) The total number of refugees over the age of 65;

72 (vi) The total number of refugees who are women and men, respectively;

73 (vii) The public assistance benefit programs that the refugees have applied for or enrolled

74 into:

75 (viii) The total number of refugee minors enrolled in a public school;

76 (ix) The total of refugee minors accessing English language learner services;

77 (x) The education levels of the refugees resettled by gender;

78 (xi) The locations by zip code of initial resettlement for refugees resettled that year;

79 (xii) The locations by zip code of refugees who have migrated from the zip code at which

80 they were initially resettled;

81 (xiii) The numbers of refugees resettled with and without family already residing in the

82 United States;

83 (xiv) The number of refugees for which the President of the United States, the Secretary

84 of State, the Attorney General, or the Secretary of Homeland Security exercised discretionary

85 authority granted by Section 212(d)(3)(B)(i) of the Immigration and Nationality Act, 79 Fed. Reg.

86 6913 not to apply the material support inadmissibility provisions of Section 212(a)(3)(B) of the

87 Immigration and Nationality Act to admit the refugee into the United States;

88 (xv) The fiscal impact refugees have on the state;

89 (xvi) The economic impact refugees have on the state;

90 (xvii) The process by which the refugees entering the state were determined to not pose

91 a security risk to the citizens of the state;

92 (xviii) For each and every refugee a description as to what vaccinations the refugee has

93 received and the diseases for which the refugee has been screened;

94 (xix) For each and every refugee their five previous employers and incomes;

95 (xx) The total number of refugees needing translation services throughout the year; and

96 (xxi) A certification that all of the requirements found in this section have been met.

§15-15-3. Fiscal impacts.

1 (a) The state office in the Department of Health and Human Resources which deals with

2 refugees may collect fees stated in this section and each year shall assess the fiscal impact

3 refugees have on the state.

4 (b) On or before July 1 of each year, the state refugee coordinator shall make a
5 determination regarding the total fiscal impact on the state that is not reimbursable through the
6 federal government or otherwise.

§15-15-4. Administration of article.

1 This article does not create a new agency for administering the implementation of this
2 article. The Department of Health and Human Resources, as referenced in the West Virginia
3 Refugee Resettlement Program Plan (the Plan) along with persons and programs referenced in
4 the Plan shall enforce this article. This is the same plan signed by the Governor on July 28, 2016.
5 This is the same plan that was created pursuant to the provisions of the United States Code of
6 Federal Regulations 45CFR 400.5.

§15-15-5. Severability.

1 If any section, subsection, subdivision, paragraph, sentence clause or phrase of this article
2 is for any reason held to be invalid, unlawful or unconstitutional, that decision does not affect the
3 validity of the remaining portions of this article or any part thereof.

NOTE: The purpose of this bill is to enact the Refugee Information Act.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.