

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES
NINETIETH SESSION

H. F. No. **1664**

02/23/2017 Authored by Drazkowski, Hertaus, Quam and Lucero
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to aids to local governments; aid reductions for sanctuary cities; proposing
1.3 coding for new law in Minnesota Statutes, chapter 477A.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. 477A.0175] AID REDUCTIONS FOR SANCTUARY CITIES.

1.6 Subdivision 1. Definition of sanctuary city. (a) For purposes of this section "sanctuary
1.7 city" means a home rule charter or statutory city that adopts an ordinance or policy that
1.8 prohibits, or in any way restricts, an official or employee from:

1.9 (1) inquiring about a person's citizenship or immigration status;

1.10 (2) lawfully cooperating with or aiding federal officials or employees charged with
1.11 enforcing immigration laws;

1.12 (3) providing or receiving information from federal officials or employees charged with
1.13 enforcing immigration laws;

1.14 (4) maintaining citizenship and immigration status data; or

1.15 (5) exchanging citizenship and immigration status data with other federal, state, or local
1.16 government entities.

1.17 (b) A sanctuary city also includes any city designated as a sanctuary jurisdiction by the
1.18 secretary of the United States Department of Homeland Security.

1.19 Subd. 2. Penalty for being a sanctuary city. Notwithstanding any other law to the
1.20 contrary, a city may not receive an aid payment under sections 477A.011 to 477A.03 if it
1.21 is found to be a sanctuary city. The state auditor shall provide to the commissioner of revenue

2.1 by June 1 and December 1 each year a list of all cities that are determined to be sanctuary
2.2 cities as of that date. The commissioner of revenue will not make the first payment of aid
2.3 under section 477A.015 to any city listed as a sanctuary city by the state auditor on June 1
2.4 of that calendar year. The commissioner shall not make the second payment of aid under
2.5 section 477A.015 to any city listed as a sanctuary city by the state auditor on December 1
2.6 of that calendar year.

2.7 Subd. 3. **Certification, state auditor's list.** (a) By November 15, 2017, the mayor of
2.8 each city must file a certification with the state auditor stating whether the city is a sanctuary
2.9 city under subdivision 1. Beginning with financial reports filed after January 1, 2018, each
2.10 city filing financial reports under section 477A.017 must include with the report a certification
2.11 by the city mayor, stating whether the city is a sanctuary city under subdivision 1. A city
2.12 that fails to file a certification required under this subdivision is presumed to be a sanctuary
2.13 city until the certification is received. A city may amend its certification as provided in
2.14 paragraph (b).

2.15 (b) By June 1 and December 1 of each year, the state auditor must compile a list of cities
2.16 that are considered sanctuary cities because it has either:

2.17 (1) filed a certification stating it is a sanctuary city;

2.18 (2) failed to file the required certification; or

2.19 (3) been ordered to change its status to a sanctuary city by a court, as provided under
2.20 subdivision 4.

2.21 (c) If a city's status as a sanctuary city is altered by a change in ordinance or policy, or
2.22 by a change in designation by the secretary of the United States Department of Homeland
2.23 Security, or by court order, the city must file with the state auditor an amended certification
2.24 by the city's mayor.

2.25 (d) The state auditor shall determine the form of the certification and amended
2.26 certification. A certification attesting that the city is a sanctuary city must require a statement
2.27 of the basis for the city's status under subdivision 1. An amended certification must require
2.28 an explanation for the alteration in status under subdivision 1.

2.29 Subd. 4. **Court challenge to status of sanctuary city.** (a) Any taxpayer may challenge
2.30 a city mayor's certification regarding the city's status as a sanctuary city by petitioning for
2.31 a writ of mandamus or other appropriate relief in the district court for the county where the
2.32 city is located or in any other court of competent jurisdiction.

3.1 (b) In an action under paragraph (a), a court may make a determination regarding a city's
3.2 status as a sanctuary city under subdivision 1. If appropriate, the court may order a city to
3.3 file an amended certification. Within 30 days of issuing an order requiring a city to file an
3.4 amended certification, the court must transmit a copy of the order to the state auditor. A
3.5 city that fails to file an amended certification required by court order is presumed to be a
3.6 sanctuary city until the amended certification is received.

3.7 **EFFECTIVE DATE.** This section is effective the day following final enactment and
3.8 applies beginning with the second aid payments under Minnesota Statutes, section 477A.015
3.9 in calendar year 2017.