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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 117

01/17/2019 Authored by Grossell, Gruenhagen, Drazkowski, Boe, Green and others
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to local government aid; 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.0176] 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 restricts a public safety 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 determined to be a sanctuary city. The state auditor shall provide to the commissioner of

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

2.7 Subd. 3. **Certification; state auditor's list.** (a) By November 15, 2019, 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, 2020, 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 the city has either:

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

2.18 (2) failed to file the required certification.

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

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

2.27 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 2.28 applies beginning with the second aid payments under Minnesota Statutes, section 477A.015,
 2.29 in calendar year 2019.