

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 1416

(SENATE AUTHORS: GOODWIN, Eaton, Dibble and Dziedzic)

DATE	D-PG	OFFICIAL STATUS
03/05/2015	570	Introduction and first reading Referred to State and Local Government
03/16/2015		Comm report: To pass as amended and re-refer to Judiciary

A bill for an act

1.1 relating to local government; permitting local governments to donate certain
 1.2 surplus equipment to nonprofit organizations; creating an exception to tort
 1.3 liability; amending Minnesota Statutes 2014, section 466.03, by adding a
 1.4 subdivision; proposing coding for new law in Minnesota Statutes, chapter 471.
 1.5

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

1.7 Section 1. Minnesota Statutes 2014, section 466.03, is amended by adding a
 1.8 subdivision to read:

1.9 Subd. 25. **Surplus equipment donated.** Any tort claim against a municipality
 1.10 resulting from the use of surplus equipment donated by the municipality to a nonprofit
 1.11 organization under section 471.3459, unless the claim is a direct result of fraud or
 1.12 intentional misrepresentation.

1.13 Sec. 2. [471.3459] DONATION OF SURPLUS EQUIPMENT.

1.14 Subdivision 1. **Definitions.** (a) For the purposes of this section, the following terms
 1.15 have the meanings given them.

1.16 (b) "Local government" means a county, home rule charter or statutory city, or
 1.17 town; any instrumentality of a county, home rule charter or statutory city, or town; special
 1.18 districts, as defined under section 6.465; or a joint powers board or organization formed
 1.19 by any of these local governmental units.

1.20 (c) "Nonprofit organization" means an organization formed under section 501(c)(3)
 1.21 of the Internal Revenue Code.

1.22 (d) "Surplus equipment" means public safety equipment as defined in section
 1.23 466.03, subdivision 24, equipment used by a local government public works department,
 1.24 and cellular phones and emergency medical and fire fighting equipment that is no longer

2.1 needed by the local government because it does not meet industry standards for emergency
2.2 medical services, police, or fire departments or has minimal or no resale value.

2.3 Subd. 2. **Donation.** A local government may donate surplus equipment to one or
2.4 more nonprofit organizations. Before the local government makes any donations, it must
2.5 adopt a policy on how it will determine what equipment is surplus eligible for donation
2.6 and how it will determine which nonprofit organizations may receive donations.