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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1003

- 02/18/2015 Authored by Laine, Masin, O'Driscoll, Nash, Runbeck and others
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
03/05/2015 Adoption of Report: Amended and re-referred to the Committee on Civil Law and Data Practices
03/26/2015 Adoption of Report: Amended and re-referred to the Committee on State Government Finance
04/07/2015 Adoption of Report: Placed on the General Register
Read Second Time
05/01/2015 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate
05/15/2015 Returned to the House as Amended by the Senate
Refused to concur and Conference Committee appointed
05/18/2015 Pursuant to Joint Rule 3.02(a), the Conference Committee was discharged and the bill was laid on the table
03/10/2016 Bill was taken from the table and a Conference Committee was appointed
04/14/2016 Conference Committee Report Adopted
Read Third Time as Amended by Conference and repassed by the House
04/25/2016 Passed by the Senate and returned to the House
Presented to Governor
Governor Approval

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

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 or statutory city, town, or joint
1.17 powers entity formed by any of these local governmental units.

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

1.20 (d) "Surplus equipment" means equipment used by a local government public works
1.21 department, and cellular phones and emergency medical and firefighting equipment that is
1.22 no longer needed by the local government because it does not meet industry standards for
1.23 emergency medical services, police, or fire departments or has minimal or no resale value.

2.1 Subd. 2. **Donation.** A local government may donate surplus equipment to one or
2.2 more nonprofit organizations. Before the local government makes any donations, it must
2.3 adopt a policy on how it will determine what equipment is surplus eligible for donation
2.4 and how it will determine which nonprofit organizations may receive donations. The
2.5 policy must address the obligations of the local government to disclose to the nonprofit
2.6 that the surplus equipment may be defective and cannot be relied upon for safety purposes.