

CHAPTER 87--H.F.No. 1003

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

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

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

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

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

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

(b) "Local government" means a county, home rule or statutory city, town, or joint powers entity formed by any of these local governmental units.

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

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

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

Presented to the governor April 25, 2016

Signed by the governor April 25, 2016, 11:29 a.m.