

House Research Act Summary

CHAPTER: 87

SESSION: 2016 Regular Session

TOPIC: Local Government Authority to Donate Surplus Equipment

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Overview

Without express authority in law (or in a city's charter), a local government cannot make donations of public property or money. This act permits a county, home rule or statutory city, town, or a joint powers entity of a city, county, or town to donate certain surplus equipment to a nonprofit organization. The act also provides protection from tort liability for claims arising out of a donation. This act is effective August 1, 2016.

Section

- 1** **Surplus equipment donated.** Adds to the list of exceptions to municipal tort liability, donations of surplus equipment under section 2. This exception is substantially the same as the exception added to the statute in 2011 for donations of public safety equipment between municipalities.
- 2** **Donation of surplus equipment.** Permits a county, home rule or statutory city, or town, or a joint powers entity formed by any of those local governmental entities, to donate to a nonprofit organization equipment used by a local government public works department, or 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.

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