

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1003
Version: First engrossment

DATE: March 6, 2015

Authors: Laine and others

Subject: Local government authority to donate certain used equipment

Analyst: Deborah A. Dyson

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

Without express authority in law (or in a city's charter), a local government cannot make donations of public property or money. This bill 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 bill also provide protection from tort liability for claims arising out of a donation.

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 public safety equipment (vehicles and equipment used in firefighter, ambulance and emergency medical treatment services, rescue, and hazardous material response), 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.