

AN ACT

RELATING TO PUBLIC PROPERTY; ALLOWING THE SALE OF PROPERTY BY
NEGOTIATED SALE TO PUBLIC ENTITIES OR PRIVATE PERSONS; RECONCILING
MULTIPLE AMENDMENTS IN LAWS 2001.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979, Chapter 195,
Section 3, as amended by Laws 2001, Chapter 291, Section 9 and also by Laws 2001,
Chapter 317, Section 2) is amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL PUBLIC
BODIES--AUTHORITY TO SELL OR DISPOSE OF PROPERTY--APPROVAL OF
APPROPRIATE APPROVAL AUTHORITY.--

A. Providing a written determination has been made, a state agency,
local public body, school district or state educational institution may sell or otherwise
dispose of real or tangible personal property belonging to the state agency, local
public body, school district or state educational institution.

B. A state agency, local public body, school district or state educational
institution may sell or otherwise dispose of real property:

(1) by negotiated sale or donation to an Indian nation, tribe or
pueblo located wholly or partially in New Mexico, or to a governmental unit of an Indian
nation, tribe or pueblo in New Mexico that is authorized to purchase land and control
activities on its land by an act of congress or to purchase land on behalf of the Indian
nation, tribe or pueblo;

(2) by negotiated sale or donation to other state agencies,

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local public bodies, school districts or state educational institutions; or

(3) through the central purchasing office of the state agency,
local public body, school district or state educational institution by means of
competitive sealed bid, public auction or negotiated sale to a private person.

C. Disposal of tangible personal property under this section shall be:

(1) by negotiated sale or donation to an Indian nation, tribe or
pueblo in New Mexico;

(2) by negotiated sale or donation to other state agencies,
local public bodies, school districts or state educational institutions;

(3) through the central purchasing office of the governmental
entity by means of competitive sealed bids, negotiated sale or public auction; or

(4) if a state agency, through the federal property assistance
bureau of the general services department.

D. A state agency shall give the federal property assistance bureau of
the general services department the right of first refusal to dispose of tangible
personal property of the state agency. A school district may give the department the
right of first refusal to dispose of tangible personal property of the school district.

E. Except as provided in Section 13-6-2.1 NMSA 1978 requiring state
board of finance approval for certain transactions, sale or disposition of real or
tangible personal property having a current resale value of more than five thousand
dollars (\$5,000) may be made by a state agency, local public body, school district or
state educational institution if the sale or disposition has been approved by the state
budget division of the department of finance and administration for state agencies, the
local government division of the department of finance and administration for local

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public bodies, the state department of public education for school districts and the commission on higher education for state educational institutions.

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F. Prior approval of the appropriate approval authority is not required if the tangible personal property is to be used as a trade-in or exchange pursuant to the provisions of the Procurement Code.

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G. The appropriate approval authority may condition the approval of the sale or other disposition of real or tangible personal property upon the property being offered for sale or donation to a state agency, local public body, school district or state educational institution.

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H. The appropriate approval authority may credit a payment received from the sale of such real or tangible personal property to the governmental body making the sale. The state agency, local public body, school district or state educational institution may convey all or any interest in the real or tangible personal property without warranty.

3

I. This section shall not apply to:

- (1) computer software of a state agency;
- (2) those institutions specifically enumerated in Article 12, Section 11 of the constitution of New Mexico;
- (3) the New Mexico state police division of the department of public safety;
- (4) the state land office or the state highway and transportation department;
- (5) property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act;

(6) leases of county hospitals with any person pursuant to the Hospital Funding Act; and

(7) the state parks division of the energy, minerals and natural resources department."