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SENATE BILL 690

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Manny M. Aragon

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

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1 or tangible personal property belonging to the state agency,  
2 local public body, school district or state educational  
3 institution.

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

7 (1) by negotiated sale or donation to a  
8 governmental unit of an Indian nation, tribe or pueblo in New  
9 Mexico;

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

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

17 C. Disposal of [~~real-est~~] tangible personal property  
18 under this section shall be:

19 (1) by negotiated sale or donation to an  
20 Indian nation, tribe or pueblo in New Mexico [~~est~~];

21 (2) by negotiated sale or donation to other  
22 state agencies, local public bodies, school districts or state  
23 educational institutions [~~est~~];

24 (3) through the central purchasing office of  
25 the governmental entity by means of competitive sealed bids,

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1 negotiated sale or public auction; or

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

4 ~~[B.]~~ D. A state agency shall give the federal  
5 property assistance bureau of the general services department  
6 the right of first refusal to dispose of tangible personal  
7 property of the state agency. A school district may give the  
8 department the right of first refusal to dispose of tangible  
9 personal property of the school district.

10 ~~[C.]~~ E. Except as provided in Section 13-6-2.1 NMSA  
11 1978 requiring state board of finance approval for certain  
12 transactions, sale or disposition of real or tangible personal  
13 property having a current resale value of more than five  
14 thousand dollars (\$5,000) may be made by a state agency, local  
15 public body, school district or state educational institution  
16 if the sale or disposition has been approved by the state  
17 budget division of the department of finance and administration  
18 for state agencies, the local government division of the  
19 department of finance and administration for local public  
20 bodies, the state department of public education for school  
21 districts and the commission on higher education for state  
22 educational institutions.

23 ~~[D.]~~ F. Prior approval of the appropriate approval  
24 authority is not required if the tangible personal property is  
25 to be used as a trade-in or exchange pursuant to the provisions

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1 of the Procurement Code.

2 [E-] G. The appropriate approval authority may  
3 condition the approval of the sale or other disposition of real  
4 or tangible personal property upon the property being offered  
5 for sale or donation to a state agency, local public body,  
6 school district or state educational institution.

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

13 [G-] I. This section shall not apply to:

- 14 (1) computer software of a state agency;
- 15 (2) those institutions specifically enumerated
- 16 in Article 12, Section 11 of the constitution of New Mexico;
- 17 (3) the New Mexico state police division of
- 18 the department of public safety;
- 19 (4) the state land office or the state highway
- 20 and transportation department; [and]
- 21 (5) property acquired by a museum through
- 22 abandonment procedures pursuant to the Abandoned Cultural
- 23 Properties Act;
- 24 (6) leases of county hospitals with any person
- 25 pursuant to the Hospital Funding Act; and

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

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