

1 AN ACT SB  
2 RELATING TO PUBLIC PROPERTY; RECONCILING MULTIPLE AMENDMENTS  
3 IN LAWS 2003; DECLARING AN EMERGENCY. 1  
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5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO: 4  
6 Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979, Chapter 195, Pa  
7 Section 3, as amended by Laws 2003, Chapter 203, Section 1 and by Laws 2003, ge  
8 Chapter 349, Section 21) is amended to read: 1

9 "13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL PUBLIC  
10 BODIES--AUTHORITY TO SELL OR DISPOSE OF PROPERTY--APPROVAL OF  
11 APPROPRIATE APPROVAL AUTHORITY.--

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

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

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

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

25 (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 or to an

1 Indian nation, tribe or pueblo in New Mexico; or

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

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

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

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

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

24 G. The appropriate approval authority may credit a payment  
25 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

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1 tangible personal property without warranty.

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2 H. This section shall not apply to:

3 (1) computer software of a state agency;

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4 (2) those institutions specifically enumerated in Article 12,

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5 Section 11 of the constitution of New Mexico;

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6 (3) the New Mexico state police division of the department of

7 public safety;

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8 (4) the state land office or the department of transportation;

9 (5) property acquired by a museum through abandonment

10 procedures pursuant to the Abandoned Cultural Properties Act;

11 (6) leases of county hospitals with any person pursuant to

12 the Hospital Funding Act;

13 (7) property acquired by the economic development

14 department pursuant to the Statewide Economic Development Finance Act; and

15 (8) the state parks division of the energy, minerals and

16 natural resources department."

17 Section 2. EMERGENCY.--It is necessary for the public peace, health and

18 safety that this act take effect immediately.

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