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AN ACT

RELATING TO PUBLIC PROPERTY; AMENDING A SECTION OF CHAPTER 13, ARTICLE 6 NMSA 1978 TO PROVIDE FOR AUCTION OF SURPLUS TANGIBLE PERSONAL PROPERTY OF THE DEPARTMENT OF TRANSPORTATION.

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

SECTION 1. Section 13-6-1 NMSA 1978 (being Laws 1961, Chapter 100, Section 1, as amended) is amended to read:

"13-6-1. DISPOSITION OF OBSOLETE, WORN-OUT OR UNUSABLE TANGIBLE PERSONAL PROPERTY.--

A. The governing authority of each state agency, local public body, school district and state educational institution may dispose of any item of tangible personal property belonging to that authority and delete the item from its public inventory upon a specific finding by the authority that the item of property is:

(1) of a current resale value of five thousand dollars (\$5,000) or less; and

(2) worn-out, unusable or obsolete to the extent that the item is no longer economical or safe for continued use by the body.

B. The governing authority shall, as a prerequisite to the disposition of any items of tangible personal property:

1 (1) designate a committee of at least three
2 officials of the governing authority to approve and oversee
3 the disposition; and

4 (2) give notification at least thirty days
5 prior to its action making the deletion by sending a copy of
6 its official finding and the proposed disposition of the
7 property to the state auditor and the appropriate approval
8 authority designated in Section 13-6-2 NMSA 1978, duly sworn
9 and subscribed under oath by each member of the authority
10 approving the action.

11 C. A copy of the official finding and proposed
12 disposition of the property sought to be disposed of shall be
13 made a permanent part of the official minutes of the
14 governing authority and maintained as a public record subject
15 to the Inspection of Public Records Act.

16 D. The governing authority shall dispose of the
17 tangible personal property by negotiated sale to any
18 governmental unit of an Indian nation, tribe or pueblo in New
19 Mexico or by negotiated sale or donation to other state
20 agencies, local public bodies, school districts, state
21 educational institutions or municipalities or through the
22 central purchasing office of the governing authority by means
23 of competitive sealed bid or public auction or, if a state
24 agency, through the surplus property bureau of the
25 transportation services division of the general services

1 department.

2 E. A state agency shall give the surplus property
3 bureau of the transportation services division of the general
4 services department the right of first refusal when disposing
5 of obsolete, worn-out or unusable tangible personal property
6 of the state agency.

7 F. If the governing authority is unable to dispose
8 of the tangible personal property pursuant to Subsection D or
9 E of this section, the governing authority may sell or, if
10 the property has no value, donate the property to any
11 organization described in Section 501(c)(3) of the Internal
12 Revenue Code of 1986.

13 G. If the governing authority is unable to dispose
14 of the tangible personal property pursuant to Subsection D, E
15 or F of this section, it may order that the property be
16 destroyed or otherwise permanently disposed of in accordance
17 with applicable laws.

18 H. If the governing authority determines that the
19 tangible personal property is hazardous or contains hazardous
20 materials and may not be used safely under any circumstances,
21 the property shall be destroyed and disposed of pursuant to
22 Subsection G of this section.

23 I. No tangible personal property shall be donated
24 to an employee or relative of an employee of a state agency,
25 local public body, school district or state educational

1 institution; provided that nothing in this subsection
2 precludes an employee from participating and bidding for
3 public property at a public auction.

4 J. This section shall not apply to any property
5 acquired by a museum through abandonment procedures pursuant
6 to the Abandoned Cultural Properties Act.

7 K. Notwithstanding the provisions of Subsection A
8 of this section, the department of transportation may sell
9 through public auction or dispose of surplus tangible personal
10 property used to manage, maintain or build roads that exceeds
11 five thousand dollars (\$5,000) in value. Proceeds from sales
12 shall be credited to the state road fund. The department of
13 transportation shall notify the department of finance and
14 administration regarding the disposition of all property."