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HOUSE BILL 132

43RD LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1998

INTRODUCED BY

SANDRA L. TOWNSEND

AN ACT

RELATING TO PUBLIC PROPERTY; PROVIDING FOR ADDITIONAL METHODS
OF DISPOSITION OF OBSOLETE, WORN-OUT OR UNUSABLE TANGIBLE
PERSONAL PROPERTY.

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 [~~AND~~] 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:

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

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

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

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

12 (2) give notification at least thirty days
13 prior to its action making [~~such~~] the deletion by sending a
14 copy of its official finding and the proposed disposition of
15 the property to the state auditor and the appropriate approval
16 authority designated in Section 13-6-2 NMSA 1978, duly sworn
17 and subscribed under oath by each member of the authority
18 approving the action.

19 C. A copy of the official finding and proposed
20 disposition of the property sought to be disposed of shall be
21 made a permanent part of the official minutes of the governing
22 authority and maintained as a public record subject to the
23 Inspection of Public Records Act.

24 D. The governing authority shall dispose of the
25 [~~item~~] tangible personal property by negotiated sale to any

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1 governmental unit of an Indian nation, tribe or pueblo in New
2 Mexico or by negotiated sale or donation to other state
3 agencies, local public bodies, school districts, state
4 educational institutions or municipalities or through the
5 central purchasing office of the governing authority by means
6 of competitive sealed bid or public auction or, if a state
7 agency, through the federal property assistance bureau of the
8 general services department.

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

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

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

25 H. No tangible personal property shall be donated

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1 to an employee or relative of an employee of a state agency,
2 local public body, school district or state educational
3 institution; provided that nothing in this subsection
4 precludes an employee from participating and bidding for
5 public property at a public auction.

6 [E-] I. This section shall not apply to any
7 property acquired by a museum through abandonment procedures
8 pursuant to the Abandoned Cultural Properties Act. "

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1 **FORTY-THIRD LEGISLATURE**
2 **SECOND SESSION, 1998**
3
4
5

6 **January 28, 1998**
7

8 **Mr. Speaker:**
9

10 **Your JUDICIARY COMMITTEE, to whom has been referred**
11

12 **HOUSE BILL 132**
13

14 **has had it under consideration and reports same with**
15 **recommendation that it DO PASS, and thence referred to the**
16 **APPROPRIATIONS AND FINANCE COMMITTEE.**

17 **Respectfully submitted,**
18

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21 _____
22 **Thomas P. Foy, Chairman**
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 6

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 7 For 0 Against

11 Yes: 7

12 Excused: Alwin, Larranaga, Luna, Pederson, Rios, Sanchez

13 Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 7, 1998

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6
7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 132

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

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16 Respectfully submitted,

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20 _____
21 Max Coll, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 8

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Bird, Garcia, Marquardt, Pearce, Picraux, Taylor, Vigil

13 Absent: None

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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3
4 February 7, 1998

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6
7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 132

12
13 has had it under consideration and reports same with
14 recommendation that it DO PASS.

15
16 Respectfully submitted,

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20 _____
21 Max Coll, Chairman
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1 FORTY-THIRD LEGISLATURE
2 SECOND SESSION, 1998

3 Page 10

4 Adopted _____ Not Adopted _____

5
6 (Chief Clerk)

(Chief Clerk)

7
8 Date _____

9
10 The roll call vote was 11 For 0 Against

11 Yes: 11

12 Excused: Bird, Garcia, Marquardt, Pearce, Picraux, Taylor, Vigil

13 Absent: None

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Page 11

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 13, 1998

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been referred

HOUSE BILL 132

has had it under consideration and reports same with recommendation that it DO PASS, and thence referred to the JUDICIARY COMMITTEE.

Respectfully submitted,

Shannon Robinson, Chairman

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Page 12

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 5 For 0 Against

Yes: 5

No: 0

Excused: Boitano, Garcia, Ingle, Smith

Absent: None

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

Page 13

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

February 16, 1998

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 132

has had it under consideration and reports same with
recommendation that it DO PASS.

Respectfully submitted,

Fernando R. Macias, Chairman

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FORTY-THIRD LEGISLATURE
SECOND SESSION, 1998

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Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: None

Absent: None

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