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SENATE BILL 134

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

INTRODUCED BY

Phil A. Griego

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:

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1 (1) of a current resale value of five thousand  
2 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 prerequisite  
7 to the disposition of any items of tangible personal property:

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

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

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

23 D. The governing authority shall dispose of the  
24 tangible personal property by negotiated sale to any  
25 governmental unit of an Indian nation, tribe or pueblo in New

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1 Mexico or by negotiated sale or donation to other state  
2 agencies, local public bodies, school districts, state  
3 educational institutions or municipalities or through the  
4 central purchasing office of the governing authority by means  
5 of competitive sealed bid or public auction or, if a state  
6 agency, through the surplus property bureau of the  
7 transportation services division of the general services  
8 department.

9 E. A state agency shall give the surplus property  
10 bureau of the transportation services division of the general  
11 services department the right of first refusal when disposing  
12 of obsolete, worn-out or unusable tangible personal property of  
13 the state agency.

14 F. If the governing authority is unable to dispose  
15 of the tangible personal property pursuant to Subsection D or E  
16 of this section, the governing authority may sell or, if the  
17 property has no value, donate the property to any organization  
18 described in Section 501(c)(3) of the Internal Revenue Code of  
19 1986.

20 G. If the governing authority is unable to dispose  
21 of the tangible personal property pursuant to Subsection D, E  
22 or F of this section, it may order that the property be  
23 destroyed or otherwise permanently disposed of in accordance  
24 with applicable laws.

25 H. If the governing authority determines that the

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1 tangible personal property is hazardous or contains hazardous  
2 materials and may not be used safely under any circumstances,  
3 the property shall be destroyed and disposed of pursuant to  
4 Subsection G of this section.

5 I. No tangible personal property shall be donated  
6 to an employee or relative of an employee of a state agency,  
7 local public body, school district or state educational  
8 institution; provided that nothing in this subsection precludes  
9 an employee from participating and bidding for public property  
10 at a public auction.

11 J. This section shall not apply to any property  
12 acquired by a museum through abandonment procedures pursuant to  
13 the Abandoned Cultural Properties Act.

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