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HOUSE BILL 624

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

SANDRA L. TOWNSEND

AN ACT

RELATING TO PUBLIC PROPERTY; PROVIDING FOR ADDITIONAL METHODS OF DISPOSITION OF OBSOLETE, WORN-OUT AND 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 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:

Underscored material = new
[bracketed material] = delete

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 such
10 disposition; and

11 (2) give notification at least thirty days
12 prior to its action making such deletion by sending a copy of
13 its official finding and the proposed disposition of the
14 property to the state auditor and any other appropriate or
15 required authority, duly sworn and subscribed under oath by each
16 member of the authority approving the action.

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

22 D. The governing authority shall dispose of the
23 [~~item~~] tangible personal property by negotiated sale, trade or
24 donation to other state agencies, local public bodies, school
25 districts, state educational institutions or municipalities or

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1 through the central purchasing office by means of competitive
2 sealed bid or public auction or through the federal property
3 assistance bureau of the general services department. If the
4 governing authority is unable to dispose of any item of tangible
5 personal property by the methods listed in this section, the
6 governing authority may donate the items of tangible personal
7 property to any charitable organization registered with the
8 office of the attorney general pursuant to the Charitable
9 Organizations and Solicitations Act.

10 E. If the governing authority cannot sell or dispose
11 of any item of tangible personal property by any of the methods
12 listed in this section, it may order that the property be
13 properly destroyed or otherwise permanently disposed of in
14 accordance with applicable laws, rules and regulations.

15 F. If the governing authority determines that any
16 item of tangible personal property is hazardous and may not,
17 under any circumstances, be used safely, such item may only be
18 disposed of pursuant to the provisions of Subsection E of this
19 section.

20 G. In no event shall any item of tangible personal
21 property be donated to any employees, or relative of an
22 employee, of any state agency or local public body; provided
23 that nothing in this section shall preclude an employee from
24 participating and bidding for public property at a public
25 auction.

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[E.] H. This section shall not apply to any tangible personal property acquired by a museum through abandonment procedures pursuant to the Abandoned Cultural Properties Act."

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State of New Mexico
House of Representatives

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3 FORTY-THIRD LEGISLATURE
4 FIRST SESSION, 1997
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8 February 20, 1997
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10
11 Mr. Speaker:
12

13 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
14 whom has been referred

15 HOUSE BILL 624
16

17 has had it under consideration and reports same with
18 recommendation that it DO PASS, amended as follows:
19

20 1. On page 3, line 7, after "organization" strike the
21 remainder of the line, strike lines 8 and 9 and insert in lieu
22 thereof "that is designated by the internal revenue service as a
23 501(c)(3) organization.".,

24 and thence referred to the JUDICIARY COMMITTEE.
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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Hobbs, Wallace

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 20, 1997

Mr. Speaker:

Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 624

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 3, line 7, after "organization" strike the
remainder of the line, strike lines 8 and 9 and insert in lieu
thereof "that is designated by the internal revenue service as a
501(c) (3) organization.".,

and thence referred to the JUDICIARY COMMITTEE.

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Respectfully submitted,

Lynda M. Lovejoy, Chairwoman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Hobbs, Wallace

Absent: None

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Underscored material = new
[bracketed material] = delete

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 12, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 624, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, line 23, after "sale" strike ", trade".
2. On page 2, line 25, strike the first occurrence of "or"
and insert in lieu thereof a comma.
3. On page 3, line 1, before "through" insert "any
governmental unit of an Indian nation, tribe or pueblo in New
Mexico or".
4. On page 4, line 3, strike the closing quotation marks and
between lines 3 and 4, insert the following new subsection:

"I. If any part or application of this act is held

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invalid, the remainder or its application to other situations or
persons shall not be affected."".

Respectfully submitted,

Thomas P. Foy, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

Excused: M P. Garcia, Mallory, Pederson, Rios, Sanchez, Stewart

Absent: None

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 21, 1997

Mr. President:

Your PUBLIC AFFAIRS COMMITTEE, to whom has been
referred

HOUSE BILL 624, as amended

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

Respectfully submitted,

Shannon Robinson, Chairman

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Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 0 Against

Yes: 7

No: 0

Excused: Ingle, Smith

Absent: None

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