

1 HOUSE BILL 513

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Conrad James

5
6
7
8
9
10 AN ACT

11 RELATING TO PUBLIC PROPERTY DISPOSITION; ADJUSTING AND
12 CLARIFYING THE CRITERIA FOR THE DISPOSITION OF OBSOLETE, WORN-
13 OUT OR UNUSABLE TANGIBLE PERSONAL PROPERTY.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "13-6-1. DISPOSITION OF OBSOLETE, WORN-OUT OR UNUSABLE
19 TANGIBLE PERSONAL PROPERTY.--

20 A. ~~[The governing authority of each state agency,~~
21 ~~local public body, school district and state educational~~
22 ~~institution may dispose of any] An item of tangible personal~~
23 ~~property [belonging to that authority and delete the item from~~
24 ~~its] that is worn out, unusable or obsolete to the extent that~~
25 ~~the item is no longer economical or safe for use by the state~~

.198394.1

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 agency, local public body, school district or state educational
2 institution to which it belongs may be disposed of and deleted
3 from the public inventory of the state agency, local public
4 body, school district or state educational institution upon a:

5 (1) specific finding by ~~[the]~~ its governing
6 authority that the item ~~[of property is:~~

7 ~~(1) of a current resale]~~ has a net book value
8 of between one hundred dollars (\$100) and five thousand dollars
9 (\$5,000); or [less; and

10 ~~(2) worn out, unusable or obsolete to the~~
11 ~~extent that the item is no longer economical or safe for~~
12 ~~continued use by the body]~~

13 (2) determination by its purchasing officer
14 that the item has a net book value of less than one hundred
15 dollars (\$100).

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

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

21 (2) give notification at least thirty days
22 prior to its action making the deletion by sending a copy of
23 its official finding and the proposed disposition of the
24 property to the state auditor and the appropriate approval
25 authority designated in Section 13-6-2 NMSA 1978, duly sworn

.198394.1

underscored material = new
~~[bracketed material] = delete~~

1 and subscribed under oath by each member of the authority
2 approving the action.

3 C. A copy of the official finding and proposed
4 disposition of the property sought to be disposed of shall be
5 made a permanent part of the official minutes of the governing
6 authority and maintained as a public record subject to the
7 Inspection of Public Records Act.

8 D. The governing authority shall dispose of the
9 tangible personal property by negotiated sale to any
10 governmental unit of an Indian nation, tribe or pueblo in New
11 Mexico or by negotiated sale or donation to other state
12 agencies, local public bodies, school districts, state
13 educational institutions or municipalities or through the
14 central purchasing office of the governing authority by means
15 of competitive sealed bid or public auction or, if a state
16 agency, through the surplus property bureau of the
17 transportation services division of the general services
18 department.

19 E. A state agency shall give the surplus property
20 bureau of the transportation services division of the general
21 services department the right of first refusal when disposing
22 of obsolete, worn-out or unusable tangible personal property of
23 the state agency.

24 F. If the governing authority is unable to dispose
25 of the tangible personal property pursuant to Subsection D or E

.198394.1

underscored material = new
~~[bracketed material] = delete~~

1 of this section, the governing authority may sell or, if the
2 property has no value, donate the property to any organization
3 described in Section 501(c)(3) of the Internal Revenue Code of
4 1986.

5 G. If the governing authority is unable to dispose
6 of the tangible personal property pursuant to Subsection D, E
7 or F of this section, it may order that the property be
8 destroyed or otherwise permanently disposed of in accordance
9 with applicable laws.

10 H. If the governing authority determines that the
11 tangible personal property is hazardous or contains hazardous
12 materials and may not be used safely under any circumstances,
13 the property shall be destroyed and disposed of pursuant to
14 Subsection G of this section.

15 I. No tangible personal property shall be donated
16 to an employee or relative of an employee of a state agency,
17 local public body, school district or state educational
18 institution; provided that nothing in this subsection precludes
19 an employee from participating and bidding for public property
20 at a public auction.

21 J. This section shall not apply to any property
22 acquired by a museum through abandonment procedures pursuant to
23 the Abandoned Cultural Properties Act.

24 K. Notwithstanding the provisions of Subsection A
25 of this section, the department of transportation may sell

.198394.1

underscoring material = new
~~[bracketed material] = delete~~

1 through public auction or dispose of surplus tangible personal
2 property used to manage, maintain or build roads that exceeds
3 five thousand dollars (\$5,000) in value. Proceeds from sales
4 shall be credited to the state road fund. The department of
5 transportation shall notify the department of finance and
6 administration regarding the disposition of all property.

7 L. If the secretary of public safety finds that
8 ~~[the]~~ a K-9 dog presents no threat to public safety, the K-9
9 dog shall be released from public ownership as provided in this
10 subsection. The K-9 dog shall first be offered to its trainer
11 or handler free of charge. If the trainer or handler does not
12 want to accept ownership of the K-9 dog, then the K-9 dog shall
13 be offered to an organization described in Section 501(c)(3) of
14 the Internal Revenue Code of 1986 free of charge. If both of
15 the above fail, the K-9 dog shall only be sold to a qualified
16 individual found capable of providing a good home to the
17 animal."