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SENATE BILL 456

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY
Clemente Sanchez

AN ACT

RELATING TO SURPLUS PERSONAL PROPERTY; PROVIDING SPECIAL SALE
REQUIREMENTS FOR ASPHALT MILLINGS OWNED BY 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 in and bidding for public
10 property 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; provided that in the
19 case of asphalt millings, the department of transportation
20 shall not donate them but shall sell them only in a negotiated
21 sale at fair market value or by means of a competitive sealed
22 bid or public auction with a reserve price set at the fair
23 market value of the millings. As used in this subsection,
24 "asphalt millings" means the product of the process of grinding
25 up and removing the top layer of aging asphalt on streets,

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1 roads and highways, which product can be recycled. Proceeds
2 from sales shall be credited to the state road fund. The
3 department of transportation shall notify the department of
4 finance and administration regarding the disposition of all
5 property."

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