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HOUSE BILL 38

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Conrad James

AN ACT

RELATING TO PUBLIC PROPERTY DISPOSITION; ADJUSTING AND
CLARIFYING THE CRITERIA FOR THE 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 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]~~ An item of tangible personal
property ~~[belonging to that authority and delete the item from
its]~~ that is worn out, unusable or obsolete to the extent that
the item is no longer economical or safe for use by the state

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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 chief procurement
14 officer that the item has a net book value of less than one
15 hundred dollars (\$100).

16 B. The governing authority shall, as a prerequisite
17 to the disposition of ~~[any items]~~ an item of tangible personal
18 property that has a net book value of between one hundred
19 dollars (\$100) and five thousand dollars (\$5,000):

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

23 (2) give notification at least thirty days
24 prior to its action making the deletion by sending a copy of
25 its official finding and the proposed disposition of the

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1 property to the state auditor and the appropriate approval
2 authority designated in Section 13-6-2 NMSA 1978, duly sworn
3 and subscribed under oath by each member of the authority
4 approving the action.

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

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

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

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1 F. If the governing authority is unable to dispose
2 of the tangible personal property pursuant to Subsection D or E
3 of this section, the governing authority may sell or, if the
4 property has no value, donate the property to any organization
5 described in Section 501(c)(3) of the Internal Revenue Code of
6 1986.

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

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

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

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

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