

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 424

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

AN ACT

RELATING TO PUBLIC PROPERTY; ALLOWING THE SALE OF PROPERTY BY
NEGOTIATED SALE TO PUBLIC ENTITIES OR PRIVATE PERSONS;
RECONCILING MULTIPLE AMENDMENTS IN LAWS 2001.

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

Section 1. Section 13-6-2 NMSA 1978 (being Laws 1979,
Chapter 195, Section 3, as amended by Laws 2001, Chapter 291,
Section 9 and also by Laws 2001, Chapter 317, Section 2) is
amended to read:

"13-6-2. SALE OF PROPERTY BY STATE AGENCIES OR LOCAL
PUBLIC BODIES--AUTHORITY TO SELL OR DISPOSE OF PROPERTY--
APPROVAL OF APPROPRIATE APPROVAL AUTHORITY. --

A. Providing a written determination has been made,
a state agency, local public body, school district or state
educational institution may sell or otherwise dispose of real

1 or tangible personal property belonging to the state agency,
2 local public body, school district or state educational
3 institution.

4 B. A state agency, local public body, school
5 district or state educational institution may sell or otherwise
6 dispose of real property:

7 (1) by negotiated sale or donation to a
8 governmental unit of an Indian nation, tribe or pueblo in New
9 Mexico;

10 (2) by negotiated sale or donation to other
11 state agencies, local public bodies, school districts or state
12 educational institutions; or

13 (3) through the central purchasing office of
14 the state agency, local public body, school district or state
15 educational institution by means of competitive sealed bid,
16 public auction or negotiated sale to a private person.

17 C. Disposal of [~~real-er~~] tangible personal property
18 under this section shall be:

19 (1) by negotiated sale or donation to an
20 Indian nation, tribe or pueblo in New Mexico [~~er~~];

21 (2) by negotiated sale or donation to other
22 state agencies, local public bodies, school districts or state
23 educational institutions [~~er~~];

24 (3) through the central purchasing office of
25 the governmental entity by means of competitive sealed bids,

1 negotiated sale or public auction; or

2 (4) if a state agency, through the federal
3 property assistance bureau of the general services department.

4 [~~B.~~] D. A state agency shall give the federal
5 property assistance bureau of the general services department
6 the right of first refusal to dispose of tangible personal
7 property of the state agency. A school district may give the
8 department the right of first refusal to dispose of tangible
9 personal property of the school district.

10 [~~C.~~] E. Except as provided in Section 13-6-2.1 NMSA
11 1978 requiring state board of finance approval for certain
12 transactions, sale or disposition of real or tangible personal
13 property having a current resale value of more than five
14 thousand dollars (\$5,000) may be made by a state agency, local
15 public body, school district or state educational institution
16 if the sale or disposition has been approved by the state
17 budget division of the department of finance and administration
18 for state agencies, the local government division of the
19 department of finance and administration for local public
20 bodies, the state department of public education for school
21 districts and the commission on higher education for state
22 educational institutions.

23 [~~D.~~] E. Prior approval of the appropriate approval
24 authority is not required if the tangible personal property is
25 to be used as a trade-in or exchange pursuant to the provisions

. 144730. 1

underscored material = new
[bracketed material] = delete

1 of the Procurement Code.

2 [E-] G. The appropriate approval authority may
3 condition the approval of the sale or other disposition of real
4 or tangible personal property upon the property being offered
5 for sale or donation to a state agency, local public body,
6 school district or state educational institution.

7 [F-] H. The appropriate approval authority may
8 credit a payment received from the sale of such real or
9 tangible personal property to the governmental body making the
10 sale. The state agency, local public body, school district or
11 state educational institution may convey all or any interest in
12 the real or tangible personal property without warranty.

13 [G-] I. This section shall not apply to:

- 14 (1) computer software of a state agency;
- 15 (2) those institutions specifically enumerated
16 in Article 12, Section 11 of the constitution of New Mexico;
- 17 (3) the New Mexico state police division of
18 the department of public safety;
- 19 (4) the state land office or the state highway
20 and transportation department; [and]
- 21 (5) property acquired by a museum through
22 abandonment procedures pursuant to the Abandoned Cultural
23 Properties Act; and
- 24 (6) leases of county hospitals with any person
25 pursuant to the Hospital Funding Act. "