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HOUSE BILL 500

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Rhonda S. King

AN ACT

RELATING TO PUBLIC PROPERTY; CHANGING APPROVAL OF SALES AND
LEASES BY LOCAL PUBLIC BODIES TO THE SECRETARY OF FINANCE AND
ADMINISTRATION; RAISING THE LEVEL OF CONSIDERATION FOR SALES
REQUIRING STATE BOARD OF FINANCE APPROVAL; RECONCILING MULTIPLE
AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2003.

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) 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

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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 an
8 Indian nation, tribe or pueblo located wholly or partially in
9 New Mexico, or to a governmental unit of an Indian nation,
10 tribe or pueblo in New Mexico, that is authorized to purchase
11 land and control activities on its land by an act of congress
12 or to purchase land on behalf of the Indian nation, tribe or
13 pueblo;

14 (2) by negotiated sale or donation to other
15 state agencies, local public bodies, school districts or state
16 educational institutions;

17 (3) through the central purchasing office of
18 the state agency, local public body, school district or state
19 educational institution by means of competitive sealed bid,
20 public auction or negotiated sale to a private person or to an
21 Indian nation, tribe or pueblo in New Mexico; or

22 (4) if a state agency, through the surplus
23 property bureau of the transportation services division of the
24 general services department.

25 C. A state agency shall give the surplus property

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1 bureau of the transportation services division of the general
2 services department the right of first refusal to dispose of
3 tangible personal property of the state agency. A school
4 district may give the surplus property bureau the right of
5 first refusal to dispose of tangible personal property of the
6 school district.

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

20 E. Prior approval of the appropriate approval
21 authority is not required if the tangible personal property is
22 to be used as a trade-in or exchange pursuant to the provisions
23 of the Procurement Code.

24 F. The appropriate approval authority may condition
25 the approval of the sale or other disposition of real or

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1 tangible personal property upon the property being offered for
2 sale or donation to a state agency, local public body, school
3 district or state educational institution.

4 G. The appropriate approval authority may credit a
5 payment received from the sale of such real or tangible
6 personal property to the governmental body making the sale.
7 The state agency, local public body, school district or state
8 educational institution may convey all or any interest in the
9 real or tangible personal property without warranty.

10 H. This section does not apply to:

11 (1) computer software of a state agency;
12 (2) those institutions specifically enumerated
13 in Article 12, Section 11 of the constitution of New Mexico;

14 (3) the New Mexico state police division of
15 the department of public safety;

16 (4) the state land office or the department of
17 transportation;

18 (5) property acquired by a museum through
19 abandonment procedures pursuant to the Abandoned Cultural
20 Properties Act;

21 (6) leases of county hospitals with any person
22 pursuant to the Hospital Funding Act;

23 (7) property acquired by the economic
24 development department pursuant to the Statewide Economic
25 Development Finance Act; and

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1 (8) the state parks division of the energy,
2 minerals and natural resources department."

3 Section 2. Section 13-6-2.1 NMSA 1978 (being Laws 1989,
4 Chapter 380, Section 1, as amended by Laws 2003, Chapter 142,
5 Section 3 and by Laws 2003, Chapter 349, Section 22) is amended
6 to read:

7 "13-6-2.1. SALES, TRADES OR LEASES--STATE BOARD OF
8 FINANCE APPROVAL.--

9 A. Except as provided in Section 13-6-3 NMSA 1978,
10 for state agencies, any sale, trade or lease for a period of
11 more than five years of real property belonging to a state
12 agency, local public body or school district or any sale, trade
13 or lease of such real property for a consideration of more than
14 [~~twenty-five thousand dollars (\$25,000)~~] two hundred fifty
15 thousand dollars (\$250,000) shall not be valid unless it is
16 approved prior to its effective date by the state board of
17 finance.

18 B. The provisions of this section shall not be
19 applicable as to those institutions specifically enumerated in
20 Article 12, Section 11 of the constitution of New Mexico, the
21 state land office, the state transportation commission or the
22 economic development department when disposing of property
23 acquired pursuant to the Statewide Economic Development Finance
24 Act."

25 Section 3. EFFECTIVE DATE.--The effective date of the
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1 provisions of this act is July 1, 2009.

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