

AN ACT

RELATING TO TRANSPORTATION; AUTHORIZING THE DEPARTMENT OF TRANSPORTATION TO DONATE SURPLUS PERSONAL PROPERTY OR MATERIALS TO LOCAL GOVERNMENT ENTITIES IN THE STATE IN CERTAIN CIRCUMSTANCES.

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

Section 1. A new section of Chapter 67, Article 3 NMSA 1978 is enacted to read:

"DISPOSITION OF SURPLUS PERSONAL PROPERTY OR MATERIALS.--

A. The department may donate available surplus personal property or materials to a local government entity to repair damage to public roads, highways and bridges in New Mexico resulting from natural or man-made causes if:

(1) the request is made by a local government entity, including a municipality, county, public school or tribal government, that certifies to the department that the local government entity does not have the financial or physical resources to repair sudden and unforeseen damage to a public road, highway or bridge within its jurisdiction;

(2) the local government entity certifies that the damage was due to unforeseen natural or man-made causes, including bad weather, an accident or other catastrophic event, and that the damage creates a risk to

public safety that requires immediate action;

(3) the local government entity certifies that it will use the donated property or materials only for the purpose of making the repairs needed to address the emergency; and

(4) the department determines that donation of the personal property or materials will not affect the department's ability to carry out its statutory obligations.

B. Upon receipt of a request for aid under this section, the department shall direct the highway district closest to the requesting local government entity to review the district's stores of construction and road maintenance materials to determine whether there is any surplus personal property or materials available to donate to the local government entity to address the emergency.

C. If a determination is made that surplus personal property or materials may be donated, the department shall prepare documentation that:

(1) describes the property or materials donated;

(2) identifies the amount of property or materials donated; and

(3) provides an estimate of the fair market value of the property or materials donated.

D. Upon delivery of the property or materials, the

