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AN ACT

RELATING TO PUBLIC PROPERTY; AMENDING SECTIONS OF THE NMSA
1978 TO PROVIDE FOR DISPOSITION OF STATE-OWNED ANIMALS.

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:

(1) of a current resale value of five
thousand dollars (\$5,000) or less; and

(2) worn out, unusable or obsolete to the
extent that the item is no longer economical or safe for
continued use by the body.

B. The governing authority shall, as a
prerequisite to the disposition of any items of tangible
personal property:

(1) designate a committee of at least three
officials of the governing authority to approve and oversee

1 the disposition; and

2 (2) give notification at least thirty days
3 prior to its action making the deletion by sending a copy of
4 its official finding and the proposed disposition of the
5 property to the state auditor and the appropriate approval
6 authority designated in Section 13-6-2 NMSA 1978, duly sworn
7 and subscribed under oath by each member of the authority
8 approving the action.

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

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

25 E. A state agency shall give the surplus property

1 bureau of the transportation services division of the general
2 services department the right of first refusal when disposing
3 of obsolete, worn-out or unusable tangible personal property
4 of the state agency.

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

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

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

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

1 public property at a public auction.

2 J. This section shall not apply to any property
3 acquired by a museum through abandonment procedures pursuant
4 to the Abandoned Cultural Properties Act.

5 K. Notwithstanding the provisions of Subsection A
6 of this section, the department of transportation may sell
7 through public auction or dispose of surplus tangible
8 personal property used to manage, maintain or build roads
9 that exceeds five thousand dollars (\$5,000) in value.

10 Proceeds from sales shall be credited to the state road fund.
11 The department of transportation shall notify the department
12 of finance and administration regarding the disposition of
13 all property.

14 L. If the secretary of public safety finds that
15 the K-9 dog presents no threat to public safety, the K-9 dog
16 shall be released from public ownership as provided in this
17 subsection. The K-9 dog shall first be offered to its
18 trainer or handler free of charge. If the trainer or handler
19 does not want to accept ownership of the K-9 dog, then the
20 K-9 dog shall be offered to an organization described in
21 Section 501(c)(3) of the Internal Revenue Code of 1986 free
22 of charge. If both of the above fail, the K-9 dog shall only
23 be sold to a qualified individual found capable of providing
24 a good home to the animal."

25 SECTION 2. Section 33-2-5 NMSA 1978 (being Laws 1939,

1 Chapter 55, Section 5, as amended) is amended to read:

2 "33-2-5. DISPOSITION OF UNNEEDED PROPERTY.--

3 A. If the penitentiary of New Mexico, as a body
4 corporate, possesses any real, personal or mixed property of
5 any kind that, in the judgment of the secretary of
6 corrections is no longer required for the use of the
7 penitentiary, then the penitentiary of New Mexico has the
8 right to sell, trade, mortgage or otherwise alienate any
9 real, personal or mixed property for such price and upon such
10 terms as seems just and proper to the secretary of
11 corrections, and the proceeds to be derived from any such
12 transaction shall become the property of the penitentiary of
13 New Mexico; provided, however, that in all cases of the sale,
14 trade, mortgage or other alienation of real property
15 belonging to the penitentiary of New Mexico, the same shall
16 not take effect until approved by the department of finance
17 and administration.

18 B. K-9 dogs are exempt from the provisions of
19 Subsection A of this section. If the secretary of corrections
20 finds that the K-9 dog presents no threat to public safety,
21 the K-9 dog shall be released from public ownership as
22 provided in this subsection. The K-9 dog shall first be
23 offered to its trainer or handler free of charge. If the
24 trainer or handler does not want to take ownership of the K-9
25 dog, then the K-9 dog shall be offered to an organization

