

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: SJR 19

52nd Legislature, 2nd Session, 2016

Tracking Number: .202976.4

Short Title: Pecos Valley Land Sale

Sponsor(s): Senator Gay G. Kernan

Analyst: Kevin Force

Date: February 8, 2016

Bill Summary:

SJR 19 recognizes that a parcel of real property located in Artesia, New Mexico is owned by the Pecos Valley Regional Education Cooperative (cooperative), and serves as the cooperative's main headquarters. This property is now insufficient to house all of the cooperative's operations, including the Southeastern New Mexico Educational Resource Center, and has recently been appraised at \$400,000. The joint resolution goes on to note that disposition of real property belonging to a state agency for consideration of \$100,000 or more must be ratified by the Legislature, which SJR 19 proposes to do, on the condition that the cooperative purchase or lease a replacement property for its main offices.

Fiscal Impact:

SJR 19 does not contain an appropriation.

Depending on the sale or lease price of the cooperative's current property, as opposed to the purchase or lease property of the replacement property, the cooperative may be impacted financially by the sum of these transactions.

At a Glance:

- Property currently owned by the cooperative is now insufficient to house the cooperative's operations, including its main offices.
- The disposition of property by a state agency for consideration of \$100,000 or more must be approved by the Legislature.
- The Legislature will approve the sale, conditioned on the concurrent acquisition of property in which to house the cooperative's main offices.

Detailed Provisions:

Finding that the cooperative owns a certain parcel of real property in Artesia, New Mexico, SJR 19 acknowledges that the cooperative is an individual state agency attached to the Public Education Department, capable of owning, controlling, and managing the land independently of the General Services Department (GSD), and thus may dispose of the real property in question for consideration equal to or greater than its appraised value.

The Regional Education Coordinating Council of the cooperative have resolved that it is in the best interests of the cooperative to sell the parcel and acquire a replacement by purchase or lease, and approve the sale pursuant to those means permitted by Section 13-6-2(B) NMSA 1978, which include:

- negotiated sale or donation to an Indian nation, tribe or pueblo located wholly or partially in New Mexico, or to a governmental unit of an Indian nation, tribe or pueblo in New Mexico, that is authorized to purchase land and control activities on its land by an act of Congress or to purchase land on behalf of the Indian nation, tribe, or pueblo;
- negotiated sale or donation to other state agencies, local public bodies, school districts, or state educational institutions;
- through the central purchasing office of the state agency, local public body, school district, or state educational institution by means of competitive sealed bid, public auction or negotiated sale to a private person or to an Indian nation, tribe or pueblo in New Mexico; and
- if the institution is a state agency, through the surplus property bureau of the transportation services division of GSD.

The joint resolution goes on to note that disposition of real property belonging to a state agency for consideration of \$100,000 or more must be ratified by the Legislature. Finally, SJR 19 would ratify the sale or lease of this property on the condition that the cooperative, contemporaneously with its sale of its current property, purchase, or lease a replacement for the main offices of the cooperative.

Technical Issues:

According to SJR 19, the legal description of the parcel is:

“The East 265.4 feet of Block 6 of the Gunter Subdivision, to the City of Artesia, Eddy County, New Mexico, as the same apperas [sic] on the official, filed plat thereof on file in the Office of the County Clerk of Eddy County, New Mexico and all buildings and improvements thereon.”

However, according to the Eddy County Assessor’s Office, the legal description is “Gunter Block 6 Artesia Schools Replat, Block 6, Lot 1.” It is possible that these are two different descriptions of the same parcel.

Related Bills:

HJR 21 *Pecos Land Sale* (Identical)