

This rule was filed as: 18 NMAC 27.4.

TITLE 18 TRANSPORTATION AND HIGHWAYS
CHAPTER 27 HIGHWAY CONSTRUCTION GENERAL PROVISIONS
PART 4 GUIDELINES FOR PURCHASE OF SURPLUS EQUIPMENT VIA LOCAL
GOVERNMENT ROAD FUNDS

18.27.4.1 18 NMAC 27.4.1 ISSUING AGENCY: New Mexico State Highway and Transportation Department Post Office Box 1149 Santa Fe, New Mexico 87504-1149 (505) 827-5587.
[11/30/98; 18.27.4.1 NMAC – Rn, 18 NMAC 27.4.1, Recompiled 11/16/01]

18.27.4.2 SCOPE: This provides guidelines on the expenditure of funds in the Local Government Road Fund for the purchase of New Mexico State Highway and Transportation Department surplus equipment for all counties, municipalities or entities who demonstrate financial hardship.
[11/30/98; 18.27.4.2 NMAC – Rn, 18 NMAC 27.4.2, Recompiled 11/16/01]

18.27.4.3 STATUTORY AUTHORITY: NMSA 1978, Section 67-3-28.2.
[11/30/98; 18.27.4.3 NMAC – Rn, 18 NMAC 27.4.3, Recompiled 11/16/01]

18.27.4.4 DURATION: Permanent.
[11/30/98; 18.27.4.4 NMAC – Rn, 18 NMAC 27.4.4, Recompiled 11/16/01]

18.27.4.5 EFFECTIVE DATE: November 30, 1998, unless a later date is cited at the end of a section or paragraph.
[11/30/98; 18.27.4.5 NMAC – Rn, 18 NMAC 27.4.5, Recompiled 11/16/01]

18.27.4.6 OBJECTIVE: To allow qualified entities up to \$25,000 to purchase surplus equipment that would not otherwise be available due to financial hardship.
[11/30/98; 18.27.4.6 NMAC – Rn, 18 NMAC 27.4.6, Recompiled 11/16/01]

18.27.4.7 DEFINITIONS:
A. "Commission" means State Highway Commission.
B. "Department" means New Mexico State Highway and Transportation Department.
[11/30/98; 18.27.4.7 NMAC – Rn, 18 NMAC 27.4.7, Recompiled 11/16/01]

18.27.4.8 GUIDELINES: The following guidelines are established for administration of the provisions:
A. Only municipalities and counties that can demonstrate financial hardship shall be eligible.
B. Entities shall submit to the State Maintenance Bureau a resolution or certification indicating their financial hardship. The resolution or certification shall be signed by the Municipal Mayor or Manager, County Commission Chairman, or other authorized official. Also, the entities shall provide a listing of equipment that will be desired.
C. If a public entity is not using maximum tax levy authority, the entity shall provide a written explanation of why the maximum tax levy is not being imposed prior to the Department considering the waiver request.
D. Determination of financial hardship status shall be based on contents of submitted resolution or certification; financial statements requested from DFA, Local Government Division, and any other information available or provided by the entity that would tend to substantiate financial hardship. An annual deadline for receipt of these documents is the last day of April each year. This will allow time for a sufficient review and processing time.
E. All qualified entities will be reviewed on a competitive basis. If financial hardship is evident, the State Maintenance Engineer or his designee shall submit the entity's request and resolution or certification along with a recommendation for approval to the Department's Secretary. If financial hardship is not evident, the State Maintenance Engineer shall so notify the entity in writing.
F. The Department is Secretary shall review the recommendation of the State Maintenance Engineer and recommend action to the Commission.

G. Upon notification of the Commission's action, the State Maintenance Engineer shall, in turn, notify the entity.

H. Approved/qualifying entities shall be allowed to purchase surplus equipment at a location and during a time period determined by Department and shall be provided necessary sale information upon notification of approval. Entity representations shall be limited to two (2) individuals per entity during the Hardship Auction. Entities shall be limited to two consecutive annual awards, and then a maximum one year restriction will be enforced to allow for fair and proper distribution of State funds. This restriction is waived if the total number of qualified entities does not exceed twenty (20).

I. Approved entities will be limited to two (2) items in class (02) vehicles (sedans) and up to four (4) items in class (03) (pickups, 1/2 ton to 3/4 ton). There is also a limit of two (2) in other classes of equipment. The total dollar amount shall not exceed \$25,000 per entity.

J. Monies uncommitted by entities during the designated sale period shall revert to the Local Government Road Fund.

[11/30/98; 18.27.4.8 NMAC – Rn, 18 NMAC 27.4.8, Recompiled 11/16/01]

HISTORY OF 18.27.4 NMAC:

Pre-NMAC History: The material in this Part was derived from that previously filed with the State Records and Archives under: SHTD Rule No. 93-5, Emergency Rule Creating Guidelines for Purchase of Surplus Equipment Via Local Government Road Funds filed July 19, 1993; SHTD Rule 93-5, Guidelines for Purchase of Surplus Equipment Via Local Government Road Funds, filed December 15, 1993; and SHTD Rule No. 93-5, Amendment 1, Amended Guidelines for Purchase of Surplus Equipment Via Local Government Road Funds, filed December 15, 1994.

History of Repealed Material: [RESERVED]