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HOUSE BILL 227

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

INTRODUCED BY

Brian F. Egolf

AN ACT

RELATING TO AVIATION; INCREASING THE LIMITS ON AIRPORT  
FACILITIES ELIGIBLE FOR AVIATION FUNDING.

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

Section 1. Section 64-1-13 NMSA 1978 (being Laws 1963,  
Chapter 314, Section 5, as amended) is amended to read:

"64-1-13. AVIATION DIVISION--POWERS AND DUTIES.--The  
division shall:

A. cooperate with all public and private agencies  
and organizations, state, local and federal, to encourage and  
advance aviation in this state;

B. assemble and distribute to the public  
information relating to aviation, landing fields, beacons and  
other matters pertaining to aviation and may accept federal  
money made available for the advancement of aviation;

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underscoring material = new  
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1 C. authorize expenditures of money from the state  
2 aviation fund for construction, development and maintenance of  
3 public-use airport facilities, except airports serving  
4 regularly scheduled interstate airlines using aircraft with a  
5 maximum passenger capacity of more than [~~sixty~~] one hundred  
6 seats or a maximum payload capacity of more than [~~fifteen~~]  
7 twenty-five thousand pounds, including rural landing fields and  
8 airstrips. Expenditures shall be made according to the need  
9 for airport facilities as determined by the division;

10 D. operate under a director, appointed by the  
11 secretary, with the approval of the governor, who shall have an  
12 aviation background and meet other qualifications prescribed by  
13 the secretary;

14 E. establish policies for operation of the  
15 division;

16 F. promulgate rules for proper enforcement of  
17 aviation laws, except for those relating to common carriers;

18 G. provide for a surety bond, paid from the state  
19 aviation fund, issued by a corporate surety company licensed to  
20 do business in New Mexico, in an amount set by the state board  
21 of finance, on a form approved by the attorney general,  
22 conditioned upon the faithful performance of the duties of the  
23 personnel of the division who expend or authorize the  
24 expenditure of state funds;

25 H. have the following powers with respect to state

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1 airports:

2 (1) the division may, on behalf of and in the  
3 name of the state, out of appropriations and other money made  
4 available for such purposes, plan, construct, enlarge, improve,  
5 maintain, equip and operate airports and air navigation  
6 facilities, including the construction, equipment, maintenance  
7 and operation at such airports of buildings and other  
8 facilities for the servicing of aircraft or for the comfort and  
9 accommodation of air travelers. For such purposes, the  
10 division may, in the name of the state, by purchase, gift,  
11 devise, lease or otherwise, acquire property, real or personal,  
12 or any interest in property, including easements in airport  
13 hazards or land outside the boundaries of an airport or airport  
14 site, as are necessary to permit safe and efficient operation  
15 of the airports or air navigation facilities. The division may  
16 enter into any contracts necessary to the execution of the  
17 powers granted it by this paragraph; and

18 (2) the division may accept, receive, receipt  
19 for, disburse and expend federal money and other money, public  
20 or private, made available to accomplish, in whole or in part,  
21 any of the purposes of this subsection. All federal money  
22 accepted under this subsection shall be accepted and expended  
23 by the division upon such terms and conditions as are  
24 prescribed by the United States. The division, on behalf of  
25 the state, may enter into contracts with the United States or

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underscored material = new  
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1 with any person that may be required in connection with a grant  
2 or loan of federal money for airport or air navigation facility  
3 purposes. All money received by the division pursuant to this  
4 subsection is appropriated for the purpose for which the money  
5 was made available, to be disbursed or expended in accordance  
6 with the terms and conditions upon which the money was made  
7 available; provided that nothing contained in this section  
8 shall affect the power of a local government to contract with  
9 the United States or any person in connection with a grant or  
10 loan of money for airports or air navigation facilities in  
11 accordance with the terms and conditions upon which the funds  
12 were made available; and

13 I. have the power to engage in planning for the  
14 development of a system of public airports within the state."

15 Section 2. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2009.