

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;

C. authorize expenditures of money from the state  
aviation fund for construction, development and maintenance of  
public-use airport facilities, except airports serving  
regularly scheduled interstate airlines using aircraft with a  
maximum passenger capacity of more than one hundred seats or a  
maximum payload capacity of more than twenty-five thousand  
pounds, including rural landing fields and airstrips.

Expenditures shall be made according to the need for airport  
facilities as determined by the division;

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

E. establish policies for operation of the division;

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

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

H. have the following powers with respect to state airports:

(1) the division may, on behalf of and in the name of the state, out of appropriations and other money made available for such purposes, plan, construct, enlarge, improve, maintain, equip and operate airports and air navigation facilities, including the construction, equipment, maintenance and operation at such airports of buildings and other facilities for the servicing of aircraft or for the comfort and accommodation of air travelers. For such

purposes, the division may, in the name of the state, by purchase, gift, devise, lease or otherwise, acquire property, real or personal, or any interest in property, including easements in airport hazards or land outside the boundaries of an airport or airport site, as are necessary to permit safe and efficient operation of the airports or air navigation facilities. The division may enter into any contracts necessary to the execution of the powers granted it by this paragraph; and

(2) the division may accept, receive, receipt for, disburse and expend federal money and other money, public or private, made available to accomplish, in whole or in part, any of the purposes of this subsection. All federal money accepted under this subsection shall be accepted and expended by the division upon such terms and conditions as are prescribed by the United States. The division, on behalf of the state, may enter into contracts with the United States or with any person that may be required in connection with a grant or loan of federal money for airport or air navigation facility purposes. All money received by the division pursuant to this subsection is appropriated for the purpose for which the money was made available, to be disbursed or expended in accordance with the terms and conditions upon which the money was made available; provided that nothing contained in this section shall affect the power of a local

government to contract with the United States or any person in connection with a grant or loan of money for airports or air navigation facilities in accordance with the terms and conditions upon which the funds were made available; and

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

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