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SENATE BILL 478

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Joshua A. Sanchez

AN ACT

RELATING TO AVIATION; CREATING THE STATE AVIATION COMMISSION;
TASKING THE COMMISSION WITH DETERMINING MATTERS OF POLICY FOR
THE AVIATION DIVISION; ADMINISTRATIVELY ATTACHING THE AVIATION
DIVISION AND THE STATE AVIATION COMMISSION TO THE DEPARTMENT OF
TRANSPORTATION; ASSIGNING DUTIES AND POWERS.

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

SECTION 1. A new section of the Aviation Act is enacted
to read:

"NEW MATERIAL] STATE AVIATION COMMISSION--CREATION--
APPOINTMENT--POWERS.--

A. The "state aviation commission" is created and,
in accordance with the provisions of Section 9-1-7 NMSA 1978,
is administratively attached to the department. The commission
consists of five commissioners: the secretary and, to be

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1 appointed by the governor with the advice and consent of the
2 senate, two current or former New Mexico airport managers and
3 two federal aviation administration-certified pilots, all four
4 of whom shall serve at the pleasure of the governor and shall
5 be at least twenty-one years of age and a resident of New
6 Mexico.

7 B. The first meeting of the commission shall be
8 called within ninety days of the effective date of this 2025
9 act by the secretary, at which meeting the commissioners shall
10 select a chair and a vice chair from among themselves.
11 Thereafter, the commission shall meet not less than quarterly
12 at the call of the chair or a request of three-fifths of its
13 membership to carry out the commission's duties. Meetings
14 shall be conducted in accordance with the Open Meetings Act and
15 at a public location. The meeting location, date and agenda
16 shall be published electronically and in a newspaper of general
17 circulation not less than ten days prior to a meeting.

18 C. A majority of the members constitutes a quorum
19 for the transaction of business, and the support of a majority
20 of the quorum is required for adoption of any action. For
21 questions posed by a commissioner or the director outside of a
22 regularly constituted meeting, a majority vote is required, the
23 question shall be posed in writing at least ten days prior to
24 the vote and the vote shall be in writing and delivered to all
25 commissioners and the director. The director shall report

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1 within ten days of the vote to the commission about the
2 questions posed and results of votes.

3 D. The commissioners are entitled to receive per
4 diem and mileage as provided in the Per Diem and Mileage Act
5 and shall receive no other compensation, perquisite or
6 allowance. All salaries, per diem and contingent expenses
7 incurred by the commission shall be paid upon warrants of the
8 secretary of finance and administration, pursuant to vouchers
9 signed by the director.

10 E. The commission shall:

11 (1) determine all matters of policy for the
12 division; and

13 (2) employ a director of the division, with
14 the approval of the governor, who shall serve at the pleasure
15 of the commission and is exempt from the provisions of the
16 Personnel Act."

17 SECTION 2. Section 64-1-12 NMSA 1978 (being Laws 1963,
18 Chapter 314, Section 2, as amended) is amended to read:

19 "64-1-12. DEFINITIONS.--As used in the Aviation Act:

20 A. "aircraft" means airplane and helicopter;

21 B. "pilot" means any person participating in the
22 operation of an aircraft while it is in flight;

23 C. "passenger" means any person riding in an
24 aircraft except a pilot;

25 D. "department" means the department of

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1 transportation;

2 E. "division" means the aviation division of the
3 department;

4 F. "director" means the director of the division;
5 [~~and~~]

6 G. "secretary" means the secretary of
7 transportation; and

8 H. "commission" means the state aviation
9 commission."

10 SECTION 3. Section 64-1-13 NMSA 1978 (being Laws 1963,
11 Chapter 314, Section 5, as amended) is amended to read:

12 "64-1-13. AVIATION DIVISION--POWERS AND DUTIES.--The
13 division, in accordance with the provisions of Section 9-1-7
14 NMSA 1978, is administratively attached to the department and
15 shall exercise its functions independently of the department.

16 The division shall:

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

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

24 C. authorize expenditures of money from the state
25 aviation fund for construction, development and maintenance of

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1 public-use airport facilities, except airports serving
2 regularly scheduled interstate airlines using aircraft with a
3 maximum passenger capacity of more than one hundred seats or a
4 maximum payload capacity of more than twenty-five thousand
5 pounds, including rural landing fields and airstrips.

6 Expenditures shall be made according to the need for airport
7 facilities as determined by the division and in accordance with
8 commission policy;

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

13 E. [~~establish~~] adhere to and administer commission
14 policies for operation of the division;

15 F. promulgate rules for proper enforcement of
16 aviation laws;

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

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

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

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

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

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

14 J. submit its budget requests to the commission;

15 K. submit reports required of it by law or by the
16 governor through the commission; and

17 L. have the authority to purchase, own, operate,
18 maintain and replace as needed a propeller-driven aircraft not
19 to exceed a six-person capacity, including the pilot, to be
20 paid out of the state aviation fund and to be used solely for
21 purposes consistent with the provisions of the Aviation Act."

22 SECTION 4. Section 64-1-14 NMSA 1978 (being Laws 1963,
23 Chapter 314, Section 6, as amended) is amended to read:

24 "64-1-14. DIRECTOR--POWERS AND DUTIES.--The director
25 shall:

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1 A. be the executive officer of the division;

2 B. with the consent of the [~~secretary~~] commission,
3 employ necessary personnel, prescribe duties and fix
4 compensation of personnel; and

5 C. administer the aviation laws of this state and
6 enforce the policies, rules and regulations of the division."

7 SECTION 5. Section 64-1-15 NMSA 1978 (being Laws 1963,
8 Chapter 314, Section 7, as amended) is amended to read:

9 "64-1-15. STATE AVIATION FUND.--

10 A. There is created in the state treasury the
11 "state aviation fund". All income to the state aviation fund
12 is appropriated to the division. Earnings from investment of
13 the fund shall be credited to the fund.

14 B. The amounts distributed to the state aviation
15 fund pursuant to Subsection C of Section 7-1-6.7 NMSA 1978
16 shall be used for the air service assistance program, including
17 planning, program administration, construction, equipment,
18 materials and maintenance of a system of airports, navigation
19 aids and related facilities. All other amounts distributed to
20 the state aviation fund, including collections by the division
21 for aircraft registration pursuant to the Aircraft Registration
22 Act, payments to the division pursuant to Sections 64-1-13 and
23 64-1-19 NMSA 1978 and reimbursements to the division from
24 federal aviation administration funds or from any other source
25 shall be used for planning and program administration,

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1 construction, equipment, materials and maintenance of a system
2 of airports, navigation aids and related facilities. All
3 expenditures shall be made in accordance with budgets approved
4 by the [~~department~~] commission. Balances in the state aviation
5 fund shall not be transferred and shall not revert to any other
6 fund."

7 SECTION 6. Section 64-1-19 NMSA 1978 (being Laws 1975,
8 Chapter 197, Section 2, as amended) is amended to read:

9 "64-1-19. AVIATION DIVISION--ADDITIONAL POWERS AND
10 DUTIES.--The division may:

11 A. contract with any agency of the federal
12 government to perform specified aviation services;

13 B. accept federal grants for the administration and
14 performance of such aviation services; and

15 C. employ necessary personnel and pay other
16 administrative costs from federal grant funds in accordance
17 with a budget approved by the commission and the department of
18 finance and administration without regard to other restrictions
19 or limitations imposed on the division's budget."

20 SECTION 7. TEMPORARY PROVISION--APPOINTMENT OF
21 COMMISSION.--By December 1, 2025 the governor shall appoint
22 initial commissioners of the state aviation commission.

23 SECTION 8. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2025.