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SENATE BILL 76

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Roberto "Bobby" J. Gonzales

AN ACT

RELATING TO AVIATION; AMENDING THE RURAL AIR SERVICE
ENHANCEMENT ACT TO BROADEN ELIGIBILITY FOR RURAL AIR SERVICE
ENHANCEMENT GRANTS; TEMPORARILY RESERVING A PORTION OF THE
RURAL AIR SERVICE ENHANCEMENT FUND FOR ELIGIBLE APPLICANTS WITH
NEW OR EXPANDED AIR ROUTES TO BE USED BY AIRCRAFT WITH A
CAPACITY OF NOT MORE THAN NINE PERSONS; MAKING AN
APPROPRIATION.

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

SECTION 1. Section 64-6-2 NMSA 1978 (being Laws 2021,
Chapter 47, Section 2) is amended to read:

"64-6-2. DEFINITIONS.--As used in the Rural Air Service
Enhancement Act:

A. "air route" means any scheduled operation or
public charter;

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1 B. "charter flight" means a flight operated under
2 the terms of a charter contract between a direct air carrier
3 and the carrier's customer. "Charter flight" does not include
4 scheduled air transportation, scheduled foreign air
5 transportation or nonscheduled cargo air transportation, sold
6 on an individually ticketed or individually waybilled basis;

7 ~~[A.]~~ C. "department" means the department of
8 transportation;

9 ~~[B.]~~ D. "director" means the director of the
10 division;

11 ~~[C.]~~ E. "division" means the aviation division of
12 the department; ~~[and]~~

13 F. "expanded air route" means an air route served
14 by the rural air service enhancement grant program that expands
15 passenger capacity or the number of scheduled operations or
16 public charter flights from what was served at the time a grant
17 was made;

18 ~~[D.]~~ G. "minimum revenue guarantee" means the
19 amount of money guaranteed by a municipality or county to be
20 earned by an airline providing scheduled air services to and
21 from that municipality or county, which is the difference
22 between the minimum flight charge revenue specified in the
23 contract between the municipality or county and the airline and
24 the amount of actual flight charge revenue received by the
25 airline that is less than that contractual amount;

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1 H. "new air route" means an air route to be served
2 by the rural air service enhancement grant program that was not
3 served prior to January 1, 2021;

4 I. "public charter" means a one-way or round-trip
5 charter flight to be performed by one or more direct air
6 carriers that is arranged and sponsored by a charter operator;
7 and

8 J. "scheduled operation" means any common carriage
9 passenger-carrying operation for compensation or hire conducted
10 by an air carrier for which the air carrier or the air
11 carrier's representatives offers in advance the departure
12 location, departure time and arrival location."

13 SECTION 2. Section 64-6-3 NMSA 1978 (being Laws 2021,
14 Chapter 47, Section 3) is amended to read:

15 "64-6-3. RURAL AIR SERVICE ENHANCEMENT GRANT PROGRAM.--

16 A. The "rural air service enhancement grant
17 program" is created in the division to be administered by the
18 director.

19 B. The director shall:

20 (1) establish and publish deadlines and
21 guidelines for the submission of grant applications;

22 (2) develop procedures for receipt, review and
23 approval of grant applications;

24 (3) receive, review and approve grant
25 applications;

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1 (4) monitor municipalities' and counties' use
2 of grant money by reviewing annual reports submitted to the
3 director to ensure that grants are used consistently with the
4 terms of the grant awards;

5 (5) establish grant reporting requirements
6 that meet the general purpose of the Rural Air Service
7 Enhancement Act; and

8 (6) perform other duties as necessary to carry
9 out the provisions of the Rural Air Service Enhancement Act.

10 C. Each fiscal year, competitive grants for minimum
11 revenue guarantees shall be awarded to applicants for the sole
12 purpose of funding rural air service enhancement grants.

13 D. The director shall award grants to applicants
14 through a competitive process and based upon the following
15 criteria:

16 (1) the demand for service on the proposed new
17 air routes or expanded air routes;

18 (2) the economic impact on the municipality or
19 county of the proposed new air routes or expanded air routes;
20 and

21 (3) the feasibility of a common carrier
22 licensed by the state servicing proposed new air routes or
23 expanded air routes.

24 E. Applicants shall meet the following minimum
25 criteria to be eligible for a grant:

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1 (1) municipalities or counties shall have a
2 minimum population of twenty thousand persons residing within a
3 fifty-mile radius of the airport unless the municipality or
4 county has existing ~~[scheduled air service]~~ air routes;

5 (2) aircraft to be used to service proposed
6 new air routes or expanded air routes served by the rural air
7 service enhancement grant program shall have a passenger
8 capacity of not more than ~~[nine]~~ thirty persons; and

9 ~~[(3) routes to be served by the program shall
10 be new air routes that were not served at the time the grant
11 was made; and~~

12 ~~(4)]~~ (3) minimum matching funds from a
13 municipality or county shall be:

14 (a) ten percent if the municipality or
15 county has no existing scheduled air ~~[service]~~ routes at the
16 time of application; and

17 (b) ~~[fifty]~~ twenty percent if the
18 municipality or county has existing scheduled air ~~[service]~~
19 routes at the time of application.

20 F. Individual grants awarded through the rural air
21 service enhancement grant program shall not:

22 (1) exceed one million two hundred fifty
23 thousand dollars (\$1,250,000) per year for municipalities or
24 counties with existing scheduled air ~~[service]~~ routes;

25 (2) exceed one million seven hundred fifty

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1 thousand dollars (\$1,750,000) per year for municipalities or
2 counties not served by existing scheduled air ~~[service]~~ routes;
3 or

4 (3) be used for infrastructure improvement.

5 G. Individual grants awarded through the rural air
6 service enhancement grant program shall cover a time frame of
7 at least two years.

8 H. No more than ten percent of the balance of the
9 rural air service enhancement fund on July 1 of any year may be
10 used by the division for infrastructure improvements associated
11 with individual grants awarded through the rural air service
12 enhancement grant program.

13 I. Funds received through individual grants awarded
14 through the rural air service enhancement grant program shall
15 be expended by the grantee municipality or county only to
16 airlines that have been selected through a competitive process
17 pursuant to the Procurement Code."

18 SECTION 3. Section 64-6-4 NMSA 1978 (being Laws 2021,
19 Chapter 47, Section 4) is amended to read:

20 "64-6-4. GRANT APPLICATIONS.--A municipality or county
21 may submit an application to the director for a rural air
22 service enhancement grant. An applicant shall comply with
23 deadlines and guidelines published by the director. A grant
24 application shall include:

25 A. a description of the facility that will serve

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1 the proposed new ~~[scheduled]~~ air routes or expanded air
2 ~~[service]~~ routes;

3 B. an estimate of the demand for the proposed new
4 ~~[scheduled]~~ air routes or expanded air ~~[service]~~ routes;

5 C. identification of the air common carrier that
6 will service the proposed new ~~[scheduled]~~ air routes or
7 expanded air ~~[service]~~ routes and the aircraft to be used on
8 the ~~[new-scheduled]~~ proposed air ~~[service]~~ routes;

9 D. a description of existing ~~[scheduled]~~ air
10 ~~[service]~~ routes serving the applicant;

11 E. a description and schedule of the proposed new
12 ~~[scheduled]~~ air routes or expanded air ~~[service]~~ routes to
13 serve the applicant;

14 F. a justification for the ~~[new]~~ proposed
15 ~~[scheduled]~~ air ~~[service]~~ routes;

16 G. the requested grant amount and the amount of any
17 matching funds; and

18 H. the time frame for a commitment to subsidize the
19 proposed new ~~[scheduled]~~ air routes or expanded air ~~[service]~~
20 routes."

21 SECTION 4. Section 64-6-5 NMSA 1978 (being Laws 2021,
22 Chapter 47, Section 5) is amended to read:

23 "64-6-5. RURAL AIR SERVICE ENHANCEMENT FUND--CREATED.--

24 A. The "rural air service enhancement fund" is
25 created as a nonreverting fund in the state treasury. All

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1 appropriations, gifts, devises, grants and donations received
2 shall be deposited in the fund. Money in the fund is
3 appropriated to the division for the purpose of carrying out
4 the rural air service enhancement grant program and related
5 infrastructure improvements pursuant to the provisions of the
6 Rural Air Service Enhancement Act. ~~[Money in the fund shall
7 not revert at the end of a fiscal year.]~~

8 B. The fund shall be administered by the division.
9 Disbursements from the fund shall be made only upon warrant
10 drawn by the secretary of finance and administration pursuant
11 to vouchers signed by the director or the director's designee
12 for the purpose of carrying out the rural air service
13 enhancement grant program and related infrastructure
14 improvements pursuant to the provisions of the Rural Air
15 Service Enhancement Act.

16 C. In fiscal year 2023, if funds are available, at
17 least nine million dollars (\$9,000,000) in grants shall be made
18 from the fund to eligible applicants with proposed new air
19 routes or expanded air routes to be used for aircraft with a
20 passenger capacity of not more than nine persons."

21 SECTION 5. APPROPRIATION.--Fifteen million dollars
22 (\$15,000,000) is appropriated from the general fund to the
23 rural air service enhancement fund in fiscal year 2023 and
24 subsequent fiscal years to carry out the purpose of the rural
25 air service enhancement grant program and make related

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1 infrastructure improvements pursuant to the provisions of the
2 Rural Air Service Enhancement Act. Any unexpended or
3 unencumbered balance remaining at the end of a fiscal year
4 shall not revert to the general fund.