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**HOUSE BILL 776**

**45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001**

**INTRODUCED BY**

**Thomas C. Taylor**

**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;**

underscored material = new  
[bracketed material] = delete

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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 [~~utilizing~~] using  
5 aircraft with a ~~maximum~~ passenger capacity of more than  
6 [~~thirty~~] sixty seats or a ~~maximum~~ payload capacity of more  
7 than [~~seven thousand five hundred~~] fifteen thousand pounds,  
8 including rural landing fields and airstrips. Expenditures  
9 shall be made according to the need for airport facilities as  
10 determined by the division;

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

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

17 F. promulgate rules [~~and regulations~~] for proper  
18 enforcement of aviation laws, except for those relating to  
19 common carriers;

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

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1 expenditure of state funds;

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

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

21 (2) the division [~~is authorized to~~] may  
22 accept, receive, receipt for, disburse and expend federal  
23 money and other money, public or private, made available to  
24 accomplish, in whole or in part, any of the purposes of this  
25 subsection. All federal money accepted under this subsection

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

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

19 Section 2. EFFECTIVE DATE.--The effective date of the  
20 provisions of this act is July 1, 2001.

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