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HOUSE BILL 397

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Thomas A. Anderson

AN ACT

RELATING TO STATE AIRCRAFT; TRANSFERRING STATE AIRCRAFT FROM
THE GENERAL SERVICES DEPARTMENT TO THE AVIATION DIVISION OF THE
DEPARTMENT OF TRANSPORTATION.

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

SECTION 1. Section 15-8-2 NMSA 1978 (being Laws 1994,
Chapter 119, Section 2, as amended) is amended to read:

"15-8-2. FINDINGS AND PURPOSE.--The legislature finds
that centralized control of state vehicles is in the best
interest of the state because it permits the state to use its
transportation resources in the most efficient and effective
manner. The primary purposes of the Transportation Services
Act are to:

A. provide a centralized agency to purchase state
vehicles and to control their use; and

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1 ~~[B. implement and administer the State Aircraft~~
2 ~~Act; and~~

3 ~~G.]~~ B. provide authorization for administration of
4 the state's state and federal surplus property programs."

5 SECTION 2. Section 15-9-2 NMSA 1978 (being Laws 1994,
6 Chapter 135, Section 2) is amended to read:

7 "15-9-2. DEFINITIONS.--As used in the State Aircraft Act:

8 A. [~~department~~] "division" means the [~~general~~
9 ~~services department~~] aviation division of the department of
10 transportation; and

11 B. "state aircraft" means all state airplanes used
12 primarily to transport passengers."

13 SECTION 3. Section 15-9-3 NMSA 1978 (being Laws 1994,
14 Chapter 135, Section 3) is amended to read:

15 "15-9-3. AIRCRAFT CONSOLIDATION--~~[DEPARTMENT]~~ DIVISION
16 DUTIES.--

17 A. All state aircraft shall be consolidated in the
18 [~~department~~] division for the use of the state's agencies,
19 departments, branches and institutions.

20 B. The [~~department~~] division shall:

21 (1) adopt and file in accordance with the
22 State Rules Act rules and regulations to carry out the
23 provisions of the State Aircraft Act;

24 (2) own, operate and maintain the state's
25 aircraft fleet;

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1 (3) provide centralized statewide scheduling
2 of aircraft;

3 (4) designate destination airports;

4 (5) determine travel charges for state
5 aircraft services;

6 (6) determine use requirements, including the
7 number of required passengers per flight and under what
8 conditions persons other than state officers and employees are
9 allowed to travel in state aircraft; and

10 (7) determine other requirements it deems
11 appropriate or fiscally responsible.

12 C. The [~~department~~] division may refuse a request
13 for state aircraft scheduling."

14 SECTION 4. Section 15-9-4 NMSA 1978 (being Laws 1994,
15 Chapter 135, Section 4, as amended) is amended to read:

16 "15-9-4. TRAVEL CHARGES.--The [~~department~~] division shall
17 charge for the use of state aircraft. Charges shall be
18 sufficient to offset the costs of operation, maintenance and
19 depreciation of state aircraft. Money collected for travel
20 charges shall be deposited in the aviation services fund."

21 SECTION 5. Section 15-9-4.1 NMSA 1978 (being Laws 1995,
22 Chapter 49, Section 3) is amended to read:

23 "15-9-4.1. AVIATION SERVICES FUND.--There is created in
24 the state treasury the "aviation services fund". Money in the
25 fund is appropriated to the [~~general services department~~]

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1 division for the purpose of operating, maintaining and
2 repairing state aircraft, including fuel, insurance, pilot
3 compensation and other basic support costs. Disbursements from
4 the fund shall be made only upon warrant drawn by the secretary
5 of finance and administration pursuant to vouchers signed by
6 the director of the [~~motor pool~~] division [~~of the general~~
7 ~~services department~~]. Money in the fund shall not revert at
8 the end of any fiscal year."

9 SECTION 6. Section 15-9-5 NMSA 1978 (being Laws 1994,
10 Chapter 135, Section 5) is amended to read:

11 "15-9-5. [~~TEMPORARY PROVISION~~] TRANSFER OF AIRCRAFT,
12 PERSONNEL, MONEY, APPROPRIATIONS, FURNITURE, SUPPLIES AND OTHER
13 PROPERTY AND CONTRACTUAL OBLIGATIONS.--On [~~the effective date~~
14 ~~of the State Aircraft Act~~] July 1, 2011, the passenger aircraft
15 owned by the [~~state corporation commission, the energy,~~
16 ~~minerals and natural resources department and the state highway~~
17 ~~and transportation department shall be transferred to the]~~
18 general services department and title to the aircraft shall be
19 transferred to the [~~general services department~~] division. On
20 [~~the effective date of the State Aircraft Act~~] July 1, 2011,
21 the personnel, money, appropriations, furniture, supplies and
22 other property attributable to the ownership, operation or
23 maintenance of passenger aircraft in the [~~state corporation~~
24 ~~commission, the energy, minerals and natural resources~~
25 ~~department and the state highway and transportation department~~

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1 ~~shall be transferred to the~~ general services department shall
2 be transferred to the division. On ~~[the effective date of the~~
3 ~~State Aircraft Act]~~ July 1, 2011, contractual obligations
4 related to the ownership, operation or maintenance of passenger
5 aircraft of the ~~[state corporation commission, the energy,~~
6 ~~minerals and natural resources department and the state highway~~
7 ~~and transportation]~~ general services department shall be
8 binding on the ~~[general services department]~~ division."

9 SECTION 7. Section 64-1-13 NMSA 1978 (being Laws 1963,
10 Chapter 314, Section 5, as amended) is amended to read:

11 "64-1-13. AVIATION DIVISION--POWERS AND DUTIES.--The
12 division shall:

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

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

20 C. authorize expenditures of money from the state
21 aviation fund for construction, development and maintenance of
22 public-use airport facilities, except airports serving
23 regularly scheduled interstate airlines using aircraft with a
24 maximum passenger capacity of more than one hundred seats or a
25 maximum payload capacity of more than twenty-five thousand

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1 pounds, including rural landing fields and airstrips.

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

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

8 E. establish policies for operation of the
9 division;

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

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

19 H. own, operate and maintain the state's aircraft
20 fleet;

21 [~~H.~~] I. have the following powers with respect to
22 state airports:

23 (1) the division may, on behalf of and in the
24 name of the state, out of appropriations and other money made
25 available for such purposes, plan, construct, enlarge, improve,

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

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

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1 was made available, to be disbursed or expended in accordance
2 with the terms and conditions upon which the money was made
3 available; provided that nothing contained in this section
4 shall affect the power of a local government to contract with
5 the United States or any person in connection with a grant or
6 loan of money for airports or air navigation facilities in
7 accordance with the terms and conditions upon which the funds
8 were made available; and

9 ~~[F.]~~ J. have the power to engage in planning for
10 the development of a system of public airports within the
11 state."

12 **SECTION 8. EFFECTIVE DATE.**--The effective date of the
13 provisions of this act is July 1, 2011.