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# A BILL FOR AN ACT

RELATING TO THE PASSENGER FACILITY CHARGE SPECIAL FUND.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 261-5.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§261-5.5 Passenger facility charge special fund.** (a)

4 There is established in the state treasury the passenger  
5 facility charge special fund, into which shall be deposited all  
6 proceeds from the passenger facility charge.

7 ~~[(b) Moneys in the passenger facility charge special fund~~  
8 ~~shall be used for airport capital improvement program projects~~  
9 ~~approved by the legislature.~~

10 ~~(e)]~~ (b) The director of transportation shall administer  
11 the passenger facility charge special fund.

12 (c) The passenger facility charge shall be a charge for  
13 the use and services of an undertaking for the purposes and  
14 within the meaning of section 39-61(a)(1) and (a)(3).

15 (d) All moneys paid into the passenger facility charge  
16 special fund shall be appropriated, applied, or expended by the  
17 department for airport capital improvement program projects

1 approved by the legislature and as permitted under the Aviation  
2 Safety and Capacity Expansion Act of 1990, codified as 49 United  
3 States Code Section 40117, as amended from time to time.

4 (e) Any resolution or certificate authorizing any issue of  
5 bonds relating to the use of the passenger facility charge for  
6 an airport capital improvement program project approved by the  
7 legislature may establish other accounts within the passenger  
8 facility charge special fund and require the transfer of the  
9 passenger facility charge into the other accounts to pay debt  
10 service on the related bonds."

11 SECTION 2. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 3. This Act shall take effect on July 1, 2050;  
14 provided that this Act shall be repealed on July 1, 2023, and  
15 section 261-5.5, Hawaii Revised Statutes, shall be reenacted in  
16 the form in which it read on the day before the approval of this  
17 Act.

**Report Title:**

Airport Passenger Facility Charge Special Fund

**Description:**

Provides the Airports Division of the Department of Transportation with additional financing options utilizing its passenger facility charge revenues to construct airports capital improvement projects and to provide the statutory framework to permit the execution of these financial options. (SD2)