
A BILL FOR AN ACT

RELATING TO THE ELDERLY.

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

1 SECTION 1. The Hawaii Revised Statutes is amended by
2 adding a new chapter to be appropriately designated and to read
3 as follows:

4 "CHAPTER

5 HAWAII KUPUNA TRUST FUND

6 § -1 **Definitions.** As used in this chapter, unless the
7 context clearly requires otherwise:

8 "Abuse" has the same meaning as defined in section 346-222.

9 "Aging and disability resource centers" means an entity
10 established by the State as part of the state system of long-
11 term care, serving as a highly visible and trusted source where
12 people of all incomes and ages can get information on the full
13 range of long-term support options, and a single point of entry
14 for access to public long-term support programs and benefits.

15 "Board" means the Hawaii kupuna trust fund advisory board.

16 "Department" means the department of health.

17 "Director" means the director of health.



1 "Elder" or "elderly" means a person who is a resident of
2 the State and has attained the age of sixty-two years.

3 "Elder or elderly housing" means:

4 (1) A housing project intended for and occupied by elders
5 or elderly households; or

6 (2) Housing provided under any state or federal program
7 that the Secretary of the United States Department of
8 Housing and Urban Development determines is
9 specifically designed and operated to assist elder or
10 elderly persons, or if the Secretary makes a
11 determination, the project may also be occupied by
12 persons with disabilities who have reached eighteen
13 years of age.

14 "Trust fund" or "fund" means the Hawaii kupuna trust fund.

15 "Vulnerable adult" means a person eighteen years of age or
16 older who, because of mental, developmental, or physical
17 impairment, is unable to:

18 (1) Communicate or make responsible decisions to manage
19 the person's own care or resources;

20 (2) Carry out or arrange for essential activities of daily
21 living; or



1 (3) Protect oneself from abuse, as defined in this
2 chapter.

3 § -2 **Creation of the Hawaii kupuna trust fund.** (a)

4 There is established the Hawaii kupuna trust fund as a separate
5 fund of a nonprofit entity having a board of directors and
6 qualifying under section 501(c)(3) of the Internal Revenue Code
7 of 1986, as amended, into which shall be deposited moneys
8 received as provided under subsection (c). The director, with
9 the concurrence of the governor, shall select the entity, in
10 accordance with chapter 103D, based upon the proven record of
11 accomplishment of the entity in administering a similar trust
12 fund.

13 (b) Notwithstanding that the Hawaii kupuna trust fund is
14 established within a private entity, the department of budget
15 and finance shall have oversight authority over the fund and may
16 make periodic financial audits of the fund; provided that the
17 director of finance may contract with a certified public
18 accountancy firm for this purpose. The director with the
19 concurrence of the governor in their sole discretion may rescind
20 the selection of the entity. If the selection of the entity is
21 rescinded, moneys in the trust fund shall revert back to the
22 State and shall be deemed to be trust moneys.



1 (c) The assets of the Hawaii kupuna trust fund and control
2 trust fund shall consist of:

3 (1) Moneys appropriated to the Hawaii kupuna trust fund by
4 the state, county, or federal government;

5 (2) Private contributions of cash or property from
6 corporations, businesses, foundations, grants,
7 endowments, individuals, and other interested parties;
8 and

9 (3) Income and capital gains earned by the trust fund.

10 Any appropriations made by the State shall not supplant or
11 diminish the funding of existing elderly and vulnerable adults
12 or any health related programs funded in whole or in part by the
13 State.

14 (d) The purpose of the trust fund is to strengthen elderly
15 and vulnerable adult care by the award of grants for purposes
16 that may include but are not limited to:

17 (1) The prevention of elder vulnerable adult abuse and
18 neglect;

19 (2) The prevention of financial exploitation of the
20 elderly and vulnerable adults;

21 (3) The prevention of injuries to the elderly and
22 vulnerable adults that are caused by falling;



- 1 (4) The assistance of residents of elderly housing;
- 2 (5) The assistance of the elderly and vulnerable adults
- 3 with transportation and mobility needs;
- 4 (6) The promotion of aging and disability resource
- 5 centers; and
- 6 (7) The meeting of future needs of the elderly and
- 7 vulnerable adults, as determined by the Hawaii kupuna
- 8 trust fund advisory board in accordance with this
- 9 chapter.
- 10 (e) There shall be an endowment component of the Hawaii
- 11 kupuna trust fund.
- 12 (f) The aggregate principal sum deposited in the Hawaii
- 13 kupuna trust fund, and any income and capital gains earned by
- 14 the trust fund but not expended for grantmaking or
- 15 administration, shall be invested by the entity selected under
- 16 subsection (a) in a manner intended to maximize the rate of
- 17 return on investment of the trust fund consistent with the
- 18 objective of preserving the trust fund's principal.
- 19 (g) If the entity selected under subsection (a) is
- 20 dissolved, the director, with the concurrence of the governor,
- 21 shall select a successor entity. If the Hawaii kupuna trust

1 fund is terminated, the moneys remaining in the trust fund shall
2 revert back to the State and shall be deemed to be trust moneys.

3 (h) The administration of the Hawaii kupuna trust fund
4 shall be advised by the Hawaii kupuna trust fund advisory board
5 created under section -4.

6 (i) The executive office on aging shall serve as the lead
7 agency for the public sector and, in conjunction with the entity
8 selected under subsection (a) to administer the Hawaii kupuna
9 trust fund, may provide staffing for the board.

10 § -4 **Hawaii kupuna trust fund advisory board.** (a)
11 There is established a Hawaii kupuna trust fund advisory board
12 under the department for administrative purposes.

13 (b) The board shall consist of seven members to be
14 appointed as follows:

15 (1) One member shall be selected by the entity selected
16 under section -2(a) to serve for a term of three
17 years. This member may not serve more than two
18 consecutive terms.

19 (2) Three members shall be appointed by the governor from
20 a list of names of seven persons submitted by the
21 entity selected under section -2(a). Each of
22 these three members shall serve for a term of three



1 years, except that the terms of the initial board
 2 members shall be staggered as follows: one member
 3 shall be appointed to a one-year term, one member
 4 shall be appointed to a two-year term, and one member
 5 shall be appointed to a three-year term. None of
 6 these three members shall serve for more than two
 7 consecutive terms.

8 (3) One member shall be appointed from among the members
 9 of the senate by the president of the senate, to serve
 10 until the expiration of the member's term in the
 11 senate during which the member is appointed.

12 (4) One member shall be appointed from among the members
 13 of the house of representatives by the speaker of the
 14 house of representatives to serve until the expiration
 15 of the member's term in the house of representatives
 16 during which the member is appointed.

17 (5) One member shall be the director of the executive
 18 office on aging or the director's designee.

19 (c) The Hawaii kupuna trust fund advisory board, in
 20 collaboration with the department, shall make final
 21 recommendations to the entity selected under section -2(a)
 22 for the following activities:



- 1 (1) Grantmaking with private nonprofit organizations,
2 public agencies, or qualified individuals to provide
3 services and education designed to meet the
4 outstanding needs of the State's elderly;
- 5 (2) Grantmaking to raise community awareness of the trust
6 fund; and
- 7 (3) Administration of the trust fund.
- 8 (d) The Hawaii kupuna trust fund advisory board, in
9 collaboration with the department, shall develop a strategic
10 plan for strengthening elderly and vulnerable adult care in the
11 State. The strategic plan shall be in writing and shall be a
12 public document. The advisory board shall also be responsible
13 for the following:
- 14 (1) Assessing and determining the needs of the elderly and
15 vulnerable adults unmet by current trust fund grants
16 and fund expenditures;
- 17 (2) Developing policy, strategies, and plans for the fund;
- 18 (3) Soliciting public and private moneys for the fund;
- 19 (4) Promoting statewide planning for the prevention of
20 elder abuse and neglect;



- 1 (5) Developing adequate standards and benchmarks by which
2 measures of program success may be appropriately
3 evaluated;
- 4 (6) Establishing criteria and guidelines for grantmaking;
- 5 (7) Advising the executive office on aging on matters
6 involving elderly and vulnerable adult care and
7 issues; and
- 8 (8) Facilitating the exchange of information between
9 groups concerned with elderly and vulnerable adult
10 issues.
- 11 § -7 **Grants.** Grants provided for elder assistance may
12 include but are not limited to:
- 13 (1) Programs for the prevention of elder and vulnerable
14 adult abuse;
- 15 (2) Programs for the prevention of financial exploitation
16 of the elderly and vulnerable adults;
- 17 (3) Programs for the prevention of injuries sustained by
18 the elderly and vulnerable adults falling;
- 19 (4) Programs for assisting the elderly and vulnerable
20 adults in meeting transportation and mobility needs;
- 21 (5) Promotion of aging and disability resource centers;



- 1 (6) Training and education for professionals, including
- 2 making information about the problems of elder abuse
- 3 and neglect available to agencies dealing with these
- 4 problems;
- 5 (7) General community education to increase the
- 6 community's awareness of the needs of the elderly and
- 7 vulnerable adults, and of the issues of elder and
- 8 vulnerable adult abuse and neglect and its prevention;
- 9 (8) Research, evaluation, and advocacy activities related
- 10 to the prevention of elder and vulnerable adult abuse
- 11 and neglect; and
- 12 (9) The meeting of future needs of the elderly and
- 13 vulnerable adults, as determined by the Hawaii kupuna
- 14 trust fund advisory board in accordance with this
- 15 chapter."

16 SECTION 2. This Act shall take effect upon its approval.



Report Title:

Hawaii Kupuna Trust Fund

Description:

Creates the Hawaii Kupuna Trust Fund, which comprises public and private funding for meeting the outstanding and future needs of the elderly and vulnerable adult population. (HB7 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

