
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 trust fund is established
14 within a private entity, the department of budget and finance
15 shall have oversight authority over the fund and may make
16 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, may rescind the selection of the
20 entity. If the selection of the entity is rescinded, moneys in
21 the trust fund shall revert back to the State and shall be
22 deemed to be trust moneys.



- 1 (c) The assets of the trust fund shall consist of:
- 2 (1) Moneys appropriated to the trust fund by the state,
3 county, or federal government;
- 4 (2) Private contributions of cash or property; and
- 5 (3) Income and capital gains earned by the trust fund.
- 6 Any appropriations made by the State shall not supplant or
7 diminish the funding of existing elderly and vulnerable adults
8 or any health related programs funded in whole or in part by the
9 State.
- 10 (d) The purpose of the trust fund shall be to strengthen
11 elderly and vulnerable adult care by the award of grants for
12 purposes that may include:
- 13 (1) The prevention of elder and vulnerable adult abuse and
14 neglect;
- 15 (2) The prevention of financial exploitation of the
16 elderly and vulnerable adults;
- 17 (3) The prevention of injuries to the elderly and
18 vulnerable adults that are caused by falling;
- 19 (4) The assistance of residents of elderly housing;
- 20 (5) The assistance of the elderly and vulnerable adults
21 with transportation and mobility needs;



1 (6) The promotion of aging and disability resource
2 centers; and

3 (7) The meeting of future needs of the elderly and
4 vulnerable adults, as determined by the board in
5 accordance with this chapter.

6 (e) There shall be an endowment component of the trust
7 fund.

8 (f) The aggregate principal sum deposited in the trust
9 fund, and any income and capital gains earned by the trust fund
10 but not expended for grantmaking or administration, shall be
11 invested by the entity selected under subsection (a) in a manner
12 intended to maximize the rate of return on investment of the
13 trust fund consistent with the objective of preserving the trust
14 fund's principal.

15 (g) If the entity selected under subsection (a) is
16 dissolved, the director, with the concurrence of the governor,
17 shall select a successor entity. If the trust fund is
18 terminated, the moneys remaining in the trust fund shall revert
19 back to the State and shall be deemed to be trust moneys.

20 (h) The administration of the trust fund shall be advised
21 by the board created under section -3.



1 (i) The executive office on aging shall serve as the lead
2 agency for the public sector and, in conjunction with the entity
3 selected under subsection (a) to administer the trust fund, may
4 provide staffing for the board.

5 **§ -3 Hawaii kupuna trust fund advisory board. (a)**

6 There is established a Hawaii kupuna trust fund advisory board
7 under the department for administrative purposes.

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

10 (1) One member shall be selected by the entity selected
11 under section -2(a) to serve for a term of three
12 years. This member may not serve more than two
13 consecutive terms;

14 (2) Three members shall be appointed by the governor from
15 a list of names of seven persons submitted by the
16 entity selected under section -2(a). Each of these
17 three members shall serve for a term of three years,
18 except that the terms of the initial board members
19 shall be staggered as follows: one member shall be
20 appointed to a one-year term, one member shall be
21 appointed to a two-year term, and one member shall be
22 appointed to a three-year term. None of these three



1 members shall serve for more than two consecutive
2 terms;

3 (3) One member shall be appointed from among the members
4 of the senate by the president of the senate, to serve
5 until the expiration of the member's term in the
6 senate during which the member is appointed;

7 (4) One member shall be appointed from among the members
8 of the house of representatives by the speaker of the
9 house of representatives to serve until the expiration
10 of the member's term in the house of representatives
11 during which the member is appointed; and

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

14 (c) The board, in collaboration with the department, shall
15 make final recommendations to the entity selected under section
16 -2(a) for the following activities:

17 (1) Grantmaking with private nonprofit organizations,
18 public agencies, or qualified individuals to provide
19 services and education designed to meet the
20 outstanding needs of the State's elderly;

21 (2) Grantmaking to raise community awareness of the trust
22 fund; and



1 (3) Administration of the trust fund.

2 (d) The board, in collaboration with the department, shall
3 develop a strategic plan for strengthening elderly and
4 vulnerable adult care in the State. The strategic plan shall be
5 a government record available for inspection and copying. The
6 advisory board shall also be responsible for the following:

7 (1) Assessing and determining the needs of the elderly and
8 vulnerable adults not met by current trust fund grants
9 and fund expenditures;

10 (2) Developing policy, strategies, and plans for the fund;

11 (3) Soliciting public and private moneys for the fund;

12 (4) Promoting statewide planning for the prevention of
13 elder abuse and neglect;

14 (5) Developing adequate standards and benchmarks by which
15 measures of program success may be appropriately
16 evaluated;

17 (6) Establishing criteria and guidelines for grantmaking;

18 (7) Advising the executive office on aging on matters
19 involving elderly and vulnerable adult care and
20 issues; and



1 (8) Facilitating the exchange of information between
2 groups concerned with elderly and vulnerable adult
3 issues.

4 **§ -4 Grants.** Grants provided for elder assistance may
5 include but are not limited to:

- 6 (1) Programs for the prevention of elder and vulnerable
7 adult abuse;
- 8 (2) Programs for the prevention of financial exploitation
9 of the elderly and vulnerable adults;
- 10 (3) Programs for the prevention of injuries sustained by
11 the elderly and vulnerable adults falling;
- 12 (4) Programs for assisting the elderly and vulnerable
13 adults in meeting transportation and mobility needs;
- 14 (5) Promotion of aging and disability resource centers;
- 15 (6) Training and education for professionals, including
16 making information about the problems of elder abuse
17 and neglect available to agencies dealing with these
18 problems;
- 19 (7) General community education to increase the
20 community's awareness of the needs of the elderly and
21 vulnerable adults, and of the issues of elder and
22 vulnerable adult abuse and neglect and its prevention;



1 (8) Research, evaluation, and advocacy activities related
2 to the prevention of elder and vulnerable adult abuse
3 and neglect; and

4 (9) The meeting of future needs of the elderly and
5 vulnerable adults, as determined by the Hawaii kupuna
6 trust fund advisory board in accordance with this
7 chapter."

8 SECTION 2. This Act shall take effect on July 1, 2030.



Report Title:

Hawaii Kupuna Trust Fund

Description:

Creates the Hawaii Kupuna Trust Fund, comprising public and private funding, for meeting the outstanding and future needs of the elderly and vulnerable adult population. Effective July 1, 2030. (HB7 HD2)

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

