
A BILL FOR AN ACT

RELATING TO THE KEIKI, 'OPIO, AND KUPUNA TRUST FUND.

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

1 SECTION 1. The purpose of this Act is to encourage people
2 to make strong financial investments while supporting
3 conservation efforts, reforestation of Hawaii's native trees,
4 environmental stewardship, sustainable food and energy
5 production, and programs that support and benefit the State's
6 keiki, 'opio, and kupuna by establishing:

7 (1) An ecotourism program for individuals to purchase
8 native or food-bearing trees to be planted on
9 government-owned lands; and

10 (2) The keiki, 'opio, and kupuna trust fund to support and
11 collect funds from the ecotourism program.

12 The trust fund will serve as a repository for
13 appropriations from federal, state, and county governments, as
14 well as private contributions from corporations or other
15 businesses, foundations, individuals, and other interested
16 parties. The legislature's intent is for the native and food-
17 bearing trees to be used for investment and legacy purposes by



1 the State of Hawaii, individual residents of Hawaii, and other
2 individuals and organizations who are interested in financial
3 health, conservation, reforestation, environmental stewardship,
4 sustainable food and energy production, and the well-being of
5 the State's keiki, 'opio, and kupuna.

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

9 "CHAPTER

10 KEIKI, 'OPIO, AND KUPUNA TRUST FUND

11 § -1 Definitions. As used in this chapter:

12 "Board" means the keiki, 'opio, and kupuna trust fund
13 advisory board.

14 "Chairperson" means the chairperson of the board of land
15 and natural resources.

16 "Department" means the department of land and natural
17 resources.

18 "Native or food-bearing tree" means any species of tree
19 that is native to Hawaii or any species of tree that produces
20 fruit or nuts for human consumption.

21 "Trust fund" means the keiki, 'opio, and kupuna trust fund.



1 § -2 Ecotourism program. (a) The department shall
2 establish an ecotourism program that allows visitors and
3 residents of Hawaii to contribute toward planting native or
4 food-bearing trees in designated areas throughout the State.

5 (b) The department may partner with the Hawaii tourism
6 authority and private businesses to enable and encourage
7 visitors and residents of Hawaii to make contributions for
8 planting native or food-bearing trees in designated areas
9 throughout the State.

10 (c) The department shall adopt rules pursuant to chapter
11 91 necessary to carry out the purposes of this chapter.

12 § -3 Planting and selling of native and food-bearing
13 trees; cost. (a) When a person participates in the ecotourism
14 program by purchasing a native or food-bearing tree to be
15 planted, the tree shall be planted on government-owned land.
16 The price of each tree purchased through the ecotourism program
17 shall be the reasonable costs associated with planting and
18 caring for a tree on government-owned land plus an additional
19 \$20.

20 (b) Funds collected from the ecotourism program shall be
21 deposited into the trust fund.



1 (c) Any tree planted through the ecotourism program shall
2 be cared for in perpetuity as a legacy tree by funds from the
3 trust fund.

4 (d) A person or business who purchases a tree through the
5 ecotourism program may dedicate that tree to any person. A
6 certificate may be issued in this person's name.

7 (e) The department shall designate lands for the trees to
8 be planted and selecting the species of native or food-bearing
9 tree to be planted.

10 § -4 Keiki, 'opio, and kupuna trust fund advisory board.

11 (a) There is established a keiki, 'opio, and kupuna trust fund
12 advisory board under the department for administrative purposes.

13 (b) The board shall consist of seven members, who shall be
14 appointed in the manner and serve for the term set forth in
15 section 26-34, as follows:

16 (1) One member of the governor's staff, appointed by the
17 governor;

18 (2) One member to be appointed by the governor from a list
19 of two names submitted by the president of the senate;

20 (3) One member to be appointed by the governor from a list
21 of two names submitted by the speaker of the house of
22 representatives;



- 1 (4) The chairperson or the chairperson's designee;
- 2 (5) One member representing a service organization
- 3 organized in the State for at least five years,
- 4 appointed by the governor;
- 5 (6) One member who is a reputable arborist or other
- 6 professional educated and experienced in the growth
- 7 and care of trees, appointed by the chairperson; and
- 8 (7) One member who is experienced in forest finance or
- 9 managing a trust fund, appointed by the chairperson.

10 (c) The board, in collaboration with the department, shall

11 develop policy, planning, and strategy for the trust fund;

12 publicize the trust fund; and solicit public and private moneys

13 for the trust fund.

14 (d) The board shall make the final recommendations to the

15 nonprofit entity selected under section -5(a) for the

16 expenditure of funds.

17 (e) Funds within the trust fund shall only be used to

18 administer and support the ecotourism program, except that ten

19 years after the establishment of the trust fund, the interest

20 earned on the trust corpus shall be used by the State for the

21 following purposes:



1 (1) Educational programs that support and benefit the
2 State's children and youth; and

3 (2) Caregiving services and programs that support and
4 benefit the State's elderly population.

5 § -5 Keiki, 'opio, and kupuna trust fund; established.

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

14 (b) The purpose of the trust fund is to encourage people
15 to make strong financial investments while supporting
16 conservation efforts, reforestation of Hawaii's native trees,
17 environmental stewardship, sustainable food and energy
18 production, and programs that support and benefit the State's
19 keiki, 'opio, and kupuna.

20 (c) Notwithstanding that the trust fund is established
21 within a nonprofit entity, the department of budget and finance
22 shall have oversight authority over the trust fund and may make



1 periodic financial audits of the trust fund; provided that the
2 director of finance may contract with a certified public
3 accountancy firm for this purpose. The chairperson, with the
4 concurrence of the governor, in their sole discretion may
5 rescind the selection of the entity. If the selection of the
6 entity is rescinded, moneys in the trust fund shall revert back
7 to the State and shall be deemed to be trust moneys.

8 (d) The trust fund may receive appropriations,
9 contributions, grants, endowments, or gifts in cash or otherwise
10 from any source, including the State, corporations or other
11 businesses, foundations, government, individuals, and other
12 interested parties.

13 (e) The assets of the trust fund shall consist of:

14 (1) Moneys appropriated to the trust fund by federal,
15 state, or county governments;

16 (2) Private contributions of cash or property;

17 (3) Income and capital gains earned by the trust fund; and

18 (4) Funds collected and deposited pursuant to section -
19 3.

20 (f) The aggregate principal sum deposited in the trust
21 fund shall be invested by the nonprofit entity selected under
22 subsection (a) in a manner intended to maximize the rate of



1 return on investment of the trust fund consistent with the
2 objective of preserving the trust fund's principal.

3 (g) If the nonprofit entity selected under subsection (a)
4 is dissolved, the chairperson, with the concurrence of the
5 governor, shall select a successor entity. If the trust fund is
6 terminated, the moneys remaining in the trust fund shall revert
7 back to the State and shall be deemed to be trust moneys.

8 (h) The administration of the trust fund shall be advised
9 by the advisory board."

10 SECTION 3. This Act shall take effect on July 1, 2020.



Report Title:

Keiki, 'Opio, and Kupuna Trust Fund; Department of Land and Natural Resources; Ecotourism Program; Keiki Caucus; Kupuna Caucus

Description:

Establishes an ecotourism program for individuals to purchase native or food-bearing trees to be planted on government-owned lands. Establishes the keiki, 'opio, and kupuna trust fund to collect funds received by the ecotourism program and to support the program. After ten years, requires the annual interest earned on the trust corpus to be used for programs supporting children, youth, and the elderly. Effective July 1, 2020.
(HB1795 HD1)

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