

FEB 04 2013

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" shall have the same meaning as in
16 section 346-222.

17 § -2 **Creation of the Hawaii kupuna trust fund.** (a)

18 There is established the Hawaii kupuna trust fund as a separate
19 fund of a nonprofit entity having a board of directors and
20 qualifying under section 501(c)(3) of the Internal Revenue Code
21 of 1986, as amended, into which shall be deposited moneys
22 received as provided under subsection (c). The director, with

1 the concurrence of the governor, shall select, in accordance
2 with chapter 103D, the entity based upon the proven record of
3 accomplishment of the entity in administering a similar trust
4 fund.

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13 rescinded, moneys in the trust fund shall revert back to the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

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

- 17 (1) Moneys appropriated to the Hawaii kupuna trust fund by
18 the state, county, or federal government;
- 19 (2) Private contributions of cash or property from
20 corporations, businesses, foundations, grants,
21 endowments, individuals, and other interested parties;
22 and



1 (3) Income and capital gains earned by the trust fund.
2 Any appropriations made by the State shall not supplant or
3 diminish the funding of existing elderly and vulnerable adult
4 programs or any health related programs funded in whole or in
5 part by the State.

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

9 (1) The prevention of elder vulnerable adult abuse and
10 neglect;

11 (2) The prevention of financial exploitation of the
12 elderly and vulnerable adults;

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

15 (4) The assistance of residents of elderly housing;

16 (5) The assistance of the elderly and vulnerable adults
17 with transportation and mobility needs;

18 (6) The promotion of aging and disability resource
19 centers; and

20 (7) The meeting of future needs of the elderly and
21 vulnerable adults, as determined by the Hawaii kupuna .



1 trust fund advisory board in accordance with this
2 chapter.

3 (e) There shall be an endowment component of the Hawaii
4 kupuna trust fund.

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

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

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

20 (i) The executive office on aging shall serve as the lead
21 agency for the public sector and, in conjunction with the entity



1 selected under subsection (a) to administer the Hawaii kupuna
2 trust fund, may provide staffing for the board.

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

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

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

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

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



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

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

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

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

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

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

22 (3) Administration of the trust fund.



1 (d) The kupuna trust fund advisory board, in collaboration
2 with the department, shall develop a strategic plan for
3 strengthening elderly and vulnerable adult care in the State.
4 The strategic plan shall be in writing and shall be a public
5 document. The advisory board shall also be responsible for the
6 following:

- 7 (1) Assessing and determining the needs of the elderly and
8 vulnerable adults unmet 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 the following:

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 the assistance of the elderly and
13 vulnerable adults in meeting transportation and
14 mobility needs;

15 (5) Promotion of aging and disability resource centers;

16 (6) Training and education for professionals, including
17 making information about the problems of elder abuse
18 and neglect available to agencies dealing with these
19 problems;

20 (7) General community education to increase the
21 community's awareness of the needs of the elderly and



- 1 vulnerable adults, and of the issues of elder and
2 vulnerable adult abuse and neglect and its prevention;
3 (8) Research, evaluation, and advocacy activities related
4 to the prevention of elder and vulnerable adult abuse
5 and neglect; and
6 (9) 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 SECTION 2. This Act shall take effect upon its approval.

11



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. (SD1)

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

