

JAN 23 2015

A BILL FOR AN ACT

RELATING TO ELDER AND VULNERABLE ADULTS.

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 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 adult" or "elderly" means a person who is a resident
2 of 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



1 received as provided under subsection (c). The director, with
2 the concurrence of the governor, shall select, in accordance
3 with chapter 103D, the entity based upon the proven record of
4 accomplishment of the entity in administering a similar trust
5 fund.

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14 rescinded, moneys in the trust fund shall revert back to the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

16 (c) The assets of the trust fund and control trust fund
17 shall consist of:

- 18 (1) Moneys appropriated to the trust fund by the state,
19 county, or federal government;
- 20 (2) Private contributions of cash or property from
21 corporations, businesses, foundations, grants,



1 endowments, individuals, and other interested parties;
2 and

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

4 Any appropriations made by the State shall not supplant or
5 diminish the funding of existing elderly and vulnerable adult
6 programs or any health related programs funded in whole or in
7 part by the State.

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

11 (1) The prevention of elder vulnerable adult abuse and
12 neglect;

13 (2) The prevention of financial exploitation of the
14 elderly and vulnerable adults;

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

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

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

20 (6) The promotion of aging and disability resource
21 centers; and



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

4 (e) There shall be an endowment component of the trust
5 fund.

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

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

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

20 (i) The department of human services and the executive
21 office on aging shall serve as co-lead agencies for the public



1 sector and, in conjunction with the entity selected under
2 subsection (a) to administer the trust fund, may provide
3 staffing for the board.

4 **§ -3 Hawaii kupuna trust fund advisory board. (a)**

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

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

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

13 (2) Two members shall be appointed by the governor from a
14 list of names of seven persons submitted by the entity
15 selected under section -2(a). Each of these
16 members shall serve for a term of three years, except
17 that the terms of the initial board members shall be
18 staggered as follows: one member shall be appointed
19 to a two-year term, and one member shall be appointed
20 to a three-year term. None of these members shall
21 serve for more than two consecutive 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 of representatives to serve until the expiration
8 of the member's term in the house of representatives
9 during which the member is appointed;

10 (5) One member shall be the director of human services or
11 the director's designee; and

12 (6) 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 the final recommendations to the entity selected under
16 section -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;



- 1 (2) Grantmaking to raise community awareness of the trust
- 2 fund; and
- 3 (3) Administration of the trust fund.
- 4 (d) The board, in collaboration with the department, shall
- 5 develop a strategic plan for strengthening elderly and
- 6 vulnerable adult care in the State. The strategic plan shall be
- 7 in writing and shall be a public document. The board shall also
- 8 be responsible for the following:
- 9 (1) Assessing and determining the needs of the elderly and
- 10 vulnerable adults unmet by current trust fund grants
- 11 and fund expenditures;
- 12 (2) Developing policy, strategies, and plans for the fund;
- 13 (3) Soliciting public and private moneys for the fund;
- 14 (4) Promoting statewide planning for the prevention of
- 15 elder abuse and neglect and promoting quality care;
- 16 (5) Developing adequate standards and benchmarks by which
- 17 measures of program success may be appropriately
- 18 evaluated;
- 19 (6) Establishing criteria and guidelines for grantmaking;



1 (7) Advising the executive office on aging on matters
2 involving elderly and vulnerable adult care and
3 issues; and

4 (8) Facilitating the exchange of information between
5 groups concerned with elderly and vulnerable adult
6 issues.

7 **§ -4 Grants.** Grants provided for elder assistance may
8 include but are not limited to the following:

- 9 (1) Programs for the prevention of elder and vulnerable
10 adult abuse, and promotion of quality care;
- 11 (2) Programs for the prevention of financial exploitation
12 of the elderly and vulnerable adults, and promotion of
13 quality care;
- 14 (3) Programs for the prevention of injuries sustained by
15 the elderly and vulnerable adults falling;
- 16 (4) Programs for the assistance of the elderly and
17 vulnerable adults in meeting transportation and
18 mobility needs;
- 19 (5) Promotion of aging and disability resource centers;
- 20 (6) Training and education for professionals, informal
21 caregivers, and caregiver advocates, including making



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

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

17

INTRODUCED BY: Shoanne Chun Oakland

~~Scott Smith~~
Dei GR
Breene Horvath

Joe Alvarado
Mark R
Ron R
Anne Mercado R

John H
Randy H Berk

Glenn Wood



S.B. NO. 276

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 elder and vulnerable adult population.

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

