

## ACT 225

S.B. NO. 4

A Bill for an Act Relating to Aged Persons.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Findings and purpose.** The legislature finds that a wide range of public and private programs and services is available to the elderly in Hawaii with governmental support at the federal, state, and county levels. However, with increased concern over the sociological, psychological, and economic problems of the elderly and a growing number of programs designed to deliver a full range of essential services to them, it has become evident that a comprehensive master plan is needed to afford the elderly's many publics—the executive state departments, the legislature, the county governments, private organizations and indeed, all Hawaii's people—an instrument which intelligibly expresses realistic objectives to influence and direct coordinated and systematic planning for the elderly in the State.

Therefore, the purpose of this Act is to strengthen, improve, and coordinate public and private programs and services to the elderly with a view toward a statewide network of comprehensive, coordinated programs, services, and opportunities for Hawaii's elderly.

**SECTION 2.** Chapter 349, Hawaii Revised Statutes, is amended as follows:

1. By amending section 349-1 to read as follows:

**“Sec. 349-1 Commission; appointment; tenure.** There shall be a state commission on aging which shall consist of not less than twenty-one nor

more than twenty-seven members. The membership shall include, ex officio, the director of health, the director of social services, the superintendent of education, the president of the university of Hawaii, the director of labor and industrial relations, the secretary of the state employees retirement system, or their permanently appointed designees who shall be responsible for program planning or evaluation for their respective departments, and by invitation, the Hawaii representative of the United States Department of Health, Education, and Welfare. The remaining members shall be appointed by the governor in accordance with article IV, section 6, of the State Constitution. One-third of the members shall be appointed for the term of four years, one-third for the term of three years, and one-third for the term of two years, and thereafter the terms of office of each member shall be four years. Of the appointed members there shall be one member from the county of Hawaii, one member from the county of Maui, one member from the county of Kauai, and one member from the city and county of Honolulu, and at least one-third of the age of sixty years or older. The members shall serve without compensation but shall be paid their necessary expenses in attending meetings and carrying out the duties of the commission. The members shall be selected on the basis of their interests and knowledge in and their ability to make contributions to the solution of problems relating to aging. The governor shall appoint the chairman of the commission. There shall be no less than twelve meetings of the commission each year, all meetings to be held in the city and county of Honolulu.”

2. By amending section 349-2 to read as follows:

“**Sec. 349-2 Duties of commission; reports.** The commission shall:

- (1) Provide the means by which governmental and nongovernmental agencies can coordinate their plans, policies, and activities with regard to aging, including a state master plan for the elderly pursuant to section 349-12.
- (2) Create public awareness and understanding of the needs and potentials of older persons.
- (3) Encourage state departments, universities, and other appropriate agencies to conduct needed research in the field of aging in conjunction with the state master plan for the elderly. When the research cannot be done within the established agencies, it shall be carried out by this commission.
- (4) Recommend legislative and administrative action on behalf of the aging; review legislation pertaining to older persons and appropriations made for services in their behalf in such fields as health, social welfare, education, employment, and recreation; and consider and present revisions and additions needed and report to the governor and to the legislature regarding such legislation using the state master plan for the elderly as a basis for recommendation, review, and consideration of legislative and administrative actions.
- (5) Appraise the availability, adequacy, and accessibility of all services and facilities for older persons within the State for which standards shall be established in the state master plan.

- (6) Study the operations and the operating policies affecting older persons of all state and county departments and agencies responsible for providing services for older persons, including without limitation to the generality of the foregoing, the agencies with primary responsibility for public health, social welfare, education, housing, employment, recreation, and retirement, and report to the governor and to the legislature. The executive heads of all such departments and agencies shall cooperate with the commission in providing information as the commission deems necessary for the effective discharge of its duties under sections 349-1 to 349-5 and section 349-12; provided, that no provision of law with respect to confidentiality of information shall be violated herewith.
- (7) Stimulate, guide, and provide technical assistance in the organization of local or regional committees on aging, and in the planning and conduct of services, activities, and projects.
- (8) Stimulate training for workers in services to the aging.
- (9) Promote the development of services to assist middle-aged and older persons to develop skills, attitudes, and interests to prepare themselves for their later years.
- (10) Maintain contacts with local, state, and federal officials and agencies concerned with planning for middle-aged and older persons.
- (11) Cooperate with national groups on aging and arrange for participation by representatives of the State in White House conferences and other national conferences from time to time.
- (12) Administer funds allocated for its work; be authorized to accept, disburse, and allocate funds which may become available from other governmental and private sources; provided, that all such funds shall be disbursed or allocated in compliance with any specific designation stated by the donor and in the absence of such specific designation, the funds shall be disbursed or allocated on projects directly benefiting the elderly in accordance with the purposes of sections 349-1 to 349-5 and section 349-12; provided further that an evaluation be conducted of all programs administered by Federal and State funds.
- (13) Submit an annual report with recommendations to the governor and the legislature. All programs which have been initiated by the commission or those programs in which the commission has participated shall be included in the annual report, including a detailed accounting of all project contracts. The commission's budget and expenditures for the previous fiscal year shall also be included in every annual report."

3. By amending section 349-3 to read as follows:

**"Sec. 349-3 County committees; appointment.** The mayor of the city and county of Honolulu and the mayors of each of the other counties shall each appoint within their respective counties a committee of not less than fifteen persons charged with the duty and responsibility of developing such information as the state commission requires or as the committee deems

advisable concerning the problems of aging within the respective counties. The committees shall submit to the state commission plans and proposals for meeting these problems in the several counties. Each county committee shall endeavor to secure the widest possible citizen participation in its efforts and, for this purpose, may utilize or continue the existence of study panels or groups. Where there exists within the county government an agency on aging officially recognized by the state commission on aging as the agency to plan and coordinate services to the aging within the county, the county committee shall have the additional duty and responsibility of advising the county agency on all matters pertaining to the planning and coordination of services to the aging. The membership of each county committee shall include, ex officio, the chief administrative officer at the county level (or his permanently appointed designee) of the state department of health, of the state department of social services and housing, of the employment service office of the state department of labor and industrial relations, and of the state department of education, the administrative head of any county recreation agencies, and the county representative of the state commission. The other members shall be selected upon the basis of their interest in the problems of aging, their effectiveness in promoting the welfare of the middle-aged and older persons within the county, and their knowledge of local conditions. The chairman shall be elected annually from the nongovernmental members of the committee. One-third of the nongovernmental members of the county committees shall be appointed for four years, one-third for three years and one-third for two years, and thereafter their successors shall be appointed for terms of four years. Each county committee shall meet at least twelve times a year. The members of the county committee shall receive no compensation for their services. The respective councils may make appropriations to meet the necessary expenses of the committees."

4. By amending section 349-4 to read as follows:

**"Sec. 349-4 Director; qualification; duties; assistants.** The state commission on aging shall select and employ a director who shall be exempt from chapters 76 and 77. The director shall have professional training and recent experience in the field of social work, education, public health, or other related field, or the equivalent in work experience in one of these fields, and recent experience in a supervisory, consultative, or administrative position.

The director shall serve as consultant to the governor on problems of aging; shall develop a state master plan for the elderly and assist in coordinating the programs of all agencies concerned with problems of aging; shall help plan, organize, and coordinate the activities of the county committees; shall arrange for statewide studies of the needs and existing facilities for older persons and develop recommendations and plans for action consistent with the purposes of this chapter; shall secure statistical data from the county committees and from state and local agencies; shall arrange for the exchange of information, plans, and programs between public and private groups interested in the problems of aging; shall prepare articles, reports, and bulletins for the use of the state commission and the county committees and agencies

and for general publication; shall keep and maintain records and reports and conduct correspondence relative to the work of the commission. The director shall be paid and reimbursed for reasonable and necessary traveling expenses in carrying on this work. The commission may employ such additional staff for the director as may be necessary to carry out the duties of the commission, subject to chapters 76 and 77, and provide suitable quarters.”

5. By amending section 349-6 to read as follows:

“**Sec. 349-6 Declaration of purpose; support; duties.** (a) The legislature hereby declares that, in keeping with the traditional American concept of the inherent dignity of the individual in our democratic society, the older people of our State are entitled to, and it is the joint and several duty and responsibility of the State of Hawaii and its counties to enable our older people to secure equal opportunity to the full and free enjoyment of the following:

- (1) An adequate income in retirement in accordance with the American standard of living.
- (2) The best possible physical and mental health which science can make available, without regard to economic status.
- (3) Suitable housing, independently selected, designed, and located with reference to special needs and available at costs which older citizens can afford.
- (4) Full restorative services for those who require institutional care.
- (5) Opportunity for employment with no discriminatory personnel practices because of age.
- (6) Retirement in health, honor, and dignity.
- (7) Pursuit of meaningful activity within the widest range of civic, cultural, and recreational opportunities.
- (8) Efficient community services which provide social assistance in a coordinated manner and which are readily available when needed.
- (9) Immediate benefit from proven research knowledge which can sustain and improve health and happiness.
- (10) Freedom, independence, and the free exercise of individual initiative in planning and managing their own lives.

(b) In support of the declaration of purpose in subsection (a), it shall be the policy of the State of Hawaii and its counties to:

- (1) Make available comprehensive programs which include a full range of health, education, and social services to our older residents who need them;
- (2) Give full and special consideration to older residents with special needs in planning such programs, and, pending the availability of such programs for all older residents, give priority to the elderly with the greatest economic and social need;
- (3) Provide comprehensive programs which will assure the coordinated delivery of a full range of essential services to our older residents, and where applicable, also furnish meaningful employment opportunities for individuals, including older persons from the community; and

- (4) Insure that the planning and operation of such programs will be undertaken as a partnership of older residents, the at-large community, and the State and its counties with appropriate assistance from the federal government.

(c) It shall be the duty and responsibility of every state department and county agency providing programs and services to the elderly to actively work toward the goals articulated in subsections (a) and (b) and to employ the State's policy as included in the state master plan for the elderly in the planning and implementation of their individual programs."

6. By amending section 349-9 to read as follows:

**"Sec. 349-9 Purpose of the fund.** The fund shall be used for:

- (1) Research, planning, development, and coordination of programs and facilities designed for older persons;
- (2) Demonstration programs or activities which are beneficial to older persons;
- (3) Special personnel needed to carry out programs designed for older persons; or
- (4) Establishing new or expanding existing programs for older persons which provide (A) recreational and other leisure time activities; (B) informational, health, welfare, counseling, or referral services; or (C) assistance to older persons in providing volunteer community or civic services; and
- (5) The training of the commission's staff in program planning and evaluation."

7. By amending section 349-10 to read as follows:

**"Sec. 349-10 Authority of commission.** Pursuant to the state master plan for the elderly, the commission may by way of grant to or contract with the county agencies on aging, any public or nonprofit private agency, organization, or institution or any private person:

- (1) For research or developmental projects and facilities which are or may be beneficial to older persons;
- (2) For the specialized training of persons employed or prepared for employment in carrying out programs designed for older persons;
- (3) For informational, health, welfare counseling, or referral services;
- (4) For educational programs for maintenance of health and development of vocational interests and skills;
- (5) For enlisting and training older persons for voluntary civic services;
- (6) For opportunities for development of constructive use of retirement time; or
- (7) For transmission of arts, skills, or culture of older persons to the younger people.

The commission may adopt, amend, or repeal necessary rules and regulations to implement sections 349-6 to 349-10. It may, to the extent it deems appropriate, require the recipient of any grant or contract to contribute money, facilities, or services to carry out the project for which the grant or contract is made."

8. By adding a new section 349-12 to read as follows:

“**Sec. 349-12 State master plan for the elderly.** The commission on aging shall be responsible for the development, implementation, and updating on a continuous basis, of a comprehensive master plan for the elderly which shall include, but not be limited to, the following:

- (1) Compilation of basic demographic data on the elderly in the State;
- (2) Identification of the physical, sociological, psychological, and economic needs of the elderly in the State;
- (3) Establishment of long-range and immediate goals pursuant to section 349-6, for programs and services for the elderly in the State;
- (4) Establishment of priorities for program implementation and of alternatives for program implementation; and
- (5) Organization of administrative and program structure, including the use of facilities and personnel.

The state master plan for the elderly shall be developed in accordance with the planning-programming-budgeting format of the State and shall be subject to the final approval of the legislature.”

**SECTION 3. Master plan development committee.** To implement section 349-12, Hawaii Revised Statutes, the commission on aging shall form from its numbers a master plan development committee consisting of the ex officio representatives of state department heads who are members and the executive director of the area agencies on aging of each county. The staff of the commission on aging shall assist and serve the master plan development committee which shall operate until the approval of the master plan by the legislature as provided in section 349-12, Hawaii Revised Statutes. The final plan shall be submitted to the legislature twenty days prior to the convening of the regular session of 1975.

**SECTION 4.** There is hereby appropriated out of the general revenues of the State of Hawaii the sum of \$30,000 or so much thereof as may be necessary, for the purposes of this Act.

**SECTION 5.** Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

**SECTION 6.** This Act shall take effect upon its approval.

(Approved June 13, 1974.)

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\*Edited accordingly.