

ACT 276

S.B. NO. 2536-80

A Bill for an Act Relating to Social Services.

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

SECTION 1. The legislature finds that there are hundreds of aged, indigent resident aliens and naturalized citizens in the State who desire to return to their homelands. After working long years in this State these persons are now retired and many live alone. Returnees would benefit by being reunited with families, relatives, and friends, and from reintegration into the extended family culture from which they came.

The public assistance payments paid to aged, indigent resident aliens and naturalized citizens are not always sufficient to pay for safe and sanitary living conditions. The problems of survival for the aged are compounded by a weakening of their resistance to diseases and limitations on physical mobility. Transportation and medical care costs in relation to income are significantly higher than for other age groups.

Aged, indigent resident aliens and naturalized citizens willing to return to their homelands are likely to find that their income from social security or pension benefits is more than sufficient to support themselves and contribute to the economic well-being of an extended family and a village economy.

Except for certain social security and pension benefits, all other forms of government assistance to returnees would cease.

The purpose of this Act is to permit the State to assist aged, indigent resident aliens and naturalized citizens to return to their homelands.

SECTION 2. Chapter 346, Hawaii Revised Statutes, is amended by adding a new part to be appropriately designated and to read as follows:

“PART . RESIDENT ALIEN AND NATURALIZED CITIZEN PROGRAM

Sec. 346- Purpose. The purpose of this part is to assist a qualified person to return to the person’s homeland.

Sec. 346- Definitions. As used in this part:

- (1) “Alien” means any person not a citizen or national of the United States but who is allowed, under federal law, to reside in the United States;
- (2) “Homeland” means the country in which a person was born;
- (3) “Naturalized citizen” means a person who was not born in the United States, but who has the rights and privileges of a citizen bestowed upon the person by law;

- (4) "Qualified person" means an alien or naturalized citizen of the United States who:
 - (A) Is a resident of the State of Hawaii;
 - (B) Is sixty years of age or older;
 - (C) Is eligible to receive or receives financial assistance under this chapter on the date of the application for transportation assistance under this part; and
- (5) "Transportation assistance" means the amount determined by the director under section 346-

Sec. 346- Administration. The director may enter into contracts with private, nonprofit organizations for the purpose of providing transportation assistance to a qualified person who desires to return to the qualified person's homeland in order to establish and maintain a permanent residence there.

Sec 346- Application; approval; statement; return. (a) A person desiring to return to the person's homeland may make application to the director. The application shall include evidence from a recognized agency or other acceptable means to ensure that the person's health and welfare will be protected upon return to the person's homeland. The director shall examine the application and determine whether the person is a qualified person and the person's health and welfare will be protected. If the director determines that the person is a qualified person, the person's health and welfare will be protected, and funds are available, the director shall approve the application. Upon approval, the qualified person shall be required to sign a statement of intent to take up permanent residence in the qualified person's homeland. Upon signing the statement, the director shall enter into a contract as provided under section 346- to provide transportation assistance for the qualified person.

(b) A person who has used the transportation assistance under this part and returns to and reestablishes residency in Hawaii shall repay to the State the amount of the transportation assistance used in returning to the person's homeland with interest. The rate of interest shall be established by the director by rule under chapter 91.

(c) The statement of intent under subsection (a) shall explain the requirements for reestablishing residency in Hawaii and indicate that the qualified person understands these requirements.

(d) A person shall not be eligible to use the transportation assistance under this chapter more than once in the person's lifetime.

Sec. 346- Transportation assistance. The director shall adopt rules under chapter 91 to determine the transportation and administrative costs which are required for the return of a qualified person to the qualified person's homeland. The amount of such costs shall be considered the transportation assistance.

Sec. 346- Penalty. Any person who uses the transportation assistance under this chapter for any purpose other than that for which approved by the director shall be guilty of a misdemeanor and required to return the full amount of the transportation assistance used."

SECTION 3. Section 346-1, Hawaii Revised Statutes, is amended by amending the definition of "financial assistance" to read as follows:

" "Financial assistance" means public assistance, except for payments for med-

ical care, social service payments, and transportation assistance, including funds received from the federal government.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 5. This Act shall take effect upon its approval.

(Approved June 16, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.