

**GENERAL ASSEMBLY OF NORTH CAROLINA**

**SESSION 1993**

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SENATE BILL 479  
Second Edition Engrossed 5/12/93

Short Title: Senior Tar Heel Legislature.

(Public)

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Sponsors: Senators Perdue; Albertson, Jordan, Parnell, Martin of Pitt, Hoyle, Richardson, Gunter, Forrester, Hartsell, Ballance, Smith, Edwards, Speed, Plyler, Marshall, Codington, Winner of Mecklenburg, Plexico, Warren, and Tally.

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Referred to: Rules and Operation of the Senate.

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March 11, 1993

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE SENIOR TAR HEEL LEGISLATURE.

Whereas, North Carolina has over 900,000 citizens 65 and older; and

Whereas, older adults now comprise the fastest growing segment of North Carolina's population with North Carolina experiencing a growth rate of 33% for individuals 65 and older compared with a growth rate of 13% for North Carolina as a whole; and

Whereas, by the year 2000 older adults will constitute 13% of the total population; and

Whereas, over 40,000 retirees relocate in North Carolina each year which ranks North Carolina fifth nationally in attracting out-of-state retirees; and

Whereas, older citizens have contributed greatly to the economic development of North Carolina and will continue to contribute because of their increased numbers; and

Whereas, there is a subgroup (19.5%) of our older citizens who have incomes less than the federal poverty level; and

Whereas, the rapid aging of the citizens of the State will mandate attention to health care, housing, community-based services, recreation, and volunteerism used by older adults and their families; and

Whereas, older North Carolinians can best judge their own needs and concerns and should be their own best advocates; and

Whereas, the General Assembly each session attempts to address these needs with the introduction of a wide variety of proposals aimed at specific aging issues; and

Whereas, we are in a period of diminishing public resources; and

Whereas, these circumstances require the setting of priorities regarding which aging programs and services are most vital to establish and maintain; and

Whereas, the senior citizens legislature as a model legislature session has proved successful in Florida, Georgia, Indiana, Iowa, Missouri, and California; and

Whereas, the Senior Tar Heel Legislature will offer older North Carolinians a forum for setting their legislative priorities; Now, therefore,

The General Assembly of North Carolina enacts:

Section 1. Article 3 of Chapter 143B of the General Statutes is amended by adding a new Part 14F to read:

**"PART 14F.**

**"SENIOR TAR HEEL LEGISLATURE.**

**"§ 143B-181.55. Creation, membership, meetings, organization, and adoption of measures.**

(a) There is created the North Carolina Senior Tar Heel Legislature. It shall:

(1) Provide information and education to senior citizens on the legislative process and matters being considered by the General Assembly;

(2) Promote citizen involvement and advocacy concerning aging issues before the General Assembly; and

(3) Assess the legislative needs of older citizens by convening a forum modeled after the General Assembly.

(b) The delegates to the Senior Tar Heel Legislature shall be age 60 or over and shall be duly selected pursuant to procedures developed by the Department of Human Resources, Division of Aging, and approved by the Secretary of the Department in consultation with senior citizens advocacy groups who have given written notice to the Division of Aging that they desire to be consulted. The Senior Tar Heel Legislative Session shall be organized and coordinated by the Division with Area Agencies on Aging organizing the local election procedures and other related matters. At the conclusion of each session, the Senior Tar Heel Legislature shall make a report of that session's proceedings and recommendations to the General Assembly. Delegates to the Senior Tar Heel Legislature shall be from each county.

(c) The Senior Tar Heel Legislature is authorized to meet one day in March of every year beginning in 1994 but shall hold its first session no later than August 1993. The sessions shall be held in the State Capitol or in a building to be selected by the Governor or the Governor's designee. The Senior Tar Heel Legislature is authorized to adopt bylaws to govern its internal procedures and is authorized to adopt such recommendations as it deems appropriate to present to the General Assembly for consideration.

(d) A report of the proceedings of each session of the Senior Tar Heel Legislature shall be presented to the next Regular Session of the North Carolina General Assembly."

Sec. 2. G.S. 143B-181.1 reads as rewritten:

1 **"§ 143B-181.1. Division of Aging – creation, powers and duties.**

2 (a) There is hereby created within the office of the Secretary of the Department  
3 of Human Resources a Division of Aging, which shall have the following functions and  
4 duties:

- 5 (1) To maintain a continuing review of existing programs for the aging in  
6 the State of North Carolina, and periodically make recommendations  
7 to the Secretary of Human Resources for transmittal to the Governor  
8 and the General Assembly as appropriate for improvements in and  
9 additions to such programs;
- 10 (2) To study, collect, maintain, publish and disseminate factual data and  
11 pertinent information relative to all aspects of aging. These include the  
12 societal, economic, educational, recreational and health needs and  
13 opportunities of the aging;
- 14 (3) To stimulate, inform, educate and assist local organizations, the  
15 community at large, and older people themselves about aging,  
16 including needs, resources and opportunities for the aging, and about  
17 the role they can play in improving conditions for the aging;
- 18 (4) To serve as the agency through which various public and nonpublic  
19 organizations concerned with the aged can exchange information,  
20 coordinate programs, and be helped to engage in joint endeavors;
- 21 (5) To provide advice, information and technical assistance to North  
22 Carolina State government departments and agencies and to  
23 nongovernmental organizations which may be considering the  
24 inauguration of services, programs, or facilities for the aging, or which  
25 can be stimulated to take such action;
- 26 (6) To coordinate governmental programs with private agency programs  
27 for aging in order that such efforts be effective and that duplication  
28 and wasted effort be prevented or eliminated;
- 29 (7) To promote employment opportunities as well as proper and adequate  
30 recreational use of leisure for older people, including opportunities for  
31 uncompensated but satisfying volunteer work;
- 32 (8) To identify research needs, encourage research, and assist in obtaining  
33 funds for research and demonstration projects; ~~and~~
- 34 (9) To establish or help to establish demonstration programs of services to  
35 the aging;
- 36 (10) To establish a fee schedule to cover the cost of providing in-home and  
37 community-based services funded by the Division. The fees may vary  
38 on the basis of the type of service provided and the ability of the  
39 recipient to pay for the service. The fees may be imposed on the  
40 recipient of a service unless prohibited by federal law. The local  
41 agency shall retain the fee and use it to extend the availability of in-  
42 home and community-based services provided by the Division in  
43 support of functionally impaired older adults and family caregivers of  
44 functionally impaired older adults; ~~and~~

- 1           (11) To administer a Home and Community Care Block Grant for older  
2 adults, effective July 1, 1992. The Home and Community Care Block  
3 Grant shall be comprised of applicable Older Americans Act funds,  
4 Social Services Block Grant funding in support of the Respite Care  
5 Program (G.S. 143B-181.10), State funds for home and community  
6 care services administered by the Division of Aging, portions of the  
7 State In-Home and Adult Day Care funds (Chapter 1048, 1981 Session  
8 Laws) administered by the Division of Social Services which support  
9 services to older adults, and other funds appropriated by the General  
10 Assembly as part of the Home and Community Care Block Grant.  
11 Funding currently administered by the Division of Social Services to  
12 be included in the block grant will be based on the expenditures for  
13 older adults at a point in time to be mutually determined by the  
14 Divisions of Social Services and Aging. The total amount of Older  
15 Americans Act funds to be included in the Home and Community Care  
16 Block Grant and the matching rates for the block grant shall be  
17 established by the Department of Human Resources, Division of  
18 Aging. Allocations made to counties in support of older adults shall  
19 not be less than resources made available for the period July 1, 1990,  
20 through June 30, 1991, contingent upon availability of current State  
21 and federal ~~funding~~-funding; and
- 22           (12) To organize, coordinate, and provide staff support to the North  
23 Carolina Senior Tar Heel Legislature.
- 24           (b) The Division shall function under the authority of the Department of Human  
25 Resources and the Secretary of Human Resources as provided in the Executive  
26 Organization Act of 1973 and shall perform such other duties as are assigned by the  
27 Secretary.
- 28           (c) The Secretary of Human Resources shall adopt rules to implement this Part  
29 and Title 42, Chapter 35, of the United States Code, entitled Programs for Older  
30 Americans."
- 31           Sec. 3. This act is effective upon ratification.