

GENERAL ASSEMBLY OF NORTH CAROLINA

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SENATE BILL 1504

Appropriations Committee Substitute Adopted with Amendment 6/2/94

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Short Title: Budget Modification 2.

(Public)

Sponsors:

Referred to:

May 25, 1994

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH AND APPROPRIATE FUNDS FOR THE FIRST FLIGHT COMMISSION; TO REDUCE COSTS TO THE STATE BY AUTHORIZING PRIVATE PUBLICATION OF THE ADMINISTRATIVE CODE; TO CHANGE STATUTORY REFERENCES TO AIR CARGO AIRPORT AUTHORITY; TO EXPAND THE DUTIES OF THE STATE CONTROLLER; TO ALLOW CHILDREN TO ATTEND COMMUNITY COLLEGES; TO AUTHORIZE RECORD CHECKS OF SCHOOL EMPLOYEES; CONCERNING THE LAW PERTAINING TO SCHOOL TEXTBOOKS; AND PERTAINING TO EROSION OF BEACHES.

The General Assembly of North Carolina enacts:

CHANGE NAME OF NORTH CAROLINA AIR CARGO AIRPORT AUTHORITY TO NORTH CAROLINA GLOBAL TRANSPARK AUTHORITY

Section 1. (a) The title of Chapter 63A of the General Statutes reads as rewritten:

"NORTH CAROLINA AIR CARGO TRANSPORT GLOBAL TRANSPARK AUTHORITY."

(b) G.S. 63A-1 reads as rewritten:

§ 63A-1. Short title and intent.

This Chapter is the 'North Carolina Air Cargo Airport Global TransPark Authority Act.' It is enacted in part pursuant to Article V, Section 13, of the North Carolina Constitution with the intent that the body politic and corporate created by this Chapter

1 shall have all power and authority as may be provided to it under that section of the
2 Constitution."

3 (c) G.S. 63A-2(3) reads as rewritten:

4 "(3) Authority. – The North Carolina ~~Air Cargo Airport~~ Global TransPark
5 Authority."

6 (d) G.S. 63A-3(a) reads as rewritten:

7 "(a) Creation. The North Carolina ~~Air Cargo Airport~~ Global TransPark
8 Authority is created as a body corporate and politic having the powers and jurisdiction
9 as provided under this Chapter or any other law. The Authority is a State agency created
10 to perform essential governmental and public functions. The Authority shall be located
11 within the Department of Transportation, but shall exercise all of its powers, including
12 the power to employ, direct, and supervise all personnel, independently of the Secretary
13 of Transportation and, notwithstanding any other provision of law, shall be subject to
14 the direction and supervision of the Secretary only with respect to the management
15 functions of coordinating and reporting."

16 (dl) G.S. 63A-3(b) reads as rewritten:

17 "(b) Board of Directors. The Authority shall be governed by a Board of Directors.
18 The Board shall consist of at least the following 19 members:

19 (1) Seven members appointed by the Governor.

20 (2) Three members appointed by the General Assembly upon the
21 recommendation of the Speaker of the House of Representatives in
22 accordance with G.S. 120-121.

23 (3) Three members appointed by the General Assembly upon the
24 recommendation of the President Pro Tempore of the Senate in
25 accordance with G.S. 120-121.

26 (4) The State Treasurer, who shall serve as an ex officio nonvoting
27 member.

28 (5) The President of the North Carolina System of Community Colleges,
29 provided that the President of the North Carolina Community Colleges
30 may instead appoint to the Board of Directors one member of the
31 board of trustees of a community college or one president of a
32 community college. If such an appointment is made, the appointee
33 shall serve at the pleasure of the President.

34 (6) The President of The University of North Carolina, provided that the
35 President of the University of North Carolina may instead appoint to
36 the Board of Directors one member of the board of trustees of a
37 constituent institution of The University of North Carolina, or one
38 chancellor of a constituent institution of The University of North
39 Carolina. If such an appointment is made, the appointee shall serve at
40 the pleasure of the President.

41 (7) The Chairman of the State Ports Authority.

42 (8) One member appointed by the board of county commissioners of any
43 county in which the cargo airport complex site is located.

1 (9) One member appointed by the city council of the city which is a
2 county seat of any county in which the cargo airport complex site is
3 located.

4 (10) The Commissioner of Agriculture, who shall serve as an ex officio
5 nonvoting member.

6 Within 90 days after the Authority acquires land, either by purchase or
7 condemnation, for development as part of a cargo airport complex site, the board of
8 county commissioners in any county in which a portion of the land is located and the
9 city council of the city which is the county seat of the county shall, by resolution, each
10 appoint a person to serve as a member of the Board. If the board of commissioners or
11 the city council appoints one of its own members to the Board, the county commissioner
12 or the member of the city council who is appointed is considered to be serving on the
13 Board as an ex officio voting member as part of the duties of the office of county
14 commissioner or the office of city council member, in accordance with G.S. 128-1.2,
15 and is not considered to be serving in a separate office. Notwithstanding G.S. 116-
16 31(h), a member of the board of trustees of a constituent institution of The University of
17 North Carolina appointed to the Board of Directors under subdivision (6) of this
18 subsection may concurrently serve on the board of trustees and the Board of Directors.
19 Notwithstanding any other provision of law, the Governor may serve on the Board of
20 Directors by his own appointment on or after July 16, 1991, under subdivision (1) of
21 this subsection.

22 As the holder of an office, each member of the Board shall take the oath required by
23 Article VI, § 7 of the North Carolina Constitution before assuming the duties of a Board
24 member."

25 (e) G.S. 66-58(b)(17) reads as rewritten:

26 "(17) The North Carolina ~~Air Cargo Airport~~ Global TransPark Authority or
27 a lessee of the Authority."

28 (f) G.S. 120-123(25a) reads as rewritten:

29 "(25a) The North Carolina ~~Air Cargo Airport~~ Global TransPark Authority as
30 established under G.S. 63A-3."

31 (g) G.S. 126-5(c1)(15) reads as rewritten:

32 "(15) Employees of the North Carolina ~~Air Cargo Airport~~ Global TransPark
33 Authority."

34 (h) G.S. 143-336 reads as rewritten:

35 **"§ 143-336. Definitions.**

36 As used in this Article:

37 'Agency' includes every agency, institution, board, commission, bureau, council,
38 department, division, officer, and employee of the State, but does not include counties,
39 municipal corporations, political subdivisions, county and city boards of education, and
40 other local public bodies.

41 'Community college buildings' means all buildings, utilities, and other property
42 developments located at a community college, which is defined in G.S. 115D-2(2).

43 'Department' means the Department of Administration, unless the context otherwise
44 requires.

1 'Public buildings' means all buildings owned or maintained by the State in the City
2 of Raleigh, but does not mean any building which a State agency other than the
3 Department of Administration is required by law to care for and maintain.

4 'Public buildings and grounds' means all buildings and grounds owned or maintained
5 by the State in the City of Raleigh, but does not mean any building or grounds which a
6 State agency other than the Department of Administration is required by law to care for
7 and maintain.

8 'Public grounds' means all grounds owned or maintained by the State in the City of
9 Raleigh, but does not mean any grounds which a State agency other than the
10 Department of Administration is required by law to care for and maintain.

11 'Secretary' means the Secretary of Administration, unless the context otherwise
12 requires.

13 'State buildings' mean all State buildings, utilities, and other property developments
14 except the State Legislative Building, railroads, highway structures, bridge structures,
15 and any buildings, utilities, or property owned or leased by the North Carolina Air
16 Cargo Airport-Global TransPark Authority.

17 But under no circumstances shall this Article or any part thereof apply to the judicial
18 or to the legislative branches of the State."

19 (i) G.S. 147-69.2(b)(11) reads as rewritten:

20 "(11) With respect to assets of the Escheat Fund, obligations of the North
21 Carolina Air Cargo Airport-Global TransPark Authority authorized by
22 G.S. 63A-4(a)(22), not to exceed twenty-five million dollars
23 (\$25,000,000), that have a final maturity not later than September 1,
24 1999. The obligations shall bear interest at the rate set by the State
25 Treasurer. No commitment to purchase obligations may be made
26 pursuant to this subdivision after September 1, 1993, and no
27 obligations may be purchased after September 1, 1994. In the event of
28 a loss to the Escheat Fund by reason of an investment made pursuant
29 to this subdivision, it is the intention of the General Assembly to hold
30 the Escheat Fund harmless from any such loss by appropriating to such
31 Escheat Fund funds equivalent to such loss."

32 (j) G.S. 150B-1(d)(5) reads as rewritten:

33 "(5) The North Carolina Air Cargo Airport-Global TransPark Authority
34 with respect to the acquisition, construction, operation, or use,
35 including fees or charges, of any portion of a cargo airport complex."

36 (k) G.S. 150B-1(e)(10) reads as rewritten:

37 "(10) The North Carolina Air Cargo Airport-Global TransPark Authority
38 with respect to the acquisition, construction, operation, or use,
39 including fees or charges, of any portion of a cargo airport complex."

40 (l) Any reference to the North Carolina Air Cargo Airport Authority in any
41 other act of the General Assembly is deemed to refer to the North Carolina Global
42 TransPark Authority.

43 SWITCHED BROADBAND TELECOMMUNICATIONS

44 Sec. 2. (a)G.S. 143B-426.39 is amended by adding a new subdivision to read:

1 "(16) Establish switched broadband telecommunications services and permit
 2 in addition to State agencies, cities, counties, and other local
 3 government units, the following organizations and entities to share on
 4 a not-for-profit basis:

5 a. Nonprofit educational institutions;

6 b. The Microelectronics Center of North Carolina ('MCNC');

7 c. Research affiliates of MCNC for use only in connection with
 8 research activities sponsored or funded, in whole or in part, by
 9 MCNC, if such research activities related to health care or
 10 education in North Carolina;

11 d. Agencies of the United States government operating in North
 12 Carolina for use only in connection with activities that relate to
 13 health care or education in North Carolina; or

14 e. Hospitals, clinics, and other health care facilities for use only in
 15 connection with activities that relate to health care or education
 16 in North Carolina.

17 Provided, however, that sharing of the switched broadband
 18 telecommunication services by State agencies with entities or
 19 organizations in the categories set forth herein shall not cause the
 20 State, the Office of State Controller, or the MCNC to be classified as a
 21 public utility as that term is defined in G.S. 62-3(23)a.6. Nor shall the
 22 State, the Office of State Controller, or the MCNC engage in any
 23 activities that may cause those entities to be classified as a common
 24 carrier as that term is defined in the federal Communications Act of
 25 1934, 47 U.S.C. § 153(h). Provided further, authority to share the
 26 switched broadband telecommunication services with the non-State
 27 agencies set forth above shall terminate one year from the effective
 28 date of a tariff that makes the broadband services available to any
 29 customer."

30 (b) G.S. 62-3(23) is amended by adding a new subparagraph as follows:

31 "i. The term public utility shall not include the State, the Office of
 32 the State Controller, or the Microelectronics Center of North
 33 Carolina in the provision or sharing of switched broadband
 34 telecommunication services with non-State entities or
 35 organizations of the kind or type set forth in G.S. 143B-
 36 426.39."

37 **CHILDREN MAY ATTEND COMMUNITY COLLEGE**

38 Sec. 3. G.S. 115D-20(4) reads as rewritten:

39 "(4) To apply the standards and requirements for admission and graduation
 40 of students and other standards established by the State Board of
 41 Community Colleges. Provided, notwithstanding any law or
 42 administrative rule to the contrary, local administrative boards and
 43 local school boards may establish cooperative programs in the areas
 44 they serve to provide for college courses to be offered to qualified high

1 school students with college credits to be awarded to those high school
2 students upon the successful completion of the courses. Provided,
3 further, that during the summer quarter, persons less than 16 years old
4 may be permitted to take noncredit courses on a self-supporting basis,
5 subject to rules of the State Board of Community Colleges.

6 A public school child 12 years of age or older may attend classes at
7 a community college after the end of the public school day if the
8 child's parent or guardian, the child's school superintendent and
9 principal, and the chief academic officer of the community college find
10 that the classes are unavailable at the child's public school and the
11 classes are appropriate for the child based on the child's academic
12 readiness to attend the classes, motivation for academic achievement,
13 and level of maturity. These children shall pay in-State tuition and
14 shall not be counted for the purpose of computing the number of full-
15 time equivalent students for State funding formulas."

16 RECORD CHECKS OF SCHOOL EMPLOYEES AUTHORIZED

17 Sec. 4. (a) Article 22 of Chapter 115C of the General Statutes is amended by
18 adding a new Part to read:

19 "PART 6. CRIMINAL HISTORY CHECKS.

20 "§ 115C-332. School personnel criminal history checks.

21 (a) As used in this section:

22 (1) 'Criminal history' means a county, State, or federal criminal history of
23 conviction of a crime, whether a misdemeanor or a felony, that
24 indicates the employee (i) poses a threat to the physical safety of
25 students or personnel, or (ii) has demonstrated that he or she does not
26 have the integrity or honesty to fulfill his or her duties as public school
27 personnel. Such a crime includes the following North Carolina crimes
28 contained in any of the following Articles of Chapter 14 of the General
29 Statutes: Article 5A, Endangering Executive and Legislative Officers;
30 Article 6, Homicide; Article 7A, Rape and Kindred Offenses; Article
31 8, Assaults; Article 10, Kidnapping and Abduction; Article 13,
32 Malicious Injury or Damage by Use of Explosive or Incendiary Device
33 or Material; Article 14, Burglary and Other Housebreakings; Article
34 15, Arson and Other Burnings; Article 16, Larceny; Article 17,
35 Robbery; Article 18, Embezzlement; Article 19, False Pretense and
36 Cheats; Article 19A, Obtaining Property or Services by False or
37 Fraudulent Use of Credit Device or Other Means; Article 20, Frauds;
38 Article 21, Forgery; Article 26, Offenses Against Public Morality and
39 Decency; Article 26A, Adult Establishments; Article 27, Prostitution;
40 Article 28, Perjury; Article 29, Bribery; Article 31, Misconduct in
41 Public Office; Article 35, Offenses Against the Public Peace; Article
42 36A, Riots and Civil Disorders; Article 39, Protection of Minors; and
43 Article 60, Computer-Related Crime. Such a crime also includes
44 possession or sale of drugs in violation of the North Carolina

1 Controlled Substances Act, Article 5 of Chapter 90 of the General
2 Statutes, and alcohol-related offenses such as sale to underage persons
3 in violation of G.S. 18B-302 or driving while impaired in violation of
4 G.S. 20-138.1 through G.S. 138.5.

5 (2) 'School personnel' means any:

6 a. Employee of a local board of education whether full-time or
7 part-time, or

8 b. Independent contractor or employee of an independent
9 contractor of a local board of education, if the independent
10 contractor carries out duties customarily performed by school
11 personnel,

12 whether paid with federal, State, local, or other funds, who has
13 significant access to students. School personnel includes substitute
14 teachers, driver training teachers, bus drivers, clerical staff, and
15 custodians.

16 (b) Each local board of education shall adopt a policy on whether and under what
17 circumstances an applicant for a school personnel position shall be required to be
18 checked for a criminal history before the applicant is offered an unconditional job. Each
19 local board of education shall apply its policy uniformly in requiring applicants for
20 school personnel positions to be checked for a criminal history. A local board of
21 education that requires a criminal history check for an applicant may employ an
22 applicant conditionally while the board is checking the person's criminal history and
23 making a decision based on the results of the check.

24 A local board of education shall not require an applicant to pay for the criminal
25 history check authorized under this subsection.

26 (c) The Department of Justice shall provide to the local board of education the
27 criminal history from the State and National Repositories of Criminal Histories of any
28 applicant for a school personnel position in the local school administrative unit. The
29 local board of education shall require the person to be checked by the Department of
30 Justice to (i) be fingerprinted by the local sheriff or the municipal police, whichever is
31 more convenient for the person, (ii) provide to the local sheriff or the municipal police
32 any additional information required by the Department of Justice, and (iii) sign a form
33 consenting to the check of the criminal record and to the use of fingerprints and other
34 identifying information required by the repositories. The local board of education shall
35 consider refusal to consent when making employment decisions and decisions with
36 regard to independent contractors.

37 The local board of education shall not require an applicant to pay for being
38 fingerprinted.

39 (d) The local board of education shall investigate the criminal history it receives
40 on a person. The local board shall determine whether the results of the investigation
41 indicate that the employee (i) poses a threat to the physical safety of students or
42 personnel, or (ii) has demonstrated that he or she does not have the integrity or honesty
43 to fulfill his or her duties as public school personnel and shall use the information when
44 making employment decisions and decisions with regard to independent contractors.

1 The local board shall make written findings with regard to how it used the information
2 when making employment decisions and decisions with regard to independent
3 contractors.

4 (e) The local board of education shall provide to the State Board of Education the
5 criminal history it receives on a person who is certificated, certified, or licensed by the
6 State Board of Education. The State Board of Education shall investigate the criminal
7 history and determine whether the person's certificate or license should be revoked in
8 accordance with State laws and rules regarding revocation.

9 (f) All the information received by the local board of education through the
10 checking of the criminal history or by the State Board of Education in accordance with
11 subsection (d) of this section is privileged information and for the exclusive use of the
12 local board of education or the State Board of Education. The local board of education
13 or the State Board of Education may destroy the information after it is used for the
14 purposes authorized by this section after one calendar year.

15 (g) No action for civil or criminal liability shall be brought against a local board
16 of education or the State Board of Education as a result of actions taken to carry out its
17 duties under this section if the local board of education or the State Board of Education
18 was acting in good faith and in accordance with this section and the rules established
19 pursuant to it."

20 (b) G.S. 114-19.2(a) reads as rewritten:

21 "(a) The Department of Justice may provide a criminal record check to the local
22 board of education of a person who is employed in a public school in that local school
23 district or of a person who has applied for employment in a public school in that local
24 school district, if the employee or applicant consents to the record check. The
25 Department may also provide a criminal record check of school personnel as defined in
26 G.S. 115C-332 by fingerprint card to the local board of education from National
27 Repositories of Criminal Histories, in accordance with G.S. 115C-332. The information
28 shall be kept confidential by the local board of education as provided in Article 21A of
29 Chapter 115C."

30 (c) The State Board of Education, in consultation with the Division of Criminal
31 Information of the Department of Justice, shall adopt rules to implement this section.

32 (d) For the 1994-95 fiscal year, the fee charged for being fingerprinted by
33 local law enforcement agencies in accordance with subsection (a) of this section shall
34 not exceed the current rate of five dollars (\$5.00).

35 SCHOOL TEXTBOOK LAW CHANGES

36 Sec. 5. (a) G.S. 115C-85 reads as rewritten:

37 "**§ 115C-85. Textbook needs are determined by course of study.**

38 When the State Board of Education has adopted, upon the recommendation of the
39 Superintendent of Public Instruction, a standard course of study at each instructional
40 level in the elementary school and the secondary school, setting forth what subjects
41 shall be taught at each level, it shall proceed to select and adopt textbooks.

42 As used in this part, 'textbook' means systematically organized material
43 comprehensive enough to cover the primary objectives outlined in the standard course
44 of study for a grade or course. Formats for textbooks may be print or nonprint.

1 including hardbound books, softbound books, activity-oriented programs, classroom
2 kits, and technology-based programs that require the use of electronic equipment in
3 order to be used in the learning process.

4 Textbooks adopted in accordance with the provisions of this Part shall be used by
5 the public schools of the State."

6 (b) G.S. 115C-88 reads as rewritten:

7 **"§ 115C-88. Commission to evaluate ~~books~~ textbooks offered for adoption.**

8 The members of the Commission who are teachers, principals or the parent of
9 students ~~in the elementary grades~~ shall evaluate all textbooks offered for adoption ~~in~~
10 ~~the elementary grades. The members who are teachers, principals or the parent of~~
11 ~~students in the high schools shall evaluate all books offered for adoption in the high~~
12 ~~school grades.~~ adoption.

13 Each member shall examine carefully and file a written evaluation of each ~~book~~
14 textbook offered for adoption ~~in the category for which he is responsible.~~ adoption.

15 The evaluation report shall give special consideration to the suitability of the ~~book~~
16 textbook to the instructional level for which it is offered, the content or subject matter,
17 and other criteria prescribed by the Board.

18 Each evaluation report shall be signed by the member making the report and filed
19 with the Board not later than a day fixed by the Board when the call for adoption is
20 made."

21 (c) G.S. 115C-99 reads as rewritten:

22 **"§ 115C-99. Legal custodians of ~~books~~ textbooks furnished by State.**

23 Local boards of education are the custodians of all ~~books furnished by the State.~~
24 textbooks purchased by the local boards with State funds. They shall provide adequate
25 and safe storage facilities for the proper care of these ~~books~~ textbooks and emphasize to
26 all students the necessity for proper care of textbooks."

27 (d) G.S. 115C-100 reads as rewritten:

28 **"§ 115C-100. Rental fees for textbooks prohibited; damage fees authorized.**

29 No local board of education may charge any pupil a rental fee for the use of
30 textbooks. A pupil's parents or legal guardians may be charged damage fees for abuse or
31 loss of textbooks under rules adopted by the State Board of Education. All money
32 collected ~~on State-owned books as damage fees or from the sale of books~~ textbooks
33 purchased with State funds under the provisions of this Part shall be paid annually as
34 collected to the State Board of Education."

35 **DECCELERATION OF DOWNDRIFT BEACH EROSION**

36 Sec. 6. (a) G.S. 113-229(i) reads as rewritten:

37 "(i) ~~All~~ Subject to subsection (h1) of this section, all materials excavated pursuant
38 to such permit, regardless of where placed, shall be encased or entrapped in such a
39 manner as to minimize their moving back into the affected water."

40 (b) G.S. 113-229 is amended by adding a new subsection to read:

41 "(h1) All construction and maintenance dredgings of beach-quality sand shall be
42 placed on the downdrift beaches or, if placed elsewhere, an equivalent quality and
43 quantity of sand from another location shall be placed on the downdrift beaches."

44 **FIRST FLIGHT COMMISSION ESTABLISHED**

1 Sec. 7. (a) Chapter 143 of the General Statutes is amended by adding the following
2 new Article to read:

3 **"ARTICLE 67.**

4 **"FIRST FLIGHT CENTENNIAL COMMISSION.**

5 **"§ 143-640. Commission established; purpose; members; terms of office; quorum;**
6 **compensation; termination.**

7 (a) Establishment. – There is established the First Flight Centennial Commission.
8 The Commission shall be located within the Department of Cultural Resources for
9 organizational, budgetary, and administrative purposes.

10 (b) Purpose. – The purpose of the Commission is to develop and plan activities to
11 commemorate the centennial of the first successful manned, controlled, heavier-than-air,
12 powered flight (in this Article referred to as 'the First Flight') and other historical events
13 related to the development of powered flight.

14 (c) Membership. – The Commission shall consist of 26 members, as follows:

15 (1) Four persons appointed by the Governor.

16 (2) Four persons appointed by the President Pro Tempore of the Senate.

17 (3) Four persons appointed by the Speaker of the House of
18 Representatives.

19 (4) The following persons or their designees, ex officio:

20 a. The Governor.

21 b. The President Pro Tempore of the Senate.

22 c. The Speaker of the House of Representatives.

23 d. The United States Senators from this State.

24 e. The member of the United States House of Representatives for
25 the Third Congressional District.

26 f. The Governor of the State of Ohio.

27 g. The Secretary of the Department of Cultural Resources.

28 h. The Superintendent of the Cape Hatteras National Seashore of
29 the United States National Park Service.

30 i. The chair of the Centennial of Flight Commemoration
31 Commission.

32 j. The President of the First Flight Society.

33 k. The chair of the Dare County Board of Commissioners.

34 l. The Mayor of the Town of Kill Devil Hills.

35 m. The chair of the Dare County Tourism Board.

36 The members appointed to the First Flight Centennial Commission shall be chosen from
37 among individuals who have the ability and commitment to promote and fulfill the
38 purposes of the Commission, including individuals who have demonstrated expertise in
39 the fields of aeronautics, aerospace science, or history, who have contributed to the
40 development of the fields of aeronautics or aerospace science, or who have
41 demonstrated a commitment to serving the public.

42 (d) Terms. – Members shall serve for two-year terms, with no prohibition against
43 being reappointed, except initial appointments shall be for terms as follows:

- 1 (1) The Governor shall initially appoint two members for a term of two
2 years and two members for a term of three years.
- 3 (2) The President Pro Tempore of the Senate shall initially appoint two
4 members for a term of two years and two members for a term of three
5 years.
- 6 (3) The Speaker of the House of Representatives shall initially appoint
7 two members for a term of two years and two members for a term of
8 three years.

9 Initial terms shall commence on July 1, 1994.

10 (e) Chair. – The chair shall be appointed biennially by the Governor from among
11 the membership of the Commission. The initial term shall commence on July 1, 1994.

12 (f) Vacancies. – A vacancy in the Commission or as chair of the Commission
13 resulting from the resignation of a member or otherwise shall be filled in the same
14 manner in which the original appointment was made and the term shall be for the
15 balance of the unexpired term.

16 (g) Compensation. – The Commission members shall receive no salary as a result
17 of serving on the Commission but shall receive per diem, subsistence, and travel
18 expenses in accordance with the provisions of G.S. 120-3.1, 138-5, and 138-6, as
19 applicable. When approved by the Commission, members may be reimbursed for
20 subsistence and travel expenses in excess of the statutory amount.

21 (h) Removal. – Members may be removed in accordance with G.S. 143B-13 as if
22 that section applied to this Article.

23 (i) Meetings. – The chair shall convene the Commission. Meetings shall be held
24 as often as necessary, but not less than four times a year.

25 (j) Quorum. – A majority of the members of the Commission shall constitute a
26 quorum for the transaction of business. The affirmative vote of a majority of the
27 members present at meetings of the Commission shall be necessary for action to be
28 taken by the Commission.

29 (k) Termination of Commission. – The Commission shall terminate June 30,
30 2004, which is six months after the 100th anniversary of the First Flight.

31 **"§ 143-641. Powers and duties of the Commission.**

32 (a) Powers and Duties. – The Commission shall have the following powers and
33 duties:

- 34 (1) To plan and develop activities appropriate to commemorate the
35 centennial of the First Flight, including the coordination of activities
36 throughout the State and nation.
- 37 (2) To coordinate with the national Centennial of Flight Commemoration
38 Commission and the 2003 Fund Commission of Ohio in planning and
39 promoting commemorative events and activities.
- 40 (3) To appoint a director, who shall be exempt from the State Personnel
41 Act, to employ other staff as it deems necessary, subject to the State
42 Personnel Act, and to fix their compensation.
- 43 (4) To adopt bylaws by a majority vote of the Commission.

1 (5) To accept grants, contributions, devises, bequests, gifts, and services
2 for the purpose of providing support to the Commission. The funds
3 and property shall be retained by the Commission, and the
4 Commission shall prescribe rules under which the Commission may
5 accept donations of money, property, or personal services, and
6 determine the value of donations of property or personal services.

7 (6) To design, seek clearance for, and register with the Secretary of State a
8 logo as the official emblem of the First Flight celebration, in
9 coordination with the federal advisory commission. The Commission
10 shall issue rules regarding the use of the logo.

11 (b) Commemoration Activities. – In planning and implementing appropriate
12 activities to commemorate the centennial of the First Flight, the Commission shall give
13 due consideration to:

14 (1) The historical setting in which the First Flight of the Wright Brothers
15 took place.

16 (2) The contribution of powered flight to the development of
17 transportation worldwide.

18 (3) The contribution that powered flight has made to worldwide trade and
19 the economic development of the United States and all nations.

20 (4) The contribution that powered flight has made to world peace and
21 security.

22 (5) The need to educate the public regarding the research and development
23 of powered flight, and to acknowledge the development of aeronautics,
24 aerospace science, and the aerospace industry, including the
25 development of the glider and Orville and Wilbur Wright's
26 contribution to the development of the glider.

27 (6) The development of aerospace science and the aerospace industry
28 since the First Flight, including the development of space exploration.

29 (7) The importance of activities to commemorate the First Flight and to
30 honor Orville and Wilbur Wright and their contribution to powered
31 flight.

32 (8) The need to expand the facilities of the Wright Brothers National
33 Memorial to honor Orville and Wilbur Wright and to educate the
34 public regarding the development of powered flight and the
35 development of aeronautics and aerospace science since the First
36 Flight.

37 (9) The commitment and efforts of the First Flight Society and the
38 National Park Service to preserving the Wright Brothers National
39 Memorial and to honoring Orville and Wilbur Wright on the
40 centennial of the First Flight.

41 (c) Contract Authority. – The Commission may procure supplies, services, and
42 property as appropriate, and may enter into contracts, leases, or other legal agreements
43 to carry out the purposes of this Article. All contracts, leases, or legal agreements
44 entered into by the Commission shall terminate on the date of termination of the

1 Commission. Termination shall not affect any disputes or causes of action of the
2 Commission that arise before the date of termination, and the Department of Cultural
3 Resources may prosecute or defend any causes of action arising before the date of
4 termination. All property acquired by the Commission that remains in the possession of
5 the Commission on the date of termination shall become the property of the Department
6 of Cultural Resources.

7 **"§ 143-642. Assignment of property; offices.**

8 (a) Assignment of Property. – Upon request of the Commission, the head of any
9 State agency may assign property, equipment, and personnel of such agency to the
10 Commission to assist the Commission in carrying out its duties under this Article.
11 Assignments under this subsection shall be without reimbursement by the Commission
12 to the agency from which the assignment was made. Property and equipment that
13 remains in the possession of the Commission on the date of the termination of the
14 Commission shall revert to the agency from which the property was acquired.

15 (b) Office Space. – The Department of Cultural Resources shall provide office
16 space in Raleigh for use as offices by the First Flight Centennial Commission, and the
17 Department of Cultural Resources shall receive no reimbursement from the Commission
18 for the use of the property during the life of the Commission.

19 **"§ 143-643. Commission reports.**

20 (a) Annual Report. – Before July 1, 1995, the Commission shall submit to the
21 General Assembly a comprehensive report incorporating specific recommendations of
22 the Commission for commemoration of the First Flight and other historical events
23 related to the development of powered flight. After the initial report, the Commission
24 shall submit a report to the General Assembly within 30 days of the convening of each
25 Regular Session of the General Assembly until the Commission terminates. The report
26 shall include:

- 27 (1) Recommendations for appropriate activities for the commemoration,
28 including:
29 a. Publications, both printed and electronic, of books, periodicals,
30 films, videotapes, and other promotional and educational
31 materials.
32 b. Scholarly projects, conferences, lectures, seminars, and
33 programs.
34 c. Libraries, exhibits, and museums.
35 d. Competitions and awards for historical, scholarly, artistic, and
36 other works and projects related to the centennial.
37 e. Ceremonies and celebrations, including a calendar of major
38 activities, commemorating the centennial and other related
39 historical events and achievements.
40 (2) Recommendations for legislation and administrative action to promote
41 and develop the commemoration.
42 (3) An accounting of funds received and expended.

43 (b) Final Report. – The Commission shall submit a final report to the General
44 Assembly no later than June 30, 2004. The final report shall include:

- 1 (1) A summary of the activities of the Commission.
2 (2) A final accounting of funds received and expended by the
3 Commission.
4 (3) Recommendations concerning the disposition of historically
5 significant property donated to or acquired by the Commission."

6 (b) There is appropriated from the General Fund to the Department of Cultural
7 Resources for the 1994-95 fiscal year, the sum of seventy-five thousand dollars
8 (\$75,000) for the establishment and operation of the First Flight Centennial Commission
9 during the term of the Commission.

10 **REDUCE PUBLICATION COSTS TO THE STATE/AUTHORIZE**
11 **PUBLICATION OF THE NORTH CAROLINA ADMINISTRATIVE CODE BY**
12 **CONTRACT WITH PRIVATE BUSINESS**

13 Sec. 8. G.S. 150B-21.18 reads as rewritten:

14 **"§ 150B-21.18. North Carolina Administrative Code.**

15 The Codifier of Rules must compile all rules into a Code known as the North
16 Carolina Administrative Code. The format and indexing of the Code must conform as
17 nearly as practical to the format and indexing of the North Carolina General Statutes.
18 The Codifier must publish printed copies of the Code and may publish the Code in other
19 forms. The Codifier must keep the Code current by publishing the Code in a loose-leaf
20 format and periodically providing new pages to be substituted for outdated pages, by
21 publishing the Code in volumes and periodically publishing cumulative supplements, or
22 by another means. The Codifier may authorize and license the private indexing,
23 marketing, sales, reproduction, and distribution of the Code. The Codifier must keep
24 superseded rules."

25 Sec. 9. Section 7(b) of this act becomes effective July 1, 1994. The
26 remainder of this act is effective upon ratification.