

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1993

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SENATE BILL 1627

Short Title: First Flight Centennial Commission.

(Public)

Sponsors: Senator Odom.

Referred to: Appropriations.

June 1, 1994

A BILL TO BE ENTITLED

AN ACT TO ESTABLISH THE FIRST FLIGHT CENTENNIAL COMMISSION TO
COMMEMORATE THE CENTENNIAL OF THE FIRST POWERED FLIGHT.

Whereas, the 100th anniversary of the first powered flight by Orville and
Wilbur Wright on the Outer Banks of North Carolina occurs on December 17, 2003;
and

Whereas, the first flight marked the beginning of the age of aeronautics and
aerospace science, thereby revolutionizing transportation, communications, trade, and
economic and social development worldwide; and

Whereas, the achievement of Orville and Wilbur Wright serves as an
inspiration to all Americans and a monument to the principles upon which this country
and the State have developed, the principles of ingenuity, creativity, and diligence; and

Whereas, it is appropriate to celebrate and commemorate the 100th
anniversary of the first powered flight that took place on the Outer Banks of North
Carolina through activities planned and coordinated by a State commission in
conjunction with the national Centennial of Flight Commemoration Commission and
the 2003 Fund Committee of Ohio; Now, therefore,
The General Assembly of North Carolina enacts:

Section 1. Chapter 143 of the General Statutes is amended by adding the
following new Article to read:

"ARTICLE 67.

"FIRST FLIGHT COMMISSION.

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

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

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

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

9 (1) Four persons appointed by the Governor.

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

11 (3) Four persons appointed by the Speaker of the House of
12 Representatives.

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

14 a. The Governor.

15 b. The President Pro Tempore of the Senate.

16 c. The Speaker of the House of Representatives.

17 d. The United States Senators from this State.

18 e. The member of the United States House of Representatives for
19 the Third Congressional District.

20 f. The Governor of the State of Ohio.

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

22 h. The Superintendent of the Cape Hatteras National Seashore of
23 the National Park Service.

24 i. The chair of the Centennial of Flight Commemoration
25 Commission.

26 j. The President of the First Flight Society.

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

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

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

30 The members appointed to the First Flight Centennial Commission shall be chosen from
31 among individuals who have the ability and commitment to promote and fulfill the
32 purposes of the Commission, including individuals who have demonstrated expertise in
33 the fields of aeronautics, aerospace science, or history, who have contributed to the
34 development of the fields of aeronautics or aerospace science, or who have
35 demonstrated a commitment to serving the public.

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

38 (1) The Governor shall initially appoint two members for a term of two
39 years and two members for a term of three years.

40 (2) The President Pro Tempore shall initially appoint two members for a
41 term of two years and two members for a term of three years.

42 (3) The Speaker of the House of Representatives shall initially appoint
43 two members for a term of two years and two members for a term of
44 three years.

1 Initial terms shall commence on July 1, 1994.

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

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

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

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

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

17 (j) Quorum. – A majority of the members of the Commission shall constitute a
18 quorum for the transaction of business. The affirmative vote of a majority of the
19 members present at meetings of the Commission shall be necessary for action to be
20 taken by the Commission.

21 (k) Termination of Commission. – The Commission shall terminate June 30,
22 2004, which is six months after the anniversary of the First Flight.

23 **"§ 143-641. Powers and duties of the Commission.**

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

26 (1) To plan and develop activities appropriate to commemorate the
27 centennial of the First Flight, including the coordination of activities
28 throughout the State and nation.

29 (2) To coordinate with the national Centennial of Flight Commemoration
30 Commission and the 2003 Fund Commission of Ohio in planning and
31 promoting commemorative events and activities.

32 (3) To appoint a director, who shall be exempt from the State Personnel
33 Act, to employ other staff as it deems necessary, subject to the State
34 Personnel Act, and to fix their compensation.

35 (4) To adopt bylaws by a majority vote of the Commission.

36 (5) To accept grants, contributions, devises, bequests, gifts, and services
37 for the purpose of providing support to the Commission. The funds
38 and property shall be retained by the Commission, and the
39 Commission shall prescribe rules under which the Commission may
40 accept donations of money, property, or personal services and
41 determine the value of donations of property or personal services.

42 (6) To design, seek clearance for, and register with the Secretary of State a
43 logo as the official emblem of the First Flight celebration, in

1 coordination with the federal advisory commission. The Commission
2 shall issue rules regarding the use of the logo.

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

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

8 (2) The contribution of powered flight to the development of
9 transportation worldwide.

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

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

14 (5) The need to educate the public regarding the research and development
15 of powered flight, and to acknowledge the development of aeronautics,
16 aerospace science, and the aerospace industry, including the
17 development of the glider and Orville and Wilbur Wright's
18 contribution to the development of the glider.

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

21 (7) The importance of activities to commemorate the First Flight and to
22 honor Orville and Wilbur Wright and their contribution to powered
23 flight.

24 (8) The need to expand the facilities of the Wright Brothers National
25 Memorial to honor Orville and Wilbur Wright and to educate the
26 public regarding the development of powered flight and the
27 development of aeronautics and aerospace science since the First
28 Flight.

29 (9) The commitment and efforts of the First Flight Society and the
30 National Park Service to preserving the Wright Brothers National
31 Memorial and to honoring Orville and Wilbur Wright on the
32 centennial of the First Flight.

33 (c) Contract Authority. – The Commission may procure supplies, services, and
34 property as appropriate and may enter into contracts, leases, or other legal agreements to
35 carry out the purposes of this Article. All contracts, leases, or legal agreements entered
36 into by the Commission shall terminate on the date of termination of the Commission.
37 Termination shall not affect any disputes or causes of action of the Commission that
38 arise before the date of termination and the Department of Cultural Resources may
39 prosecute or defend any causes of action arising before the date of termination. All
40 property acquired by the Commission that remains in the possession of the Commission
41 on the date of termination shall become the property of the Department of Cultural
42 Resources.

43 **"§ 143-642. Assignment of property; offices.**

1 (a) Assignment of Property. – Upon request of the Commission, the head of any
2 State agency may assign property, equipment, and personnel of such agency to the
3 Commission to assist the Commission in carrying out its duties under this Article.
4 Assignments under this subsection shall be without reimbursement by the Commission
5 to the agency from which the assignment was made. Property and equipment that
6 remain in the possession of the Commission on the date of the termination of the
7 Commission shall revert back to the agency from which the property was acquired.

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

12 **"§ 143-643. Commission reports.**

13 (a) Annual Report. – Before July 1, 1995, the Commission shall submit to the
14 General Assembly a comprehensive report incorporating specific recommendations of
15 the Commission for commemoration of the First Flight and other historical events
16 related to the development of powered flight. After the initial report, the Commission
17 shall submit a report to the General Assembly within 30 days of the convening of each
18 regular session of the General Assembly until the Commission terminates. The report
19 shall include:

20 (1) Recommendations for appropriate activities for the commemoration,
21 including:

22 a. Publications, both printed and electronic, of books, periodicals,
23 films, videotapes, and other promotional and educational
24 materials.

25 b. Scholarly projects, conferences, lectures, seminars, and
26 programs.

27 c. Libraries, exhibits, and museums.

28 d. Competitions and awards for historical, scholarly, artistic, and
29 other works and projects related to the centennial.

30 e. Ceremonies and celebrations, including a calendar of major
31 activities, commemorating the centennial and other related
32 historical events and achievements.

33 (2) Recommendations for legislation and administrative action to promote
34 and develop the commemoration.

35 (3) An accounting of funds received and expended.

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

38 (1) A summary of the activities of the Commission.

39 (2) A final accounting of funds received and expended by the
40 Commission.

41 (3) Recommendations concerning the disposition of historically
42 significant property donated to or acquired by the Commission."

43 Sec. 2. There is appropriated from the General Fund to the Department of
44 Cultural Resources for the 1994-95 fiscal year the sum of seventy-five thousand dollars

1 (\$75,000) for the First Flight Centennial Commission for use during the term of the
2 Commission.

3 Sec. 3. This act becomes effective July 1, 1994.