

House Bill 1184 (AS PASSED HOUSE AND SENATE)

By: Representatives Stephens of the 164<sup>th</sup> and Bryant of the 160<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Part 5 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia  
2 Annotated, relating to the Herty Foundation, so as to change the name of the Herty  
3 Foundation; to provide for modifying the purpose for the foundation; to provide for creating  
4 a subsidiary corporation for the foundation; to provide for an annual report; to provide for  
5 related matters; to repeal conflicting laws; and for other purposes.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

7 **SECTION 1.**

8 Part 5 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated,  
9 relating to the Herty Foundation, is amended by striking Code Section 12-6-131, relating to  
10 creation of foundation, board of trustees and their terms, and purpose of foundation, and  
11 inserting in its place a new Code section to read as follows:

12 "12-6-131.

13 (a) The Herty ~~Foundation~~ Advanced Materials Development Center is created as a body  
14 politic and corporate, with perpetual succession of members for the purposes stated in this  
15 part, and as such shall have full power and authority to make bylaws for its own  
16 governance and rules and regulations for the governance of the directors and employees,  
17 to contract with all necessary employees for the successful operation of the ~~foundation~~  
18 center, to bring and defend actions by the name and style aforesaid, and to have and use a  
19 common seal. The ~~foundation~~ center generally shall be clothed with all the rights, powers,  
20 and privileges incident to corporations and necessary or convenient for carrying out the  
21 purposes of their creation.

22 (b) There is created and established a board of trustees for the Herty ~~Foundation~~ Advanced  
23 Materials Development Center, to be composed of five members to be appointed by the  
24 Governor. Trustees shall be named for five-year terms staggered so that one term will  
25 expire each year. Their successors shall be named for five-year terms.

26 (c) ~~The purposes of the foundation are to experiment in pulpwood of all kinds, to discover~~  
27 ~~and determine uses for which the same are adaptable, to conduct research and~~

1 ~~experimentation with respect to natural and synthetic fibers and materials of all types, to~~  
 2 ~~produce and manufacture for others goods and products using such pulpwood, fibers, and~~  
 3 ~~materials, and to permit those states, subdivisions, corporations, and individuals who~~  
 4 ~~contribute to the maintenance and support of the foundation to share fully and equally in~~  
 5 ~~the accomplishments and services of the foundation~~ The purposes of the Herty Advanced  
 6 Materials Development Center are to conduct research, development, and  
 7 commercialization with respect to natural and synthetic organic and inorganic materials of  
 8 all types; to accelerate the commercial availability of newly developed or discovered  
 9 systems or processes using these materials; and to produce and manufacture for others  
 10 goods and products using natural or synthetic materials of all types that serve to enhance  
 11 the economy of the State of Georgia.

12 (d) The ~~foundation~~ center is assigned to the Department of Economic Development for  
 13 administrative purposes only.

14 (e) The center is authorized to incorporate one or more nonprofit corporations as  
 15 subsidiary corporations of the center for the purpose of carrying out any of the powers of  
 16 the center and to accomplish any of the purposes of the center. Any subsidiary  
 17 corporations created pursuant to this subsection shall be created pursuant to Chapter 3 of  
 18 Title 14, the 'Georgia Nonprofit Corporation Code,' and the Secretary of State shall be  
 19 authorized to accept such filings. Upon dissolution of any subsidiary corporation of the  
 20 center, any assets shall revert to the center or to any successor to the center or, failing such  
 21 succession, to the State of Georgia. The center and all subsidiary corporations created  
 22 pursuant to this Code section shall enjoy the same rights and privileges as any other  
 23 governmental agency under Code Section 50-18-72."

## 24 SECTION 2.

25 Said part is further amended by striking Code Section 12-6-133, relating to the powers of the  
 26 Herty Foundation, and inserting in its place a new Code section to read as follows:

27 "12-6-133.

28 The ~~foundation~~ center shall have the following powers:

29 (1) To establish and modify from time to time a system of experimentation in ~~pulpwood~~  
 30 natural and synthetic materials of all types;

31 (2) To conduct research ~~and experimentation,~~ development, and commercialization with  
 32 respect to natural and synthetic ~~fibers and~~ materials of all types; to accelerate the  
 33 commercial availability of newly developed or discovered systems or processes using  
 34 these materials; and to produce and manufacture for others goods and products using  
 35 natural and synthetic materials of all types that serve to enhance the economy of the State

1 of Georgia and to produce and manufacture for others goods and products using  
2 pulpwood and natural or synthetic fibers and ~~materials~~ material;

3 (3) To accept and hold title to the equipment of every kind now being used at Savannah,  
4 Georgia, or elsewhere;

5 (4) To acquire and own realty and personal property regardless of where located; and

6 (5) To do generally such acts and things as are found necessary to promote and advance  
7 the basic purpose of the ~~foundation~~ center as stated in Code Section 12-6-131."

### 8 SECTION 3.

9 Said part is further amended by striking Code Section 12-6-134, relating to the purpose of  
10 the Herty Foundation, acceptance of donations and appropriations, certain duties, and reports,  
11 and inserting in its place a new Code section to read as follows:

12 "12-6-134.

13 (a) The Herty ~~Foundation~~ Advanced Materials Development Center is declared to be a  
14 public ~~foundation~~ center created, designed, and intended for the purpose of rendering  
15 services not only to the citizens of Georgia but, in equal manner and to the same extent, to  
16 the citizens of the other states of the South.

17 (b) The ~~foundation~~ center is authorized to accept donations, bequests, and appropriations  
18 from this state or any other state or any subdivision thereof or from any individual or  
19 corporation. In consideration of such appropriations, the ~~foundation~~ center is empowered  
20 to conduct, within the limits of its equipment, experimentation on any pulpwood or natural  
21 or synthetic fibers or materials peculiarly beneficial to the various states making such  
22 appropriations.

23 (c) The ~~foundation~~ center is required to permit the citizens of those states or subdivisions  
24 contributing to the support of the ~~foundation~~ center to visit and go upon the premises,  
25 observe the experiments, and in general to exercise and enjoy a full and free privilege at  
26 and around experimental stations.

27 (d) The ~~foundation~~ center is directed, ~~after conducting experiments for this state or for~~  
28 ~~other states which contribute to the support of the foundation, to make a full and intelligent~~  
29 ~~report of the results of such experimentation to produce an annual report on its activities~~  
30 and to make such report available upon request."

### 31 SECTION 4.

32 Said part is further amended by striking Code Section 12-6-135, relating to the appointment  
33 of directors from states making financial contribution to the Herty Foundation and effect of  
34 cessation of contributions, and inserting in its place a new Code section to read as follows:

35 "12-6-135.

1 If at any time any other state making financial contributions or appropriations to the  
 2 support of the ~~foundation~~ center desires to be represented on the board of directors,  
 3 authority is given to the governor of such other state to appoint one citizen of his or her  
 4 state to become a director of the ~~foundation~~ center, who shall upon being thus appointed  
 5 have and enjoy the same rights and powers as the five original members, provided that  
 6 when any state ceases for a period of one year to contribute to the support of the ~~foundation~~  
 7 center, the member of the board of directors appointed by such state shall automatically  
 8 cease to be a member of the board and shall cease to enjoy and exercise the powers of such  
 9 director."

#### 10 **SECTION 5.**

11 Said part is further amended by striking Code Section 12-6-136, relating to service of process  
 12 upon the Herty Foundation, and inserting in its place a new Code section to read as follows:

13 "12-6-136.

14 No process shall be deemed served upon the ~~foundation~~ center by service upon any person  
 15 other than one of the five trustees provided for in Code Section 12-6-131."

#### 16 **SECTION 6.**

17 Said part is further amended by striking Code Section 12-6-137, relating to the Herty  
 18 Foundation's title to property, and inserting in its place a new Code section to read as  
 19 follows:

20 "12-6-137.

21 The title to the properties of the ~~foundation~~ center shall be vested in the five trustees whose  
 22 residence shall be in Georgia and their successors in office, the venue to all court actions  
 23 to be in the State of Georgia, the rules and regulations with reference to the county in  
 24 which actions may be brought and the proceedings regarding service to be as now provided  
 25 by law, provided that in the event the ~~foundation~~ center is dissolved, the assets of the  
 26 ~~foundation~~ center shall revert to the State of Georgia."

#### 27 **SECTION 7.**

28 Said part is further amended by striking Code Section 12-6-138, relating to the Herty  
 29 Foundation's support of experimental work, and inserting in its place a new Code section to  
 30 read as follows:

31 "12-6-138.

32 The board of directors as provided for in Code Section 12-6-132 shall have such authority  
 33 as they may, in their discretion, require in order to extend support to other individuals or

1 ~~foundations~~ centers in experimental work with pulpwood or natural or synthetic fibers or  
2 materials of all kinds."

3 **SECTION 8.**

4 Said part is further amended by striking Code Section 12-6-139, relating to audit of the Herty  
5 Foundation's accounts, and inserting in its place a new Code section to read as follows:

6 "12-6-139.

7 It shall be the duty of the state auditor to audit the books and accounts of the ~~foundation~~  
8 center and to submit such audit to the Governor, who shall notify the members of the  
9 General Assembly of the availability of the audit in the manner which he or she deems to  
10 be most effective and efficient."

11 **SECTION 9.**

12 All laws and parts of laws in conflict with this Act are repealed.