

Senate Bill 396

By: Senators Chance of the 16th, Jackson of the 24th, Miller of the 49th, Jeffares of the 17th,
Stoner of the 6th and others

AS PASSED SENATE

**A BILL TO BE ENTITLED
AN ACT**

1 To amend Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated,
2 relating to forest resources, so as to change certain provisions relating to the Herty Advanced
3 Materials Development Center; to rename the center and transfer governance of the center
4 to the Board of Regents of the University System of Georgia; to provide for an advisory
5 board; to redesignate said provisions into Part 2 of Article 2 of Chapter 3 of Title 20 of the
6 Official Code of Georgia Annotated, relating to the University System of Georgia; to provide
7 for related matters; to repeal conflicting laws; and for other purposes.

8 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

9 **SECTION 1.**

10 Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to
11 forest resources, is amended by revising Part 5, relating to the Herty Advanced Materials
12 Development Center, as follows:

13 ~~"Part 5~~

14 ~~12-6-130~~ 20-3-73.3.

15 (a) The General Assembly, ~~being fully mindful of the great opportunity existing in the~~
16 ~~Southeast for the establishment of a profitable business in the development of our forests~~
17 ~~and the pulp paper industry, and~~ in recognition of the outstanding and patriotic services and
18 accomplishments of a native Georgian, the Honorable Dr. Charles H. Herty, in the pulp and
19 paper experimental work which he conducted at Savannah, and desirous not only of
20 continuing this great work but of broadening this work ~~to the point where the entire~~
21 ~~Southeast might share equally in the benefits to be derived from a continuation of this~~
22 ~~work~~, does by this Code section register its enthusiastic appreciation of the services of Dr.
23 Herty and the benefits of the experiments which he made.

24 ~~12-6-131.~~

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

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

37 ~~(c)~~(b) ~~The purposes of the Georgia Southern University Herty Advanced Materials~~
 38 ~~Development Center are, created by Act of the General Assembly and formerly known~~
 39 ~~successively as the Herty Foundation and the Herty Advanced Materials Development~~
 40 ~~Center, is hereby continued~~ to conduct research, development, and commercialization with
 41 respect to natural and synthetic organic and inorganic materials of all types; to accelerate
 42 the commercial availability of newly developed or discovered systems or processes using
 43 these materials; and to produce and manufacture for others goods and products using
 44 natural or synthetic materials of all types that serve to enhance the economy of the State
 45 of Georgia. The Georgia Southern University Herty Advanced Materials Development
 46 Center shall be governed as provided by this Code section.

47 ~~(d) The center is assigned to the Department of Economic Development for administrative~~
 48 ~~purposes only.~~

49 ~~(e) The center is authorized to incorporate one or more nonprofit corporations as~~
 50 ~~subsidiary corporations of the center for the purpose of carrying out any of the powers of~~
 51 ~~the center and to accomplish any of the purposes of the center. Any subsidiary~~
 52 ~~corporations created pursuant to this subsection shall be created pursuant to Chapter 3 of~~
 53 ~~Title 14, the 'Georgia Nonprofit Corporation Code,' and the Secretary of State shall be~~
 54 ~~authorized to accept such filings. Upon dissolution of any subsidiary corporation of the~~
 55 ~~center, any assets shall revert to the center or to any successor to the center or, failing such~~
 56 ~~succession, to the State of Georgia. The center and all subsidiary corporations created~~
 57 ~~pursuant to this Code section shall enjoy the same rights and privileges as any other~~
 58 ~~governmental agency under Code Section 50-18-72.~~

59 (c) The board of trustees of the former Herty Advanced Materials Development Center
 60 provided under former provisions of Part 5 of Article 1 of Chapter 6 of Title 12, as such

61 existed on June 30, 2012, shall be abolished as of July 1, 2012. On and after July 1, 2012,
 62 the Board of Regents of the University System of Georgia shall be the successor to and a
 63 continuation of the former board of trustees of the center and shall continue the mission of
 64 the center.

65 (d) The change of the name and governance of the center and its continuation, as provided
 66 in this Code section, shall in no way affect any existing obligations, liabilities, or rights of
 67 the center or the trustees thereof acting in their official capacities, as such existed on June
 68 30, 2012. All such obligations, liabilities, and rights are transferred to, vested in, and
 69 assumed by the board of regents. All existing contracts and agreements between any party
 70 and the center or the trustees thereof acting in their official capacities shall not be affected
 71 by this Code section but shall continue in full force and effect, without interruption, as
 72 contracts or agreements of the board of regents.

73 (e) All right, title, interest, and ownership of all assets, including all real estate, of the
 74 center and the trustees thereof acting in their official capacities are transferred to and vested
 75 in the board of regents.

76 (f) There shall be an advisory board for the center, to consist of three persons appointed
 77 by the Governor and two persons appointed by the president of Georgia Southern
 78 University. Each member of the board shall serve at the pleasure of the appointing
 79 authority. Members of the board shall serve without compensation. The purpose of the
 80 board shall be to offer advice regarding the operations of the center to the board of regents
 81 or its designee.

82 ~~12-6-132.~~

83 ~~When the Governor shall have appointed the board of five trustees as provided in Code~~
 84 ~~Section 12-6-131, the five trustees and the directors from the states making contributions~~
 85 ~~as provided in Code Section 12-6-135 shall constitute the board of directors, each of whom~~
 86 ~~shall have equal voice in the operation of the board.~~

87 ~~12-6-133.~~

88 ~~The center shall have the following powers:~~

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

91 ~~(2) To conduct research, development, and commercialization with respect to natural and~~
 92 ~~synthetic materials of all types; to accelerate the commercial availability of newly~~
 93 ~~developed or discovered systems or processes using these materials; and to produce and~~
 94 ~~manufacture for others goods and products using natural and synthetic materials of all~~
 95 ~~types that serve to enhance the economy of the State of Georgia and to produce and~~

96 manufacture for others goods and products using pulpwood and natural or synthetic fibers
97 and material;

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

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

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

103 ~~12-6-134.~~

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

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

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

117 (d) ~~The center is directed to produce an annual report on its activities and to make such~~
118 ~~report available upon request.~~

119 ~~12-6-135.~~

120 ~~If at any time any other state making financial contributions or appropriations to the~~
121 ~~support of the center desires to be represented on the board of directors, authority is given~~
122 ~~to the governor of such other state to appoint one citizen of his or her state to become a~~
123 ~~director of the center, who shall upon being thus appointed have and enjoy the same rights~~
124 ~~and powers as the five original members, provided that when any state ceases for a period~~
125 ~~of one year to contribute to the support of the center, the member of the board of directors~~
126 ~~appointed by such state shall automatically cease to be a member of the board and shall~~
127 ~~cease to enjoy and exercise the powers of such director.~~

128 ~~12-6-136.~~

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

131 ~~12-6-137.~~

132 ~~The title to the properties of the center shall be vested in the five trustees whose residence~~
133 ~~shall be in Georgia and their successors in office, the venue to all court actions to be in the~~
134 ~~State of Georgia, the rules and regulations with reference to the county in which actions~~
135 ~~may be brought and the proceedings regarding service to be as now provided by law,~~
136 ~~provided that in the event the center is dissolved, the assets of the center shall revert to the~~
137 ~~State of Georgia.~~

138 ~~12-6-138.~~

139 ~~The board of directors as provided for in Code Section 12-6-132 shall have such authority~~
140 ~~as they may, in their discretion, require in order to extend support to other individuals or~~
141 ~~centers in experimental work with pulpwood or natural or synthetic fibers or materials of~~
142 ~~all kinds.~~

143 ~~12-6-139.~~

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

148 **SECTION 2.**

149 Said article is further amended by reserving the former Part 5 designation.

150 **SECTION 3.**

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