

JAN 16 2025

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# A BILL FOR AN ACT

RELATING TO THE EAST-WEST CENTER.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Act 82, Session Laws of Hawaii 1975, is amended  
2 by amending section 6 to read as follows:

3           "SECTION 6. Powers and duties of the corporation. Except  
4 as otherwise limited by this Act, the corporation shall have the  
5 following powers and duties and shall:

6           (a) Have succession and corporate existence in perpetuity;

7           (b) [~~To adopt,~~] Adopt, amend, and repeal bylaws providing  
8 for its organization and internal management and governing the  
9 conduct of its business and the performance of the powers and  
10 duties granted to or imposed upon it by law consistent with this  
11 Act and the Act of the United States Congress authorizing the  
12 establishment of the East-West center and other relevant laws of  
13 the United States and the State; provided that all meetings for  
14 the adoption, amendment, and repeal of bylaws shall be open to  
15 the public, and public notice of [~~any such~~] the meeting,  
16 including an agenda of items to be discussed at the meeting,  
17 shall be announced at least fourteen days in advance and



1 published at least twice in a newspaper of general circulation  
2 in the State within the fourteen days but at least seven days  
3 prior to the meeting[];

4 (c) Adopt and use a common seal;

5 (d) Acquire in any lawful manner any property, real,  
6 personal, or mixed, tangible or intangible, or any interest  
7 therein; [~~to~~] hold, maintain, use, manage, and operate the  
8 [~~same~~] property; and [~~to~~] sell, lease, rent, or otherwise  
9 dispose of the [~~same~~] property at [~~such~~] a time[] and in [~~such~~]  
10 a manner[~~and to the extent~~] deemed necessary or appropriate to  
11 carry out its purposes;

12 (e) Enter into and perform [~~such~~] contracts, leases,  
13 cooperative agreements, or other arrangements as [~~may be~~]  
14 necessary to carry out the purposes of this Act [~~and~~], on [~~such~~]  
15 terms [~~as~~] it [~~may deem~~] deems appropriate, with any agency or  
16 instrumentality of the United States, another nation, a state,  
17 territory, or possession, or with any political subdivision of  
18 any of the foregoing, or with any person, firm, association,  
19 institution, corporation, or organization, whether private,  
20 governmental, or international and whether located within or  
21 outside of the United States;



1 (f) Determine the character of and necessity for its  
2 obligations and expenditures, and the manner in which the [~~same~~]  
3 obligations and expenditures shall be incurred, allowed, and  
4 paid;

5 (g) Seek, receive, and accept from public and private  
6 sources, whether located within or outside of the United States,  
7 by grants, gifts, devices, bequests or otherwise, money and  
8 property, real, personal, or mixed, tangible or intangible,  
9 absolutely or in trust, to be used in carrying out the purposes  
10 of this Act; provided that the qualifying standards and  
11 conditions related to the receipt of funds contained in chapter  
12 42F, Hawaii Revised Statutes, shall not apply to funds received  
13 by the East-West center; provided further that if the East-West  
14 center contracts with a recipient or provider, then the  
15 qualifying standards, conditions, and other provisions of  
16 chapter 42F, Hawaii Revised Statutes, shall apply to the  
17 recipient or provider and the contract;

18 (h) Serve as trustee and be named a beneficiary under the  
19 terms of any gift, indenture, or will;

20 (i) Appoint and discharge a chief executive officer,  
21 subordinate officers, employees, and agents as the business of



1 the corporation requires, and ~~[to]~~ classify, prescribe the  
2 duties and qualifications, and fix the compensation and benefits  
3 of all officers, employees, and agents of the corporation;

4 (j) Establish ~~[such]~~ policies and procedures as ~~[may be]~~  
5 necessary, including a personnel system and ~~[a]~~ budget system;

6 (k) Enter into employee collective bargaining agreements  
7 in conformance with all applicable laws;

8 (l) Establish an international advisory board ~~[of not~~  
9 ~~less]~~ comprising no fewer than seven nor more than eleven  
10 members, whose terms shall be as set forth in the bylaws of the  
11 corporation, to advise the corporation on programmatic matters,  
12 and to establish ~~[such]~~ other committees, boards, and bodies as  
13 it ~~[may from time to time deem desirable,]~~ deems necessary, and  
14 to prescribe ~~[their]~~ the duties and responsibilities~~[,]~~ of the  
15 committees, boards, and bodies;

16 (m) Grant a special certificate to individuals who have  
17 successfully completed programs of study, training and research  
18 conducted by the East-West center;

19 (n) Establish and maintain, and ~~[to]~~ assist in  
20 establishing and maintaining, scholarships, fellowships,  
21 lectureships, chairs, and other staff positions, and ~~[to]~~ enter



1 into contracts, agreements, and other arrangements with any  
2 person, firm, association, institution, corporation, or  
3 organization, whether private, governmental, or international  
4 and whether located within or outside of the United States, for  
5 this purpose, and ~~to~~ pay the necessary and appropriate costs  
6 and expenses therefor;

7 (o) Collect fees and other charges for programs,  
8 facilities, services, and educational products, and ~~to~~ hold  
9 copyright;

10 (p) Sue and be sued in its corporate name, except that the  
11 corporation shall be immune from any writ of attachment and  
12 execution against its assets;

13 (q) Delegate any of the powers of the corporation, except  
14 the powers granted under subsection (b), to any standing or  
15 special committee, board, or body, or to any officer or agent,  
16 upon ~~such~~ any terms ~~as~~ that it deems fit ~~[except for the~~  
17 ~~powers granted under subsection (b) hereof]~~;

18 (r) Execute, in accordance with its bylaws, all contracts  
19 and other instruments necessary or appropriate for the exercise  
20 of its powers under this Act; and



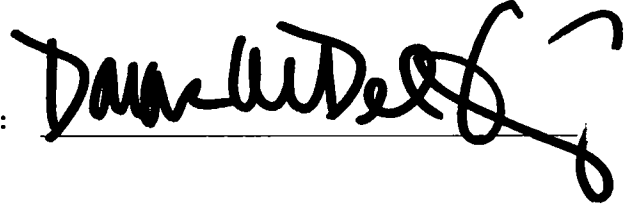
1 (s) [~~To do any and~~] Do all things necessary or appropriate  
2 to carry out its purposes and exercise the powers given and  
3 granted in this Act."

4 SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, appearing to read "Dan Claitor", is written over a horizontal line. The signature is highly cursive and extends to the right of the line.

# S.B. NO. 437

**Report Title:**

East-West Center; Grants; Standards and Conditions; Exemption

**Description:**

Exempts the Center for Cultural and Technical Exchange Between East and West, Inc. from the qualifying standards and conditions related to the receipt of funds contained in chapter 42F, Hawaii Revised Statutes, provided that if the center contracts with a recipient or provider, then the conditions in chapter 42F, shall apply to that recipient or provider and the contract.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

