

## ACT 59

H. B. NO. 1523

A Bill for an Act Relating to the Establishment of a Nonprofit Corporation for the Construction and Operation of a Large Optical Telescope on Mauna Kea.

*Be It Enacted by the Legislature of the State of Hawaii:*

**SECTION 1. Purpose.** The purpose of this Act is to create a nonprofit corporation for the construction and operation of a large optical telescope on Mauna Kea on the island of Hawaii. The object for which this corporation is organized is to increase our knowledge and understanding of the universe by researching and studying the celestial bodies that surround the Earth.

**SECTION 2. Means.** (a) Notwithstanding any other law to the contrary, the director of regulatory agencies shall grant a charter of incorporation to the Centre National de la Recherche Scientifique of France, the National Research Council of Canada, and the University of Hawaii to be known as the France-Canada-Hawaii Telescope Corporation, upon their filing a petition in conformity with section 416-20 for the establishment and conduct of a private nonprofit corporation to design, construct, install, and operate a large optical telescope and the laboratories, equipment and installation necessary for its

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operation on Mauna Kea on the Island of Hawaii, including the performance of services ancillary thereto; provided that the corporation shall be under the general management and control of the board of directors which:

- (1) Shall consist of not less than five directors who shall be named by the members of the corporation in the manner provided for by the by-laws, provided at least one of the directors is named by the University of Hawaii;
- (2) Shall exercise all the powers of the corporation except such as are conferred by law or by the bylaws of the corporation upon the members of the corporation;
- (3) Shall have the power to function whenever there are sufficient directors present to form a quorum as may be provided for in the by-laws;
- (4) Shall make its decisions in the manner provided for by the bylaws, provided at least one of the directors named by each of the members of the corporation joins in that majority.

(b) Any provision of the charter or the bylaws of the corporation inconsistent with the foregoing provisions shall be of no effect.

(c) Except as hereinabove provided, the corporation created under the authority of this section shall be subject to all general laws enacted in regard to nonprofit corporations.

**SECTION 3. Effective date.** This Act shall take effect upon its approval.

(Approved May 7, 1973.)