

Honolulu, Hawaii

FEB 08 2021

RE: S.B. No. 399  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 399 entitled:

"A BILL FOR AN ACT RELATING TO THE ORDERS OF THE CAMPAIGN SPENDING COMMISSION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Provide that certain rights shall be deemed waived if a preliminary determination of probable cause is rendered during a chapter 92, Hawaii Revised Statutes, meeting and the person fails to request a contested case hearing within 20 days of receipt of the preliminary determination; and
- (2) Allow the Campaign Spending Commission to have an order confirmed as a judgment by the first circuit court, giving the order the same force and effect as any other judgment issued by the circuit courts; provided that there shall be no appeal from the judgment.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Common Cause Hawaii, and League of Women Voters. Your Committee received testimony in opposition to this measure from one individual.



Your Committee finds that the Campaign Spending Commission is unable to issue a fine against a person without providing the person with written notice and an opportunity to be heard at a hearing. Your Committee further finds that a person may waive these rights by written stipulation or consent. Your Committee additionally finds that the enforcement actions of the Campaign Spending Commission can be delayed if a person declines to participate in the hearing process. This measure will establish an implied waiver of a person's rights to notice and to be heard at a contested case hearing if the person fails to request a hearing within twenty days of a preliminary determination, and will allow the Commission to file orders with the First Circuit Court and enable those orders to be enforceable and collectable in the same manner as other judgments of the court.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 399, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 399, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,




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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

Record of Votes  
Committee on Judiciary  
JDC

Bill / Resolution No.:* <p style="text-align:center;">SB 399</p>	Committee Referral: <p style="text-align:center;">JDC</p>	Date: <p style="text-align:center;">2/2/2024</p>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	7	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes