
A BILL FOR AN ACT

RELATING TO ORDERS OF THE CAMPAIGN SPENDING COMMISSION.

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

1 SECTION 1. Section 11-405, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

3 "(b) The respondent shall be afforded an opportunity to
4 contest the commission's preliminary determination of probable
5 cause by making a request for a contested case hearing under
6 chapter 91 within [~~twenty~~] thirty days of receipt of the
7 preliminary determination. Failure to request a contested case
8 hearing shall render the commission's preliminary determination
9 final."

10 SECTION 2. Section 11-410, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (b) to read:
13 "(b) Any order for the assessment of an administrative
14 fine shall not be issued against a person without providing the
15 person written notice and an opportunity to be heard at a
16 hearing conducted under chapter 91. A person may waive these
17 rights by written stipulation or consent. These rights are



1 deemed waived if the order is a preliminary determination of
2 probable cause rendered during a chapter 92 meeting pursuant to
3 section 11-404 and the person fails to request a contested case
4 hearing within thirty days of receipt of the preliminary
5 determination, as provided in section 11-405(b)."

6 2. By amending subsection (d) to read:

7 "(d) If the person to whom the commission's order is
8 directed does not comply with the order, the first circuit
9 court, upon application of the commission, shall issue an order
10 requiring the person to comply with the commission's order.
11 Failure to obey [~~such a~~] that court order shall be punished as
12 contempt. In addition to contempt proceedings, the commission
13 may also file the commission's order in the circuit court for
14 confirmation as a judgment, which shall then have the same force
15 and effect as any other judgment issued in the circuit courts;
16 provided that there shall be no appeal from a judgment issued
17 pursuant to this subsection."

18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Campaign Spending Commission Package; Orders; Fines

Description:

Provides that the right to a contested case hearing is deemed waived if a person does not request a hearing within 30 days of receipt of the commission's preliminary determination. Permits an order of the commission to be confirmed as a judgment in the 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. (SD1)

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

