

Honolulu, Hawaii

**MAR 24 2023**

RE: H.B. No. 91  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 91, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Deem the right to a contested case hearing waived if a person fails to request the hearing within a certain time after receipt of the Campaign Spending Commission's preliminary determination; and
- (2) Allow the Campaign Spending Commission to file its order in the First Circuit Court for confirmation as a civil judgment.

Your Committee received testimony in support of this measure from the Campaign Spending Commission, Commission to Improve Standards of Conduct, and two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

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 unduly 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 prior to 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 amending subsections 11-405(b) and 11-410(b), Hawaii Revised Statutes, to change the number of days within which a person has to request a contested case hearing from twenty to thirty days of receipt of the preliminary determination.

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 H.B. No. 91, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 91, H.D. 1, 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-Second Legislature  
 State of Hawai'i

**Record of Votes  
 Committee on Judiciary  
 JDC**

Bill / Resolution No.:* <b>HB 91 HD1</b>	Committee Referral: <b>JDC</b>	Date: <b>3/21/23</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: **PASS WITH AMENDMENTS**

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	<del>AE</del>		✓	
AWA, Brenton				✓
<b>TOTAL</b>	<b>3</b>	<b>—</b>	<b>1</b>	<b><del>1</del></b>

Recommendation:  Adopted      Not Adopted

Chair's or Designee's Signature:  


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\*Only one measure per Record of Votes

The Senate  
 Thirty-Second Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>HB 91 HDI</b>	Committee Referral: <b>JDC</b>	Date: <b>3/9/23</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:

Pass, unamended 2312    
  Pass, with amendments 2311    
 Hold 2310    
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
<b>TOTAL</b>	<b>5</b>	<b>—</b>	<b>—</b>	<b>—</b>

Recommendation:    
 Adopted    
 Not Adopted

Chair's or Designee's Signature:  


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