

STAND. COM. REP. NO.

84

Honolulu, Hawaii

FEB 06

, 2023

RE: H.B. No. 97
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 97 entitled:

"A BILL FOR AN ACT RELATING TO PRELIMINARY DETERMINATION OF PROBABLE CAUSE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Require the Campaign Spending Commission to serve preliminary determinations of probable cause via first-class mail, instead of certified mail; and
- (2) Establish a presumption of receipt when the preliminary determination is mailed to the address contained in a candidate or committee organizational report.

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 finds that this measure implements one of the recommendations made by the Commission to Improve Standards of Conduct established by the House of Representatives in House Resolution No. 9, Regular Session of 2022. This measure would

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facilitate the Campaign Spending Commission's ability to resolve matters involving violations of campaign spending laws.

Your Committee has amended this measure by:

- (1) Requiring the Campaign Spending Commission to also serve preliminary determinations of probable cause via electronic mail;
- (2) Amending the time period for the presumption of receipt to five business days after the preliminary determination is mailed, instead of two business days after the preliminary determination is mailed; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 97, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 97, H.D. 1, and be placed on the calendar for Third Reading.

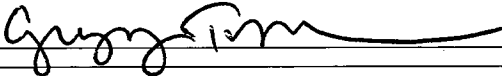
Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 97	Committee Referral: JHA	Date: 2-1-23		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)	✓			
2. TAKAYAMA, Gregg (VC)	✓			
3. GANADEN, Sonny	✓			
4. HOLT, Daniel	✓			
5. HASHIMOTO, Troy N.	✓			
6. ICHIYAMA, Linda	✓			
7. ILAGAN, Greggor	✓			
8. KONG, Sam Satoru	✓			
9. MIZUNO, John M.	✓			
10. SOUZA, Kanani	✓			
TOTAL (10)	10	-	-	-
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align:center; font-size: small;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <u></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				