

Honolulu, Hawaii

APR 22 2021

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

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 399, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose 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 meeting subject to the requirements of chapter 92, Hawaii Revised Statutes, and the person fails to request a contested case hearing within twenty 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.

Your Committee on Conference 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 on Conference further finds that a person may waive these rights by written stipulation or consent. Your Committee on Conference 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 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 on Conference has amended this measure by:

- (1) Providing that the right to written notice of an opportunity to be heard shall be deemed waived if a person fails to request a contested case hearing within thirty days of receipt of a preliminary determination rather than twenty days;
- (2) Making an order of the Campaign Spending Commission that is confirmed as a judgment by the First Circuit Court non-appealable; and
- (3) Making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 399, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 399, S.D. 1, H.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

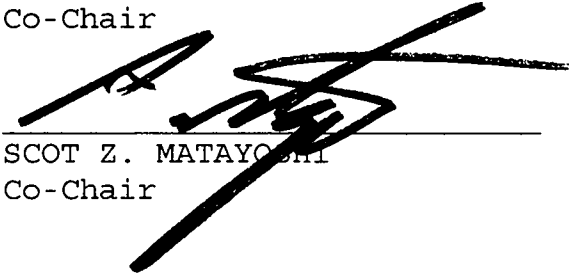
ON THE PART OF THE SENATE



ANGUS L.K. MCKELVEY
Co-Chair



KARL RHOADS
Chair



SCOT Z. MATAYOSHI
Co-Chair



Hawai'i State Legislature

CCR 13

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 399, SD 1, HD 1	Date/Time: 4/19/21 2:56 pm
--	-------------------------------

The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				MCKELVEY, Angus L.K., Co-Chr.	✓			
LEE, Chris	✓				MATAYOSHI, Scot Z., Co-Chr.	✓			
FEVELLA, Kurt	✓				LOPRESTI, Matthew S.				✓
					WARD, Gene	✓			
TOTAL	3	0	0	0	TOTAL	3	0	0	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
--	---

Distribution:	Original File with Conference Committee Report	Yellow House Clerk's Office	Pink Senate Clerk's Office	Goldenrod Drafting Agency
----------------------	--	---------------------------------------	--------------------------------------	-------------------------------------