STAND. COM. REP. NO.



Honolulu, Hawaii

MAR 24

, 2021

RE: S.B. No. 399

S.D. 1 H.D. 1

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

Sir:

Your Committee on Government Reform, to which was referred S.B. No. 399, S.D. 1, entitled:

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

begs leave to report as follows:

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) Authorize the Campaign Spending Commission to have an order confirmed as a judgment by the First Circuit Court, without the possibility of appeal.

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

Your Committee notes the concerns raised in testimony by Common Cause Hawaii, that the language in this measure stating that an order by the Campaign Spending Commission can be confirmed as a non-appealable judgement may deny a person's right to due process and access to the courts. Your Committee further notes that this language may overstep into the responsibilities of the Judiciary.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have made an order of the Campaign Spending Commission that is confirmed as a judgment by the First Circuit Court non-appealable; and
- (2) Changing its effective date to July 1, 2112, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Government Reform that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 399, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 399, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on behalf of the members of the Committee on Government Reform,

ANGUS L.K. McKELVEY, Chair

State of Hawaii House of Representatives The Thirty-first Legislature HSCA .1358

Record of Votes of the Committee on Government Reform

Bill/Resolution No.:	Committee Referral:	Date:		~ .
58 399 SD 1	GVR JHA	3	-5-	21
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
GVR Members	Ayes	Ayes (WR)	Nays	Excused
1. McKELVEY, Angus L.K. (C)	7			
2. WILDBERGER, Tina (VC)	1			
3. CULLEN, Ty J.K.			a taga sega bagai	
4. ELI, Stacelynn K.M.	7			
5. ICHIYAMA, Linda	7			
		and the second s	America and America	
6. MIZUNO, John M.	7			
7 WOODSON Y 4		· · · · · · · · · · · · · · · · · · ·		
7. WOODSON, Justin H.				
Q VAMACHITA V.J. T			and the state of t	2
8. YAMASHITA, Kyle T.				
0 WADD Cone				
9. WARD, Gene	7			
TOTAL (9)	9	8	8	Q
The recommendation is: Adopted				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				