

STAND. COM. REP. NO.

1358

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.

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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



