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# A BILL FOR AN ACT

RELATING TO CAMPAIGN SPENDING COMMISSION ORDERS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that the house of  
2 representatives adopted House Resolution No. 9 (2022) to  
3 establish the commission to improve standards of conduct. The  
4 resolution requests the commission ensure state laws and rules  
5 relating to standards of conduct of public officers and  
6 employees contain clear standards, enforcement, and penalties  
7 and provide recommendations to increase awareness of, compliance  
8 with, and deterrent effects of the code of ethics, lobbying  
9 laws, campaign finance laws, and other relevant laws and rules.

10           Pursuant to House Resolution No. 9, the commission to  
11 improve standards of conduct convened regularly throughout 2022  
12 to diligently review, discuss, and consider the issues  
13 presented, submitted an interim report to the house of  
14 representatives outlining areas of immediate and long-term  
15 focus, then continued its work with input from the public and  
16 invited individuals and agencies to issue a final report with  
17 various recommendations and accompanying proposed legislation.



1           The legislature also finds that the strength and stability  
2 of our democratic government rely upon the public's trust in  
3 government institutions, including the expectation that officers  
4 act ethically with prudence, integrity, and sound judgement.  
5 Therefore, an essential goal of the commission was to provide  
6 recommendations that would help restore public trust in state  
7 government and increase the level of transparency in its  
8 operations and accountability of individuals.

9           Accordingly, the purpose of this Act is to implement  
10 recommendations of the commission to improve standards of  
11 conduct relating to orders of the campaign spending commission  
12 by providing that:

13           (1) A person waives the right to a contested case hearing  
14 if the person fails to request a contested case  
15 hearing within twenty days of receipt of the  
16 commission's preliminary determination; and

17           (2) A final order of the commission may be filed in the  
18 circuit court of the first circuit for confirmation as  
19 a civil judgment, enforceable and collectible as any  
20 other judgment issued in the circuit courts.



1 SECTION 2. Section 11-410, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (b) to read:

4 "(b) Any order for the assessment of an administrative  
5 fine shall not be issued against a person without providing the  
6 person written notice and an opportunity to be heard at a  
7 hearing conducted under chapter 91. A person may waive these  
8 rights by written stipulation or consent[-]; provided that in  
9 the absence of waiver by written stipulation or consent these  
10 rights shall be deemed waived if the order is a preliminary  
11 determination of probable cause rendered during a chapter 92  
12 meeting pursuant to section 11-403 and the person fails to  
13 request a contested case hearing within twenty days of receipt  
14 of the preliminary determination, as provided in section 11-  
15 405(b)."

16 2. By amending subsection (d) to read:

17 "(d) If the person to whom the commission's order is  
18 directed does not comply with the order, the first circuit  
19 court, upon application of the commission, shall issue an order  
20 requiring the person to comply with the commission's order.  
21 Failure to obey such a court order shall be punished as



1 contempt. In addition to contempt proceedings, the commission  
 2 may file the commission's order in the first circuit court to  
 3 have the order confirmed as a judgment, which shall then have  
 4 the same force and effect and shall be enforceable and  
 5 collectible in the same manner as other judgments issued by the  
 6 circuit courts; provided that there shall be no appeal from the  
 7 judgment."

8 SECTION 3. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY: 

JAN 20 2023



# H.B. NO. 731

**Report Title:**

Commission to Improve Standards of Conduct; Campaign Spending  
Commission; Orders; Judgments; Enforcement of Judgments;  
Administrative Fines

**Description:**

Provides that a person waives the right to a contested case hearing if the person fails to request a contested case hearing within twenty days of receipt of the commission's preliminary determination. Provides that a final order of the commission may be filed in the circuit court of the first circuit for confirmation as a civil judgment, enforceable and collectible as any other judgment issued in the circuit courts.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

