

ACT 120

H.B. NO. 91

A Bill for an Act Relating to Orders of the Campaign Spending Commission.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 11-405, Hawaii Revised Statutes, is amended by amending subsection (b) to read as follows:

“(b) The respondent shall be afforded an opportunity to contest the commission’s preliminary determination of probable cause by making a request for a contested case hearing under chapter 91 within ~~[twenty]~~ thirty days of receipt of the preliminary determination. Failure to request a contested case hearing shall render the commission’s preliminary determination final.”

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

1. By amending subsection (b) to read:

“(b) Any order for the assessment of an administrative fine shall not be issued against a person without providing the person written notice and an opportunity to be heard at a hearing conducted under chapter 91. A person may waive these rights by written stipulation or consent. These rights shall be deemed waived if the order is a preliminary determination of probable cause rendered during a chapter 92 meeting pursuant to section 11-403 and the person fails to

request a contested case hearing within thirty days of receipt of the preliminary determination, as provided in section 11-405(b)."

2. By amending subsection (d) to read:

“(d) If the person to whom the commission’s order is directed does not comply with the order, the first circuit court, upon application of the commission, shall issue an order requiring the person to comply with the commission’s order. Failure to obey such a court order shall be punished as contempt. In addition to contempt proceedings, the commission may file the commission’s order in the first circuit court to have the order confirmed as a judgment, which shall then have the same force and effect and shall be enforceable and collectible in the same manner as other judgments issued by the circuit courts; provided that there shall be no appeal from the judgment.”

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved June 23, 2023.)