STAND. COM. REP. NO. **526**-06

Honolulu, Hawaii

Feb 17, 2006

RE: H.B. No. 3099

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Energy & Environmental Protection, to which was referred H.B. No. 3099 entitled:

"A BILL FOR AN ACT RELATING TO ANTITRUST VIOLATIONS BY THE PETROLEUM INDUSTRY,"

begs leave to report as follows:

The purpose of this measure is to provide that, in order to survive a dispositive pretrial motion in an antitrust case against a producer or refiner of petroleum products, a plaintiff is not required to present evidence that tends to exclude the possibility that the alleged conspirators acted independently.

A concerned citizen testified in support of this measure, while the Department of the Attorney General opposed it. The Western States Petroleum Association submitted comments.

Your Committee believes that the issues raised by this measure merit further discussion. Accordingly, your Committee requests that your Committees on Consumer Protection & Commerce and Judiciary further review this measure and the testimony presented by the Department of the Attorney General and other interested parties.

As affirmed by the record of votes of the members of your Committee on Energy & Environmental Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3099 and recommends that it pass Second

HB3099 HSCR LRB 06-2005.doc



STAND. COM. REP. NO. **526-06**Page 2

Reading and be referred to the Committees on Consumer Protection & Commerce and Judiciary.

Respectfully submitted on behalf of the members of the Committee on Energy & Environmental Protection,

HERMINA MORITA, Chair

HB3099 HSCR LRB 06-2005.doc

State of Hawaii House of Representatives The Twenty-third Legislature

HSCR 526-06

Record of Votes of the Committee on Energy & Environmental Protection

Bill/Resolution No.:	20	Date:	_	-		
HB 309	79		2-16-0	6		
Committee Referral: EEP CPC / JUD		☐ The comprevious	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to:	Pass, unamended	☐ Pass, with amendments				
	☐ Hold	☐ Rec	commit			
EEP Members		Ayes	Ayes (WR)	Nays	Excused	
1. MORITA, Hermina M	. (C)					
2. EVANS, Cindy (VC)		/		het 2004 is a selling gere a tilma and en angere	<u> 1988 ki 1980 bila aka 1990 sabahan ar</u>	
3. BERG, Lyla B., Ph.D.						
4. CARROLL, Mele				oon, and the commence of the constitution of		
5. HARBIN, Bev						
6. KANOHO, Ezra R.		~		ert etilekeillich buttert Heit ausgegegenen :	LECUPARIUM III STANDARIO DE CESTA COM	
7. SCHATZ, Brian		V				
8. WATERS, Tommy		~				
9. PINE, Kymberly					~	
10. THIELEN, Cynthia				V		
TOTAL The recommendation is:	Adopted Not Adopted If joint referral,	mittee acronym(s	did not suppor	rt recommendation	B	
Vice Chair's or designee's sign	7					
Rep Cindy Evans						
Distribution: Original (White) - Committee Duplicate (Yellow) - Clerk's Office						