STAND. COM. REP. NO. 124

Honolulu, Hawaii

APR 0.9 2009

RE: H.B. No. 1031

S.D. 2

Honorable Colleen Hanabusa President of the Senate Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

## Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1031, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose of this measure is to improve Hawaii's antitrust laws by specifying that the State and its political subdivisions or agencies may directly bring a civil action to enforce laws on unfair methods of competition and unfair or deceptive practices, and to clarify the venue for such actions.

In 2007, a claim asserted on behalf of state agencies as indirect purchasers was dismissed with prejudice by a federal district court in California because section 480-14(b), Hawaii Revised Statutes, did not expressly authorize suits on behalf of indirect purchasers who were state government entities. This measure addresses that deficiency.

Your Committee has amended this measure on the recommendation of the Attorney General by inserting commas in place of parentheses in a parenthetical reference to federal law.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1031, S.D. 1, as amended herein, and

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recommends that it pass Third Reading in the form attached hereto as H.B. No. 1031, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Government Operations,

BRIAN T. TANIGUCHI, Cha $oldsymbol{1}_1$ 

## The Senate Twenty-Fifth Legislature State of Hawaii

## Record of Votes Committee on Judiciary and Government Operations JGO

Bill / Resolution No.:* Committee Refe		Referral:	Date:		
HB1031, SD1	CPN	T60	4	1/2/2000	7
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)		<b>V</b> ,			
TAKAMINE, Dwight Y. (VC)		$\mathbf{V}_{j}$			
BUNDA, Robert		<b>/</b>			
GABBARD, Mike		<b>V</b>			
NISHIHARA, Clarence K.	2007ahan 1974bil 1974ah		Tank E. Shill William		
SLOM, Sam	± 2				
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TOTAL		6	0	0	0
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution:         Original         Yellow         Pink         Goldenrod           File with Committee Report         Clerk's Office         Drafting Agency         Committee File Copy					

\*Only one measure per Record of Votes