STAND. COM. REP. NO. 856

Honolulu, Hawaii

March 8 , 2011

RE: H.B. No. 1004 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Finance, to which was referred H.B. No. 1004 entitled:

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

begs leave to report as follows:

The purpose of this bill is to respond to an adverse federal court ruling on a 2007 California case that dismissed with prejudice the claims of certain states, including Hawaii, as indirect purchasers by amending Hawaii's law on monopolies and restraint of trade (Chapter 480, Hawaii Revised Statutes) to:

- (1) Expressly provide that whenever the State or any county is injured in its business or property, directly or indirectly, by any action prohibited under the chapter, it may sue to recover threefold the actual damages sustained; and
- (2) Clarifying that any civil action under the chapter may be brought in any appropriate forum to ensure that the State can pursue its claims in both in-state and out-of-state courts.

The Attorney General supported this bill. A concerned individual opposed this bill.

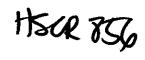
Your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2030, to promote further discussion; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Finance that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1004, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1004, H.D. 1.

Respectfully submitted on behalf of the members of the Committee on Finance,

MARCUS R. OSHIRO, Chair



State of Hawaii House of Representatives The Twenty-sixth Legislature

Record of Votes of the Committee on Finance

Bill/Resolution No.:	Committee Referral:	Date:	1	1
HB 1004	JUD, FIN		2/28/	11
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold				
☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
FIN Members	Ayes	Ayes (WR)	Nays	Excused
1. OSHIRO, Marcus R. (C)	V	:		
2. LEE, Marilyn B. (VC)				
3. CHONG, Pono	V			
4. CHOY, Isaac W.	V			
5. COFFMAN, Denny	~	1		
6. CULLEN, Ty	V			
7. HAR, Sharon E.	V			
8. HASHEM, Mark J.				
9. ICHIYAMA, Linda	V		·	:
10. JORDAN, Jo	V			
11. LEE, Chris	<i>✓</i>			
12. MORIKAWA, Dee				-,
13. TOKIOKA, James Kunane	V			
14. YAMASHITA, Kyle T.				1
15. MARUMOTO, Barbara C.	V			4.
16. RIVIERE, Gil				
17. WARD, Gene		ļ		~
				
		<u> </u>		_
		-		_
<u>, </u>				
		1-5		
TOTAL (17)	/ / /		\bigcap	
The recommendation is: Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature: Mail 3. Let				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				

,