STAND. COM. REP. NO. 376

Honolulu, Hawaii

Feb 17, 2011

RE: H.B. No. 1004

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

Sir:

Your Committee on Judiciary, 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 Department of the Attorney General testified in support of this bill.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1004 and recommends that it pass Second Reading and be referred to the Committee on Finance.

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

GILBERT KEITH-AGARAN, Chair

State of Hawaii House of Representatives The Twenty-sixth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1004	ommittee Referral: JUD	IFIN Da	te: 2/10/11	
☐ 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)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)				
2. RHOADS, Karl (VC)				
3. BROWER, Tom				
4. CABANILLA, Rida T.R.	_			
5. CARROLL, Mele				
6. HERKES, Robert N.				
7. ITO, Ken				
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.				
10. MORITA, Hermina M.				. <u></u> .
11. OSHIRO, Blake K.			, ,	
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. FONTAINE, George R.				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				
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				_
	-		 -	
			-	
	10	62		11
TOTAL (16)	12	0		9
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				