

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



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*

HERMINA MORITA, Chair



