

STAND. COM. REP. NO.

124

Honolulu, Hawaii

APR 09 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



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, Chair



