

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.



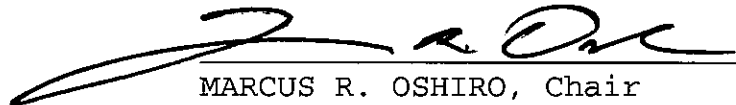
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Your Committee has amended this bill by:

- (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



