

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.

HB1004 HSCR JUD HMS 2011-2157



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



