

STAND. COM. REP. NO.

914

Honolulu, Hawaii

MAR 25 2009

RE: H.B. No. 1031
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1031 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 bring a civil action to enforce antitrust laws and clarifying the allowable amount of recovery and venue for such actions.

Your Committee received testimony in support of this measure from the Department of the Attorney General. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure will allow the State to recover damages incurred due to unfair and deceptive trade practices and unfair methods of competition among manufacturers or vendors. Your Committee finds that this measure is necessary in light of recent Ninth Circuit rulings that limit recovery under antitrust laws to direct purchasers in the absence of specific legislation otherwise. Your Committee finds that since Hawaii has virtually no domestic manufacturing economy, government procurement is heavily dependent on outside manufacturers and vendors. This measure will allow the State to enforce its antitrust laws and recover damages due to violations of those laws

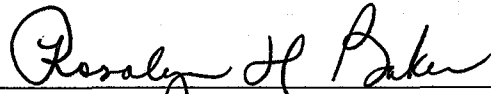


regardless of whether purchases are made directly from the manufacturer or through a third party such as a vendor or distributor.

Your Committee has amended this measure by making nonsubstantive technical changes for the purpose of clarity and accuracy in the language of this measure.

As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1031, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1031, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,




ROSALYN H. BAKER, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* HB 1031	Committee Referral: CPN, JAO	Date: 3/19/2009		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313		
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
IGE, David Y. (VC)	✓			
ESPERO, Will	✓			
GREEN, M.D., Josh	✓			
IHARA, Jr., Les				✓
SAKAMOTO, Norman	✓			
HEMMINGS, Fred				✓
TOTAL	5			2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes