

STAND. COM. REP. NO.

874

Honolulu, Hawaii

MAR 24 2011

RE: H.B. No. 1004  
H.D. 1  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred H.B. No. 1004, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CHAPTER 480, HAWAII REVISED STATUTES,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify the existing antitrust law to reconfirm the right of government entities to bring actions for damages notwithstanding the government entities' status as indirect purchasers.

Your Committee received testimony in support of this measure from the Department of the Attorney General.

Your Committee finds that this measure will provide the State an opportunity to seek redress where the State has been harmed by antitrust violations. Your Committee further finds that the current law has prevented the State from pursuing suit for identified antitrust violations involving matters such as systemic price fixing that would have properly resulted in reimbursement to the State for overcharges and other damages. Finally, your Committee finds that this measure does not create any new violations or enable undue expansion of damage awards. Rather, this measure allows the State to pursue proper remedies for actual economic harm suffered by the State because of the unlawful market conduct of outside entities.

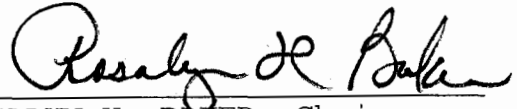


Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2011; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1004, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1004, H.D. 1, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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

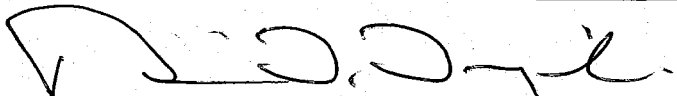


ROSALYN H. BAKER, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Commerce and Consumer Protection**  
**CPN**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB1004, HD1	CPN, JDL	3/18/2011		
<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)	✓			
TANIGUCHI, Brian T. (VC)	✓			
GALUTERIA, Brickwood	✓			
GREEN, M.D., Josh	✓			
NISHIHARA, Clarence K.	✓			
SOLOMON, Malama	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	7	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Gold Goldenrod Committee File Copy	

\*Only one measure per Record of Votes