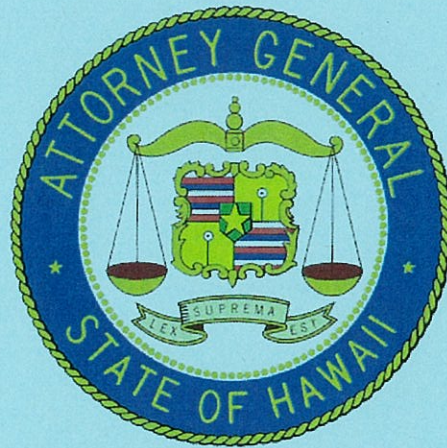


State of Hawaii
Department of the Attorney General



**REPORT ON RECEIPTS AND
EXPENDITURES OF THE ANTITRUST
TRUST FUND**

For Fiscal Year 2008-2009

*Submitted to
The Twenty-Fifth State Legislature
Regular Session of 2010*

OVERVIEW OF THE ANTITRUST TRUST FUND

Pursuant to section 28-13, Hawaii Revised Statutes, the Antitrust Trust Fund was established to provide a measure of resources to facilitate the enforcement of the antitrust laws. One of most important functions of the trust fund is to provide a means for promoting and facilitating the State's participation in multistate antitrust lawsuits and investigations. The fund is also used to cover other expenses relating to antitrust enforcement such as training, equipment purchases, and educational resources.

FUND NAME:	Antitrust Trust Fund
AUTHORITY:	Section 28-13, Hawaii Revised Statutes
APPROPRIATION SYMBOL:	T-908-N
ADMINISTERED BY:	Department of the Attorney General
FUND PURPOSE:	Expenditures relating to the enforcement of the antitrust laws, including but not limited to expenditures for training, equipment purchases, educational resources, and facilitating participation in antitrust lawsuits and investigations initiated by other states.
BALANCE AS OF JUNE 30, 2008:	\$255,164.89¹
RECEIPTS FROM JULY 1, 2008 TO JUNE 30, 2009:	\$116,367.93
TRANSFERS FROM JULY 1, 2008 TO JUNE 30, 2009:	\$110,000.00
EXPENDITURES FROM JULY 1, 2008 TO JUNE 30, 2009:	\$13,286.10
BALANCE AS OF JUNE 30, 2009:	\$248,246.72²

¹ The balance included the sum of \$18,374.08 that was awaiting distribution in accordance with a court-approved settlement, and \$7,336.27 relating to an allocated cost share for pending antitrust litigation, leaving a balance in the fund of \$222,536.37.

² The balance includes \$18,374.08 awaiting distribution in accordance with a court-approved settlement, and \$7,336.27 relating to the allocated cost share for pending antitrust litigation, leaving a balance in the fund of \$222,545.37.

I. BACKGROUND ON THE ANTITRUST TRUST FUND.

A. Legal Authority for the Fund.

Act 97, Session Laws of Hawaii 2001, authorized the creation of the Antitrust Trust Fund in the State treasury. The Act took effect on June 29, 2001, and is codified as section 28-13, Hawaii Revised Statutes.

B. Creation of Fund and Initial Funding.

The Department of Accounting and General Services established the appropriation number for the fund as T-908-N.

Section 28-13 authorized the Department of the Attorney General (“Department”) to deposit not more than \$150,000 from the Department’s general fund appropriation for fiscal year 2000-2001 to the credit of the fund. See, section 3 of Act 97, Session Laws of Hawaii 2001. In accordance with this authorization, effective June 30, 2001, \$150,000 was credited to the fund.

C. Receipts and Expenditures, Generally.

1. Receipts.

Section 28-13 permits the Department to deposit the following amounts into the fund:

(1) Ten percent of any antitrust judgment or settlement received by the State except where the deposit is inconsistent with the court order or settlement agreement relating to the amount; and

(2) Appropriations made by the Legislature.

2. Expenditures.

Section 28-13(b) authorizes the Department to use the fund for “expenditures relating to the enforcement of antitrust laws, including but not limited to expenditures for training, equipment purchases, educational resources, and facilitating participation in antitrust lawsuits and investigations initiated by other states.”

II. FUND ACTIVITY FROM JULY 1, 2008 TO AND INCLUDING JUNE 30, 2009.

A. Total Receipts - \$116,367.93

DATE	DESCRIPTION OF RECEIPT	AMOUNT
August 1, 2008	Share of Investment Pool Interest	\$1,232.61
November 8, 2008	Share of Investment Pool Interest	1,808.93
December 12, 2008	Share of Investment Pool Interest	489.02
December 26, 2008	Share of multi-state resolution of enforcement claims against Marsh & McLennan	100,000.00
January 22, 2009	Share of Investment Pool Interest	800.91
February 10, 2009	Share of Investment Pool Interest	611.51
March 10, 2009	Share of Investment Pool Interest	749.56
April 10, 2009	Share of Investment Pool Interest	605.37
May 12, 2009	Share of multi-state monetary settlement relating to violation consent decrees; <i>In re Buspirone Antitrust Litigation</i> , Case No. 01 CV 11401, MDL 1410, MDL 1413	10,070.02
Total Receipts		\$116,367.93

B. Transfers by Journal Memoranda - \$110,000.00

DATE	PAYEE	DESCRIPTION OF THE TRANSFER	AMOUNT
	State of Hawaii Treasury	Share of multi-state resolution of enforcement claims against Marsh & McLennan	\$100,000.00
	State of Hawaii Treasury	Share of multi-state monetary settlement relating to violation consent decrees; <i>In re Buspirone Antitrust Litigation</i> , Case No. 01 CV 11401, MDL 1410, MDL 1413	10,000.00
TOTAL			\$110,000.00

C. Total Expenditures - \$13,286.10.

DATE	PAYEE	PURPOSE OF THE EXPENDITURE	AMOUNT
August 1, 2009	FHB- FedEx	Forwarding of documents to Pennsylvania Office of Attorney General for pending litigation	\$31.81
August 22, 2008	Bureau of National Affairs	Renewal of subscription to Antitrust & Trade Regulation Report for the period 9/1/08 to 8/31/09	2,247.00
September 15, 2008	Rodney I. Kimura	Per diem to attend 2008 NAAG Antitrust Seminar held in Salt Lake City, UT, 9-24-9/26/08	510.40
September 15, 2008	National Association of Attorneys General	Registration fee for 2008 NAAG Antitrust Seminar held in Salt Lake City, UT, 9-24-9/26/08	450.00
October 2, 2008	FHB-Panda Travel	Airfare for Rodney Kimura to Salt Lake City, UT to attend NAAG Antitrust Seminar on 9/24/08 thru 9/26/08	940.00
October 9, 2008	Rodney I. Kimura	Reimbursement of miscellaneous travel expenses to Salt Lake City, UT on 9/24-9/26/08 to attend 2008 NAAG Antitrust seminar	226.02
October 22, 2008	Rodney I. Kimura	Additional reimbursement of miscellaneous travel to Salt Lake City, UT to attend 2008 NAAG Antitrust seminar	69.60
October 24, 2008	Aspen Publishers, Inc.	Update for treatise on Antitrust Law	762.00
March 5, 2009	Mathew Bender & Co., Inc.	Supplement for Antitrust publication	713.00
March 9, 2009	Commonwealth of Pennsylvania	Allocated cost share for pending antitrust litigation ³	7,336.27
		TOTAL	\$13,286.10

D. Balance in the Trust Fund.

Section 28-13(c) provides that all unencumbered and unexpended moneys in excess of \$250,000 remaining on balance in the antitrust trust fund at the close of June 30 of each year shall lapse to the credit of the general fund.

The balance in the fund as of June 30, 2009, was \$248,246.72. This amount included \$18,374.08 was awaiting distribution in accordance with a court-approved settlement, and \$7,336.27 relating to an allocated cost share for pending antitrust litigation, leaving a balance in the fund of \$222,536.37.

³ The check has not been tendered to the Commonwealth of Pennsylvania pending resolution of certain outstanding issues.

