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REPORT ON THE ANTITRUST TRUST FUND

Pursuant to Section 28-13(d), Hawaii Revised Statutes

Fiscal Year 2010 - 2011

Submitted to the Twenty-Sixth State Legislature
Regular Session of 2012

Section 28-13(d), Hawaii Revised Statutes, requires the Department of the Attorney General to submit a report to the Legislature no later than twenty days prior to the convening of each regular session to provide an accounting of the receipts and expenditures of the Antitrust Trust Fund.

I. BACKGROUND ON THE ANTITRUST TRUST FUND

Pursuant to section 28-13, 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.

A. Legal Authority for the Antitrust Trust 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 3 of Act 97, Session Laws of Hawaii 2001, 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. 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(a) authorizes 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. SUMMARY OF FUND ACTIVITY IN FISCAL YEAR 2010-2011

- Balance as of June 30, 2010.....\$222,352.04¹
- Receipts from July 1, 2010 to June 30, 2011.....\$144,321.06
- Transfers from July 1, 2010 to June 30, 2011.....\$00.00
- Expenditures from July 1, 2010 to June 30, 2011.....\$184,200.32
- Balance as of June 30, 2011.....\$182,472.78²

¹ The balance included \$18,374.08 awaiting distribution in accordance with a court-approved settlement, leaving \$203,997.96 for use pursuant to statute.

² The balance included \$18,374.08 awaiting distribution in accordance with a court-approved settlement, leaving \$164,098.92 for use pursuant to statute.

III. FUND ACTIVITY IN FISCAL YEAR 2010-2011

A. Receipts

DATE OF RECEIPT	DESCRIPTION OF RECEIPT	AMOUNT
Various dates for allocations applicable to FY 2010-2011	Share of Investment Pool Interest	\$4,632,24
September 30, 2010	Share of multistate settlement with Chunghwa Picture Tubes, Ltd.	7,482.67
October 15, 2010	Share of settlement proceeds received from <i>In Re Vitamins Antitrust Litigation</i> ; MDL No. 1285	130,749.40
May 3, 2011	Share of terminated cost share fund for antitrust investigation.	1,456.75
TOTAL		\$144,321.06

B. Transfers by Journal Memoranda

DATE OF TRANSFER	PAYEE	DESCRIPTION OF TRANSFER	AMOUNT
		None	
TOTAL			\$00.00

C. Expenditures

DATE OF PAYMENT	PAYEE	PURPOSE OF EXPENDITURE	AMOUNT
Various dates for expenditures applicable to FY 2010-2011	Deputy Attorney General	Portion of payroll expenses	\$59,976.16
December 15, 2010	The Foodbasket, Inc.	Cy pres distribution per court order of a portion of the share of settlement proceeds received from <i>In re Vitamins Antitrust Litigation</i> ; MDL No. 1285	20,308.62
December 15, 2010	Hawaii Foodbank, Inc.	Cy pres distribution per court order of a portion of the share of settlement proceeds received from <i>In re Vitamins Antitrust Litigation</i> ; MDL No. 1285	83,805.66
December 15, 2010	Kauai Foodbank, Inc.	Cy pres distribution per court order of a portion of the share of settlement proceeds received from <i>In re Vitamins Antitrust Litigation</i> ; MDL No. 1285	7,514.81
December 15, 2010	Maui Foodbank, Inc.	Cy pres distribution per court order of a portion of the share of settlement proceeds received from <i>In re Vitamins Antitrust Litigation</i> ; MDL No. 1285	12,595.07
TOTAL			\$184,200.32

D. Balance in the Antitrust 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, 2011, was \$182,472.78. This amount included the sum of \$18,374.08 awaiting distribution in accordance with a court-approved settlement, leaving \$164,098.92 for use pursuant to statute.