

State of Hawaii
Department of the Attorney General



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

For Fiscal Year 2003-2004

*Submitted to
The Twenty-Third State Legislature
Regular Session of 2005*

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, 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, 2003:	\$234,166.22
RECEIPTS FROM JULY 1, 2003 TO JUNE 30, 2004:	\$9,576.47
TRANSFERS FROM JULY 1, 2003 TO JUNE 30, 2004:	\$3,757.49
EXPENDITURES FROM JULY 1, 2003 TO JUNE 30, 2004:	\$6,680.10
BALANCE AS OF JUNE 30, 2004:	\$233,305.10

ANTITRUST TRUST FUND

Report on Receipts and Expenditures

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, 2003 UP TO AND INCLUDING JUNE 30, 2004.

A. Total Receipts - \$9,576.47.

DATE	DESCRIPTION OF RECEIPT	AMOUNT
August 28, 2003	Share of Investment Pool Interest	479.63
September 3, 2003	Share of Investment Pool Interest	421.02
October 3, 2003	Share of Investment Pool Interest	301.27
November 28, 2003	Share of Investment Pool Interest	648.15
December 19, 2003	Share of Investment Pool Interest	490.14
January 23, 2004	Share of Investment Pool Interest	479.69
February 24, 2004	Share of Investment Pool Interest	593.64
March 12, 2004	Share of Investment Pool Interest	634.20
April 21, 2004	Share of Investment Pool Interest	694.14
May 18, 2004	Share of Investment Pool Interest	404.03
June 18, 2004	Reimbursement of a portion of attorney's fees associated with Chevron/Texaco merger investigation and litigation	3,757.49
June 23, 2004	Share of Investment Pool Interest	362.14
July 16, 2004	Share of Investment Pool Interest	310.93
Total Receipts		\$9,576.47

B. Transfers by Journal Memoranda - \$3,757.49.

DATE	PAYEE	DESCRIPTION OF THE TRANSFER	AMOUNT
June 23, 2004	General Fund	Transfer of entire amount received as reimbursement of a portion of attorney's fees associated with Chevron/Texaco merger investigation and litigation	3,757.49
TOTAL			\$3,757.49

C. Total Expenditures - \$6,680.10.

DATE	PAYEE	PURPOSE OF THE EXPENDITURE	AMOUNT
July 24, 2004	FedEx	Invoice 4-778-41534 FedEx charges in the amounts of \$64.11 & (WA Newspaper case) & 21.96 (Salton Litigation)	86.07
July 28, 2003	Bureau of National Affairs	Subscription to Antitrust & Trade Regulation Report for 9/1/03-9/1/04	1,723.00
September 16, 2003	Rodney I. Kimura	Advance per diem – 9/29 to 10/4/03 to attend NAAG Antitrust Conference in Washington, D.C.	650.00
September 22, 2003	NAAG	Registration fee for Rodney I. Kimura to attend 2003 NAAG Antitrust Conference	350.00
October 15, 2003	Panda Travel	Cost of round trip air transportation for Rodney I. Kimura to attend 2003 NAAG Antitrust Conference	585.35
October 21, 2003	Rodney I. Kimura	Additional per diem and reimbursement in connection with attendance at NAAG Antitrust Conference in Washington, D.C.	333.90
October 23, 2003	Rodney I. Kimura	Cancellation of CW 0062 originally issued to cover the registration fee for Rodney I. Kimura to attend 2003 NAAG Antitrust Conference	[350.00]
November 6, 2003	Rodney I. Kimura	Reimbursement from NAAG for travel expenses incurred by Rodney Kimura to attend 2003 NAAG Antitrust Conference	[1,569.25]

January 15, 2004	FedEx	Payment of invoice 4-969-26715 in the amounts of \$22.13 and \$17.87 incurred in connection with Taxol litigation.	40.00
May 4, 2004	FedEx	Payment of invoice 1-659-64315 in the amounts of \$34.89 & \$22.90 (Oracle) & \$32.49 (in error).	90.28
May 5, 2004	FedEx	Incorrectly assigned to antitrust account	[32.49]
May 5, 2004	JM 5511	Payment of invoice 1-752-03422 in the amount of \$22.73 in connection with <u>U.S. v. Oracle Corporation</u> .	22.73
May 27, 2004	North Dakota Attorney General	Allocated cost share for <u>U.S. v. Oracle Corporation</u> multi-state antitrust litigation	2,789.87
May 10, 2004	Dell Marketing LP	Purchase of new computer for antitrust attorney	1,809.21
June 17, 2004	FedEx	Freight charges incurred in connection with <u>U.S. v. Oracle Corporation</u>	61.12
June 18, 2004	FedEx	Incorrectly assigned to antitrust account	[15.48]
July 2, 2004	FedEx	Freight Charges for antitrust investigation	105.79
Total Expenditures			\$6,680.10

D. Balance in the Trust Fund.

The balance in the fund as of June 30, 2004 was \$233,305.10.