

DAVID Y. IGE  
GOVERNOR



HOLLY T. SHIKADA  
ATTORNEY GENERAL

VALERIE M. KATO  
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**STATE OF HAWAII**  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
*Ka 'Oihana O Ka Loio Kuhina*  
425 QUEEN STREET  
HONOLULU, HAWAII 96813  
(808) 586-1500

November 3, 2022

The Honorable Ronald D. Kouchi  
President and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting a copy of the Department of the Attorney General's Report on Receipts and Expenditures of the Antitrust Trust Fund. In accordance with section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at (808) 586-1500.

Sincerely,

Holly T. Shikada  
Attorney General

c: David Y. Ige, Governor  
Josh Green, Lieutenant Governor  
Legislative Reference Bureau (Attn: Karen Mau)  
Leslie H. Kondo, State Auditor  
Craig K. Hirai, Director of Finance, Department of Budget and Finance  
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System  
David Lassner, Ph.D., President, University of Hawaii

Enclosure

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

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

Fiscal Year 2021-2022

Submitted to The Thirty-Second State Legislature  
Regular Session of 2023

### **I. INTRODUCTION**

Section 28-13(d), Hawaii Revised Statutes (HRS), requires the Department of the Attorney General (Department) 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.

### **II. BACKGROUND**

Pursuant to section 28-13, HRS, the Antitrust Trust Fund was established to provide resources to facilitate the enforcement of antitrust laws. One of the 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 expenses relating to the enforcement of antitrust laws including but not limited to training, equipment purchases, and educational resources.

#### **A. Legal Authority**

Act 97, Session Laws of Hawaii 2001 (Act 97) established the Antitrust Trust Fund in the State treasury. The Act took effect on June 29, 2001, and was codified as section 28-13, HRS.

#### **B. Creation of Fund and Initial Funding**

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

Section 3 of Act 97 authorized the Department to deposit not more than \$150,000 from the Department's general fund appropriation (ATG-100) for fiscal year 2000-2001 to the credit of the Antitrust Trust Fund. In accordance with this authorization, the Department credited \$150,000 to the fund, effective June 30, 2001.

**C. Receipts and Expenditures, Generally**

Section 28-13(a), HRS, authorizes the Department to deposit the following 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.

Section 28-13(b) authorizes the Department to use the funds 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."

**III. SUMMARY OF FUND ACTIVITY IN FISCAL YEAR 2021-2022**

Balance in fund as of June 30, 2021.....	\$ 248,494.10
Receipts from July 1, 2021 to June 30, 2022.....	683.70
Transfers from July 1, 2021 to June 30, 2022.....	0.00
Expenditures from July 1, 2021 to June 30, 2022.....	<u>(207,914.12)</u>
 Balance as of June 30, 2022.....	 \$ 41,263.68

**IV. ACCOUNTING OF FUND ACTIVITY IN FISCAL YEAR 2021-2022**

**A. Receipts**

Date	Description	Amount
Various Dates	Share of investment pool interest	\$ 683.70
	<b>TOTAL</b>	<b>\$ 683.70</b>

**B. Transfers by Journal Memoranda**

Date of Transfer	Description	Amount
None		\$ 0.00
	<b>TOTAL</b>	<b>\$ 0.00</b>

**C. Expenditures**

<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>Amount</b>
Various Dates	Deputy Attorney General	Portion of payroll expense	\$95,421.96
Various Dates	Vendors and Deputy Attorney General	Travel costs (including per diem, excess lodging, and ground transportation) for: (i) National Association of Attorneys General - Multistate Antitrust Task Force Annual Meeting in Philadelphia, PA; and (ii) National Association of Attorneys General Training & Research Institute - Seminar in Washington, D.C.	2,424.62
8/23/21	State of Alaska	<i>U.S., et al., v. Google LLC</i> , Case No. 1:20-cv-03010-APM, <i>State of Colorado, et al., v. Google LLC</i> , Case No. 1:20-cv-03715-APM (consolidated): Cost share assessment	22,433.66
9/28/21	U.S. Court of Appeals District of Columbia Circuit	Admission fee for Deputy Attorney General to practice before the U.S. Court of Appeals District of Columbia Circuit	238.00
10/13/21	State of Alaska	<i>U.S., et al., v. Google LLC</i> , Case No. 1:20-cv-03010-APM, <i>State of Colorado, et al., v. Google LLC</i> , Case No. 1:20-cv-03715-APM (consolidated): Cost share assessment	29,750.75
10/28/21	National Association of Attorneys General Training & Research Institute	Registration Fee	575.00
12/14/21	Hawaii State Bar Association	Annual dues for Deputy Attorney General	254.50

<b>Date</b>	<b>Payee</b>	<b>Description</b>	<b>Amount</b>
3/29/22	State of Alaska	<i>U.S., et al., v. Google LLC, Case No. 1:20-cv-03010-APM, State of Colorado, et al., v. Google LLC, Case No. 1:20-cv-03715-APM (consolidated): Cost share assessment</i>	27,740.57
4/5/22	Commonwealth of Pennsylvania	In re: Generic Pharmaceuticals Pricing Antitrust Litigation, MDL No. 2724: Cost share assessment	29,075.06
		<b>TOTAL</b>	<b>\$207,914.12</b>

**D. Balance in the Antitrust Trust Fund**

Section 28-13(c), HRS, 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.

As of June 30, 2022, the balance in the fund was \$41,263.68.