

STAND. COM. REP. NO.

1828

Honolulu, Hawaii

APR - 3 2019

RE: S.R. No. 11

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.R. No. 11 entitled:

"SENATE RESOLUTION REQUESTING MEMBERS OF THE UNITED STATES CONGRESS TO AMEND FEDERAL LAW TO ENSURE THAT VICTIMS OF SEXUAL HARASSMENT AND SEXUAL ASSAULT WHO MIGHT OTHERWISE BE FORCED INTO ARBITRATION AND SILENCE INSTEAD HAVE ACCESS TO THE COURTS,"

beg leave to report as follows:

The purpose and intent of this measure is to request members of the United States Congress to amend federal law to ensure that victims of sexual harassment and sexual assault, who might otherwise be forced into arbitration and silenced, have access to the courts.

Your Committees received testimony in support of this measure from the Hawaii Civil Rights Commission; O'ahu County Democrats Legislative Priorities Committee; Hawaii Women Lawyers; and Fujiwara and Rosenbaum, LLLC.

Your Committees find that many employers require their employees, as a condition of employment, to sign arbitration agreements mandating that sexual harassment claims be resolved through arbitration instead of judicial proceedings. Your Committees further find that arbitration agreements frequently contain secrecy requirements which further disserve the public interest by keeping the harassment complaints and any settlements



confidential. Your Committees further find that the United States Senate and House of Representatives are considering legislation to address the issue of forced arbitration and secrecy in sexual harassment and sexual assault cases and thereby enable victims to seek redress in the courts. This measure encourages the United States Congress to further consider and advance those legislative efforts.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 11 and recommend its adoption.

Respectfully submitted on  
behalf of the members of the  
Committees on Judiciary and  
Ways and Means,

  
DONOVAN M. DELA CRUZ, Chair

  
KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

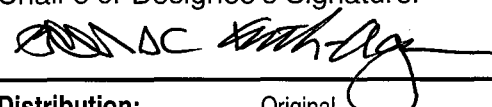
**Record of Votes**  
**Committee on Judiciary**  
**JDC**

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|--|--|------------------------|--------------|--------------|
| Bill / Resolution No.:*<br><b>SR 11</b>  | Committee Referral:<br><b>PSM, JDC/WAM</b> | Date:<br><b>4/3/19</b> |              |              |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____  |  |                        |              |              |
| The Recommendation is:<br><input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313 |  |                        |              |              |
| Members  | Aye  | Aye (WR)               | Nay          | Excused      |
| RHOADS, Karl (C)   | ✓  |                        |              |              |
| WAKAI, Glenn (VC)  | ✓  |                        |              |              |
| GABBARD, Mike  | ✓  |                        |              |              |
| KIM, Donna Mercado   | ✓  |                        |              |              |
| FEVELLA, Kurt  | ✓  |                        |              |              |
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|  |  |                        |              |              |
| <b>TOTAL</b>   | <b>5</b>                                   | <del>0</del>           | <del>0</del> | <del>0</del> |
| Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted   |  |                        |              |              |
| Chair's or Designee's Signature:   |  |                        |              |              |
| <b>Distribution:</b> Original     Yellow     Pink     Goldenrod<br>File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy   |  |                        |              |              |

\*Only one measure per Record of Votes

The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Ways and Means**  
**WAM**

|   |  |                                       |                                  |         |
|---|--|---------------------------------------|----------------------------------|---------|
| Bill / Resolution No.:*   | Committee Referral:                                    | Date:                                 |                                  |         |
| SR 11   | PSM, JDC/WAM   | 4/3/19                                |                                  |         |
| <input type="checkbox"/> The Committee is reconsidering its previous decision on this measure.<br>If so, then the previous decision was to: _____ |  |                                       |                                  |         |
| The Recommendation is:  |  |                                       |                                  |         |
| <input checked="" type="checkbox"/> Pass, unamended<br>2312   | <input type="checkbox"/> Pass, with amendments<br>2311 | <input type="checkbox"/> Hold<br>2310 |                                  |         |
| <input type="checkbox"/> Recommit<br>2313   |  |                                       |                                  |         |
| Members   | Aye  | Aye (WR)                              | Nay                              | Excused |
| DELA CRUZ, Donovan M. (C)   | X  |                                       |                                  |         |
| KEITH-AGARAN, Gilbert S.C. (VC)   | X  |                                       |                                  |         |
| ENGLISH, J. Kalani  |  |                                       |                                  | X       |
| HARIMOTO, Breene  |  |                                       |                                  | X       |
| INOUYE, Lorraine R.   | X  |                                       |                                  |         |
| KAHELE, Kaiali'i  |  |                                       |                                  | X       |
| KANUHA, Dru Mamo  | X  |                                       |                                  |         |
| KIDANI, Michelle N.   | X  |                                       |                                  |         |
| MORIWAKI, Sharon Y.   | X  |                                       |                                  |         |
| RIVIERE, Gil  | X  |                                       |                                  |         |
| SHIMABUKURO, Maile S.L.   | X  |                                       |                                  |         |
| TANIGUCHI, Brian T.   | X  |                                       |                                  |         |
| FEVELLA, Kurt   | X  |                                       |                                  |         |
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|   |  |                                       |                                  |         |
| <b>TOTAL</b>  | 10   |                                       |                                  | 3       |
| Recommendation:   |  |                                       |                                  |         |
| <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted  |  |                                       |                                  |         |
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