STAND. COM. REP. NO. [48]

Honolulu, Hawaii

, 2019

MAR 2 2

RE: S.B. No. 1048

> S.D. 1 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1048, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SEXUAL HARASSMENT,"

begs leave to report as follows:

The purpose of this measure is to:

- Make confidentiality clauses in employment agreements or contracts unenforceable as to sexual harassment claims unless included in a specific legal settlement or as provided by federal law;
- (2) Prohibit mandatory arbitration of sexual harassment claims, and make agreements for mandatory arbitration of sexual harassment claims unenforceable; and
- Make confidentiality clauses in arbitration agreements unenforceable unless included in a specific legal settlement or as otherwise provided by federal law.

The Hawai'i State Commission on the Status of Women, Aloha State Association of the Deaf, Rainbow Family 808, Planned Parenthood Votes Northwest and Hawaii, Hawaii Women's Coalition, and a few individuals testified in support of this measure.

Hawai'i Civil Rights Commission and Hawai'i Women Lawyers provided comments.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1048, S.D. 1, H.D. 1, and recommends that it be referred to your Committee on Finance.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

CHRIS LEE, Chair

## State of Hawaii



## **Record of Votes of the Committee on Judiciary**

	nittee Referral: AB, UVD, FI	N Date:	12/19	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to:  Pass, unamended (as is)  Pass, with amendments (HD)  Hold  Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)				
2. SAN BUENAVENTURA, Joy A. (VC)				
			a grande) A grande de la composição	
3. BROWER, Tom				
4. CREAGAN, Richard P.				
5. LOWEN, Nicole E.			<u>and an Aragon at Arabayaya</u> Arabayayaya	
6. McKELVEY, Angus L.K.				
7. MORIKAWA, Dee				
8. SAY, Calvin K.Y.				
O TAKANAMA C				
9. TAKAYAMA, Gregg				
10. YAMANE, Ryan I.			<u> </u>	
IV. TANTANE, RYUIT.				
11. THIELEN, Cynthia			<u> </u>	
			<u> </u>	
			·	
TOTAL (11)	Y			2
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) Committee Deplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				