

STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON
SENATE BILL 1117, RELATING TO EXEMPTIONS FROM JURY DUTY

Before the Senate Committee on
PUBLIC SAFETY, INTERGOVERNMENTAL AND MILITARY AFFAIRS (PSM)

by

THOMAS L. TRAVIS
Administrator, Hawaii Emergency Management Agency (HI-EMA)

Aloha Chair Nishihara, Vice-Chair Wakai, and Members of the Committee:

The Hawaii Emergency Management Agency (HI-EMA) ***strongly supports*** Senate Bill 1117.

SB 1117 exempts active members of the Hawaii Emergency Management Agency and county emergency management agencies from jury duty.

In 2018, Hawaii Emergency Management Agency responded to the 7.9M earthquake in Alaska in January, Oahu and Kauai's severe storms, flooding, landslides and mudslides in April, Kilauea's unprecedented volcanic eruption in the Big Island from May to August, Tropical Storms Lane in August and Olivia in September. HI-EMA activated for these events, deployed many personnel to Kauai and Big Island and continuing to support the long-term recovery efforts in the Big Island.

The county emergency management agencies have more activations since they also respond to county specific events, such as flooding, landslides, and wild land fires. In many of these cases, HI-EMA will monitor and standby to support without activating.

HI-EMA defines an "active member" as a full-time (permanent or temporary) employee of HI-EMA that is assigned to an Emergency Response Team (ERT) for an activation. We have two ERTs, A and B, to cover 12 hour shifts during an activation. At any time during the year, we will have approximately 5 to 10 employees deployed, on leave, training, sick, etc. that are not available for activation. Please also note that while these members are activated, their normal day-to-day emergency management work requirements are put on hold and must be done post event.

Note: My comments represent HI-EMA concerns at the state emergency management level only. I would defer to the separate comment/testimonies of the county emergency management agencies, as they would be the jurisdictions impacted by this legislation at the local level.

Thank you for the opportunity to provide this testimony in **SUPPORT** of Senate Bill 1117.

Thomas L. Travis: Thomas.L.Travis@hawaii.gov; 808-733-4300



The Judiciary, State of Hawai‘i

**Testimony to the Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 7, 2019 2:00 PM
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

by

Kathryn Andersen

Court Administrator, Court Services Support Branch
First Circuit

Bill No. and Title: Senate Bill No. 1117, Relating to Exemptions from Jury Duty.

Purpose: Exempts active members of the Hawai‘i emergency management agency and county emergency management agencies from jury duty.

Judiciary's Position:

The Judiciary respectfully offers the following comments on Senate Bill No. 1117:

During 1998, Chief Justice Ronald T. Y. Moon convened the Hawai‘i Committee on Jury Innovations for the 21st Century consisting of almost 30 judges, administrators, legislators, attorneys, and former judges. A Sub-Committee on Juror Fees (the Committee) studied, among other things, the issue of juror exemptions pursuant to House Concurrent Resolution No. 107, Session Laws of Hawai‘i 1998 and recommended that § 612-6, HRS, should be amended by deleting all exemptions except for jurors who have served within the last year.

In making its recommendation, the 1998 Committee found that the majority of the states have two or fewer juror exemptions. And of these states, at least 24 have no exemptions at all. In contrast, Hawai‘i currently exempts elected officials; judges of the United States, State, or County; physicians; dentists; members of the armed forces or militia; active members of emergency medical services agency; persons living more than 70 miles from the court requiring



Senate Bill No. 1117, Relating to Exemptions from Jury Duty
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jury services; people who have served as jurors within one year; persons 80 years of age or older; and mothers breastfeeding their child up to two years from the birth of the child.

The Committee also found that in 1993, the American Bar Association (ABA) recommended that, “The opportunity for jury service should not be denied or limited on the basis of race, national origin, gender, age, religious belief, income, occupation, or any other factor that discriminates against a cognizable group in the jurisdiction.”¹ To implement this, the ABA recommends that, “All automatic excuses or exemptions from jury service should be eliminated.”²

With regard to the current bill, the Judiciary is prepared to close down the courthouses should a crisis or disaster occur, including emergency hotline call-in numbers for employees to communicate with each other about shut down alerts and all-clear announcements. These communications would be pushed out to the members of the public as well. During a natural disaster, jurors would not report for jury duty. Further, the Judiciary understands that emergencies may arise prior to a juror reporting for jury duty and will not be able to fulfill their civic responsibility at the time they are summoned. Those jurors can request to have their jury service rescheduled to a later time without penalty or request to be excused. To our knowledge, jury duty exemptions for emergency management workers are not the norm in other States.

Thank you for the opportunity to testify on this measure.

¹ Standard Relating to Juror Use and management, American Bar Association, Judicial Administration Division, Committee of Jury Standards, 1993, p. 3

² Ibid p. 48

DEPARTMENT OF EMERGENCY MANAGEMENT
CITY AND COUNTY OF HONOLULU

650 SOUTH KING STREET • HONOLULU, HAWAII 96813
PHONE: (808) 723-8960 • FAX: (808) 524-3439

KIRK CALDWELL
MAYOR



HIROKAZU TOIYA
DIRECTOR

February 5, 2019

The Honorable Clarence K. Nishihara , Chair
The Honorable Glenn Wakai, Vice Chair
Committee on Public Safety, Intergovernmental
and Military Affairs
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

Dear Chair Nishihara, Vice Chair Wakai, and members of the Committee on Public Safety, Intergovernmental and Military Affairs:

SUBJECT: Support for Senate Bill 1117, Relating to Exemption from Jury Duty

I am Hirokazu Toiya, Director of the Department of Emergency Management (DEM), City and County of Honolulu (City). The DEM stands in strong **SUPPORT** for the passage of SB 1117, Relating to Exemption from Jury Duty.

DEM and other state and county emergency management agencies are tasked with preparing for, responding to and recovering from natural disasters like the ones we saw in 2018 here in Hawaii and elsewhere around the world, not to mention human-caused crises. Passage of this bill would allow active members of emergency management to be exempt from jury duty, to focus on our public safety mission and ensuring the safety of residents and visitors in the State of Hawaii.

While jury duty is an essential part of our civic infrastructure, emergency managers can best serve our communities by staying on the job and continuing our operations. Due to the limited number of emergency managers, serving on a jury will impede disaster response and recovery, ultimately impacting the return to normalcy.

DEM therefore supports SB1117 in the interest of public safety and the communities we serve. Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in blue ink, appearing to read "Hirokazu Toiya".

Hirokazu Toiya
Director



KAUA'I EMERGENCY MANAGEMENT AGENCY
THE COUNTY OF KAUA'I

DEREK S. K. KAWAKAMI, MAYOR
MICHAEL A. DAHLIG, MANAGING DIRECTOR

ELTON S. USHIO
ADMINISTRATOR

February 4, 2019

The Honorable Clarence Nishihara, Chair, Glenn Wakai, Vice Chair and Members of the Committee.

State Senate
415 South Beretania Street
Honolulu, Hawai'i 96813

SUBJECT: SUPPORT OF S.B. 1117 RELATING TO EXEMPTIONS FROM JURY DUTY

Honorable Committee Members:

I am Elton Ushio, Administrator of the County of Kaua'i Emergency Management Agency, testifying in SUPPORT of S.B. 1117.

State and County Emergency Management entities and our respective personnel, per H.R.S. 127A and the various county-level charters, serve essential, critical and unique roles and functions related to life/safety, critical infrastructure, key resources, property and environmental issues.

Moreover, local Emergency Management Agencies are the county-level leads in coordinating and integrating efforts among all levels of government, the private sector and community-based organizations, to mitigate against, prepare for, respond to and recover from natural disasters, acts of terrorism and other threats and hazards.

Updating H.R.S. §612-6 to include a jury duty exemption for State and County Emergency Management Agency employees will enhance our collective ability to consistently perform our functions, per H.R.S. 127A.

Thank you for your consideration.

Sincerely,

Elton S. Ushio
Emergency Management Administrator



I am Mari K. Masuoka, Administration Specialist, with the Department of Emergency Management (DEM), City and County of Honolulu. I stand in strong **SUPPORT** for S.B. 1117, Relating to Exemption from Jury Duty.

As an active member of the Department of Emergency Management, it is our mission to immediately respond to the City Emergency Operations Center (EOC) or field location, when an emergency or disaster occurs. As you are aware, disasters are unpredictable and can strike at a moment's notice. While the initial impact of a disaster is short lived, the recovery operations that follow can be prolonged for weeks and even months.

The passage of this bill will allow myself and our active members of emergency management to be exempt from jury duty, to focus on our public safety mission. While jury duty is my civic responsibility, it is also my responsibility to ensure the safety and wellbeing of our citizens when disasters occur.

In closing, I strongly support the passage of S.B. 1117 as this exemption will allow us to ensure continuity of disaster operations for the City and County of Honolulu, and would also like to thank this committee the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Mari K. Masuoka', with a stylized, wavy flourish at the end.

Mari K. Masuoka

Jeffrey K. Spencer
P.O. Box 235172
Honolulu, Hawaii 96823

February 5, 2019

The Honorable Clarence K. Nishihara, Chair
and Members
Committee on Public Safety, Intergovernmental, and Military Affairs
The Senate
Hawaii State Capitol
415 South Beretania Street, Room 229
Honolulu, Hawaii 96813

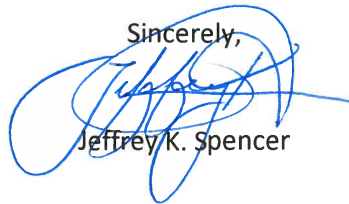
I am Jeffrey Spencer, and emergency management specialist with the Department of Emergency Management (DEM), City and County of Honolulu. I stand in strong support for Senate Bill 1117, Relating to Exemption from Jury Duty.

As an active member of the Department of Emergency Management, it is our mission to immediately respond to the City Emergency Operations Center (EOC) or field location, when an emergency or disaster occurs. As you are aware, disasters like the ones we experienced throughout 2018 are unpredictable and can strike at a moment's notice. While the initial impact of a disaster is short lived, the recovery operations that follow can be prolonged for weeks and even months.

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In closing, I strongly support the passage of Senate Bill 1117, as this exemption will allow us to ensure continuity of disaster operations for the City and County of Honolulu, and would also like to thank this committee the opportunity to testify.

Sincerely,



Jeffrey K. Spencer

My name is Nicole Nakata and I am a Staff Officer, with the Department of Emergency Management (DEM), City and County of Honolulu. I stand in strong support for S.B. 1117, Relating to Exemption from Jury Duty.

As an active member of the Department of Emergency Management, it is our mission to immediately respond to the City Emergency Operations Center (EOC) or field location, when an emergency or disaster occurs. As you are aware, disasters are unpredictable and can strike at a moment's notice. While the initial impact of a disaster is short lived, the recovery operations that follow can be prolonged for weeks and even months.

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In closing, I strongly support the passage of S.B. 1117 as this exemption will allow us to ensure continuity of disaster operations for the City and County of Honolulu, and would also like to thank this committee the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Nicole Nakata', written in a cursive style.

Nicole Nakata

SB-1117

Submitted on: 2/6/2019 10:51:10 AM

Testimony for PSM on 2/7/2019 2:00:00 PM

| Submitted By | Organization | Testifier Position | Present at Hearing |
|---------------------|---------------------|---------------------------|---------------------------|
| Andre Moux | Individual | Support | No |

Comments:

I am Andre Moux, Grant Accountant, with the Department of Emergency Management (DEM), City and County of Honolulu. I stand in strong support for S.B. 1117, Relating to Exemption from Jury Duty.

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In closing, I strongly support the passage of S.B. 1117 as this exemption will allow us to ensure continuity of disaster operations for the City and County of Honolulu, and would also like to thank this committee the opportunity to testify.

Sincerely,

Andre Moux