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STATE OF HAWAII
DEPARTMENT OF DEFENSE
HAWAII EMERGENCY MANAGEMENT AGENCY

TESTIMONY ON
HOUSE BILL 878 HD1, RELATING TO EXEMPTIONS FROM JURY DUTY

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

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

The Hawaii Emergency Management Agency (HI-EMA) **strongly supports** House Bill 878 HD1.

House Bill 878 HD1 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, HIEMA 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 testimony on House Bill 878 HD1.

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, March 14, 2019 1:15 PM
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

by

Calvin Ching

Deputy Chief Court Administrator
First Circuit

Bill No. and Title: House Bill No. 878, House Draft 1 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. (HB878 HD1)

Judiciary's Position:

The Judiciary respectfully offers the following comments on House Bill No. 878, House Draft 1:

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 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

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KIRK CALDWELL
MAYOR



HIROKAZU TOIYA
DIRECTOR

March 11, 2019

REF: DEM2019-012

The Honorable Clarence K. Nishihara, Chair
The Honorable Glenn Wakai, Vice Chair
Committee on Public Safety, Intergovernmental
and Military Affairs
Senate
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 House Bill 878, HD1, Relating to Exemption from Jury Duty

The City and County of Honolulu Department of Emergency Management (DEM) stands in strong **SUPPORT** for the passage of HB878, HD1, 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 and man-made disasters like the ones we saw in 2018 here in Hawaii and elsewhere around the world. 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.

I would also like to take this opportunity to address the misconception that this bill is not necessary because the courts are expected to be closed during any event that would require emergency management agency response. Emergency management mobilization typically begins prior to event onset and continues well after the effects are felt by the wider community. For example, when a hurricane is approaching, emergency managers begin coordinating and planning actions well before impact and the work continues not only throughout the storm, but also until well after community activities begin returning to normalcy.

The Honorable Clarence K. Nishihara, Chair
The Honorable Glenn Wakai, Vice Chair
March 11, 2019
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In summary, although emergency management officials are most visible during the acute phases of emergency events, they are in fact performing critical public safety functions not only during that time, but also before and after emergency events. During those pre- and post-event activities, courthouses are very likely to be open. It is for this reason that HB878, HD1 is so necessary to assure the health, welfare, and safety of the people of Hawaii.

Sincerely,



Hirokazu Toiya
Director



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

ELTON S. USHIO
ADMINISTRATOR

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

March 9, 2019

The Honorable Clarence K. Nishihara, Chair, Glenn Wakai, Vice Chair and Members of the Committee on Public Safety, Intergovernmental, and Military Affairs

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

SUBJECT: SUPPORT OF H.B. 878 H.D. 1 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 H.B. 878 H.D. 1.

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.

Furthermore, 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.

These roles occur year-around, not only when crises or disasters occur. Moreover, when major threats or disasters occur, our response can commence days before and continue for weeks to months, when most of government, the Judiciary included, has either maintained or returned to normal operations.

In closing, the passage of H.B. 878 H.D. 1 will help to ensure our collective ability to effectively and consistently perform our functions, protecting the things we hold most dear.

Sincerely,

Elton S. Ushio
Emergency Management Administrator



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

March 12, 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:

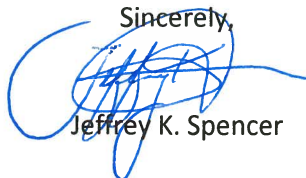
I am Jeffrey Spencer, an emergency management specialist with the Department of Emergency Management (DEM), City and County of Honolulu. I stand in strong support for House Bill 878 HD1, Relating to Exemption from Jury Duty.

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.

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 House Bill 878 HD1, as this exemption will allow us to ensure continuity of disaster operations for the City and County of Honolulu. Thank you for the opportunity to provide testimony on this bill.

Sincerely,



Jeffrey K. Spencer

HB-878-HD-1

Submitted on: 3/12/2019 3:19:01 PM

Testimony for PSM on 3/14/2019 1:15:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mari Masuoka	Individual	Support	No

Comments:

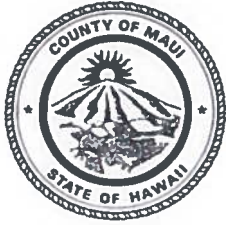
I, Mari K. Masuoka, Administrative Specialist for the Department of Emergency Management, am in strong SUPPORT for HB878, HD1, relating to exemption from jury duty.

The passage of this bill will allow myself and our active members of emergency management to be exempt from jury duty to allow us to focus on our public safety mission.

I understand the plight of the State Judiciary, and that the courthouses will be closed during a disaster. However, for emergency management our work goes beyond the disaster and we also work during the recovery process, which can be prolonged for weeks and even months. Assuming we are at full staff, that would make our department 15-person strong; to be short just one member during a disaster and recovery can be detrimental to our island.

In closing, although I realize that jury duty is my civic duty, it is also my responsibility to ensure the safety and well-being of our residents when a disaster occurs; therefore, I support the passage of this bill. Thank you for the opportunity to testify.

Mari K. Masuoka



Michael Victorino
Mayor

COUNTY OF MAUI
EMERGENCY MANAGEMENT AGENCY

200 South High Street Wailuku, HI 96793
phone: 808.270.7285; fax: 808.270.7275
e-mail: emergency.management@mauicounty.gov



Herman Andaya
Administrator

14 March 2019

LATE

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

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


Subject: Support for House Bill 878, HD 1, Relating to Exemption from Jury Duty

My name is Herman Andaya and I am the Administrator of the Maui Emergency Management Agency ("MEMA") of the County of Maui. Our agency is in firm **SUPPORT** for the passage of HB 878, HD 1, Relating to Exemption from Jury Duty.

The emergency managers of this state are charged with the enormous task of preparing for, responding to and recovering from natural disasters. While we recognize the importance of jury duty service, this agency believes that serving on a jury will take us away from our work as emergency managers and hamper our ability to carry out our mission of protecting our residents and visitors in Hawai'i from a large scale emergency.

It is for these reasons that I support HB 878, HD 1. Thank you for the opportunity to testify.

Sincerely,


Herman Andaya
Administrator