



*The Judiciary, State of Hawaii*

**Testimony to the Senate Committee on  
Economic Development, Government Operations and Housing**  
Senator Donovan M. Dela Cruz, Chair  
Senator Sam Slom, Vice Chair

and

**Senate Committee on Technology and the Arts**  
Senator Glenn Wakai, Chair  
Senator Clarence K. Nishihara, Vice Chair

Friday, February 8, 2013, 2:50 pm  
State Capitol, Conference Room 016

**WRITTEN TESTIMONY ONLY**

by  
Lori Okita  
Chief Court Administrator, First Circuit

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**Bill No. and Title:** Senate Bill No. 473, Relating to Electronic Copies.

**Purpose:** Clarifies that electronic copies shall be construed in the same manner as an original document for purposes of chapter 1, HRS. Requires that electronic copies are acceptable for all purposes as intended by the particular statute that references an original document or like terms, unless otherwise provided by that statute.

**Judiciary's Position:**

The Judiciary supports the intent of Senate Bill No. 473, Relating to Electronic Copies, but has concerns with proposed amendments to certain statutes in the bill in relation to impact upon court operations and certain unintended consequences that may arise resulting from these proposed amendments.

NEIL ABERCROMBIE  
GOVERNOR



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LATE

SANJEEV "SONNY"  
BHAGOWALIA  
CHIEF INFORMATION  
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RANDY BALDEMOR  
DEPUTY CHIEF INFORMATION  
OFFICER - BUSINESS  
TRANSFORMATION

KEONE KALI  
DEPUTY CHIEF INFORMATION  
OFFICER - OPERATIONS

TESTIMONY OF  
SANJEEV "SONNY" BHAGOWALIA, CHIEF INFORMATION OFFICER  
TO THE

SENATE COMMITTEE ON  
ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING  
AND  
SENATE COMMITTEE ON TECHNOLOGY AND THE ARTS

Friday, February 8, 2013  
2:50 p.m.  
Conference Room 016  
State Capitol

S.B. 473

RELATING TO INFORMATION SHARING

Chairs Dela Cruz and Wakai, Vice Chairs Slom and Nishihara and members of the committees, thank you for the opportunity to testify on S.B. 473. My name is Sanjeev "Sonny" Bhagowalia, Chief Information Officer (CIO) for the State of Hawaii.

The Office of Information Management and Technology (OIMT) supports S.B. 473 as it provides clarification to the definition of electronic copies. The intent of the bill aligns with the State's Business and Information Technology/Information Resource Management (IT/IRM) Transformation Plan to move towards increased and improved electronic record keeping as outlined in the Digital Records Plan.

Thank you for the opportunity to testify.



Senate Bill No. 473, Relating to Electronic Copies  
Senate Committees on Economic Development, Government Operations  
and Housing  
Senate Committee on Technology and the Arts  
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The Judiciary has placed priority and made significant efforts to move towards employing technology and the use of electronic records through its various initiatives such as the JIMS electronic filing and case management system, the Hawaii Court Records Rules, and the Hawaii Electronic Filing and Service Rules. However, work towards the implementation of electronic records in areas such as the Circuit, Family, and District Court Civil areas continue and have yet to be addressed with regard to its impact upon operations, possible evidentiary issues and possible need to propose modifications to existing statutes impacted as a result of electronically "constructing" the official court record and its subsequent court proceedings.

For example, if passed, this bill proposes to amend HRS Sec. 560:3-301, which would allow for submission of an original or electronic copy of a will. Initiation of an informal probate of a will must be accompanied by the original will. The registrar must determine whether an original, duly executed and apparently unrevoked will is in the registrar's possession as required by HRS section 560:3-303(a)(5). (Unavailability of original leaves open the possibility that testator revoked it by destroying it.) Where HRS section 560:3-301 was included as part of this bill for amendment, HRS section 560:3-303(a)(5) (a necessary accompanying statute to HRS Sec. 560:3-301) was not, which may result in unintended consequences in application of the law from both operational and court proceeding perspectives.

Thank you for the opportunity to testify on Senate Bill No. 473.

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KIRK CALDWELL  
MAYOR



DIANE T. KAWAUCHI  
ACTING CORPORATION COUNSEL

February 5, 2013

The Honorable Donovan M. Dela Cruz, Chair  
and Members  
Committee on Economic Development,  
Government Operations and Housing  
State Senate  
Hawaii State Capitol  
514 South Beretania Street  
Honolulu, Hawaii 96813

The Honorable Glenn Wakai, Chair  
and Members  
Committee on Technology and the Arts  
State Senate  
Hawaii State Capitol  
514 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chairs Dela Cruz, Wakai and Members:

Re: Senate Bill No. 473  
Relating to Electronic Copies

The Department of the Corporation Counsel, City and County of Honolulu, **supports** Senate Bill No. 473 with amendments. The Bill clarifies that electronic copies shall be construed in the same manner as an original document for the purposes of Chapter 1, Hawaii Revised Statutes, and requires that electronic copies be accepted for all purposes as intended by the particular statute that references an original document or like term, unless otherwise provided by that statute.

The Bill defines "electronic copy" as either "a paper document that has been converted to a computer file; or a document that has been printed from a computer in which the original document was composed."

The Honorable Donovan M. Dela Cruz, Chair  
and Members  
The Honorable Glenn Wakai, Chair  
and Members  
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We agree that it can be useful and more economical to use electronic copies in place of paper copies so long as key requirements are met by the electronic copies.

We ask that the Bill be amended to clarify that the electronic copy must duplicate all the contents of the original, including required signatures if needed to establish a legally binding commitment or agreement. Thus, a pdf scan of an original showing the required signatures would be acceptable, but a copy of the electronic document file, such as a word processing file, from which the original was printed would not be acceptable if it did not have the signatures required to make it a legally binding commitment or agreement.

The second definition of an "electronic copy," i.e., "[a] document printed from a computer in which the original document was composed" should be clarified. This second definition does not describe an electronic document but simply describes a paper document that is printed from the same computer.

In lieu of the two-part definition now contained in Senate Bill No. 473, a simpler and more accurate definition of "electronic copy" would be "an electronic duplicate of the original document" which would be an electronic document which could be an acceptable substitute for printed reports or publications in many cases.

**Please adopt Senate Bill No. 473 with the requested amendments.** Thank you for this opportunity to testify.

Very truly yours,



DIANE T. KAWAUCHI  
Acting Corporation Counsel

DTK:ml

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NEIL ABERCROMBIE  
GOVERNOR OF HAWAII



**STATE OF HAWAII**  
**DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of**  
**WILLIAM J. AILA, JR.**  
**Chairperson**

**Before the Senate Committees on**  
**ECONOMIC DEVELOPMENT, GOVERNMENT OPERATIONS AND HOUSING**  
**and**  
**TECHNOLOGY AND THE ARTS**

**Friday, February 8, 2013**  
**2:50 P.M.**  
**State Capitol, Conference Room 016**

**In consideration of**  
**SENATE BILL 473**  
**RELATING TO ELECTRONIC COPIES**

Senate Bill 473 proposes to clarify that electronic copies shall be construed in the same manner as an original document for purposes of Chapter 1, Hawaii Revised Statutes (HRS). The Department of Land and Natural Resources' comments are limited only to SECTION 3 of this bill which proposes revising Section 502-82, HRS. **The Department of Land and Natural Resources (Department) supports SECTION 3 of this measure as it will result in Section 502-82, HRS, being consistent with other sections in Chapter 502, HRS.**

**WILLIAM J. AILA, JR.**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

**ESTHER KIA'AINA**  
FIRST DEPUTY

**WILLIAM M. TAM**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
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ENGINEERING  
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HISTORIC PRESERVATION  
KAIHOKULAWI ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS