

STAND. COM. REP. NO.

397

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 1005  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Economic Development and Technology, to which was referred S.B. No. 1005 entitled:

"A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to establish a property right in the commercial use of a person's name, voice, signature, photograph, or likeness.

Testimony in support of this measure was submitted by the Office of Hawaiian Affairs, Genoa Keawe Records, and Kanikapila Records. Testimony in opposition of this measure was submitted by Cord International and one concerned individual. Comments on this measure were submitted by Tantalus Records and one concerned individual. Written testimony presented to your Committee may be reviewed on the Legislature's website.

Your Committee finds that protecting an individual or personality's publicity rights is imperative for writers, composers, and recording artists in Hawaii. These persons deserve to have confidence that the laws of Hawaii protect the commercial value of their name, voice, signature, photograph, or likeness.

Your Committee also finds that this measure tempers the exploitation of the names, signatures, voices, and photographs of a deceased individual or personality without any compensation to their heirs.




This measure is based upon the well-regarded publicity rights statute for the State of Washington that reflects years of experience in fine tuning various rights, remedies, and exceptions.

Your Committee has amended this measure by:

- (1) Clarifying in the purpose section that this measure does not interfere with existing copyright laws for sound recordings;
- (2) Revising the purpose section of the measure to ensure that a property right is being protected;
- (3) Decreasing the period of protection of an individual's publicity rights after their death from 70 years to 20 years;
- (4) Changing the effective date to July 1, 2050, to promote further discussion on this measure; and
- (5) Making technical, nonsubstantive amendments for the purpose of clarity.

As affirmed by the record of votes of the members of your Committee on Economic Development and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1005, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1005, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

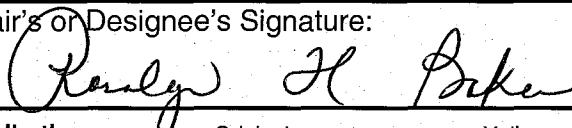
Respectfully submitted on  
behalf of the members of the  
Committee on Economic  
Development and Technology,

  
CAROL FUKUNAGA, Chair



The Senate  
 Twenty-Fifth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Economic Development and Technology**  
**EDT**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1005	EDT, JGO	2-13-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
HEE, Clayton				✓
IGE, David Y.	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	4	—	—	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

\*Only one measure per Record of Votes