

STAND. COM. REP. NO. 1181

Honolulu, Hawaii

March 25, 2009

RE: S.B. No. 1005  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committees on Economic Revitalization, Business, & Military Affairs and Tourism, Culture, & International Affairs, to which was referred S.B. No. 1005, S.D. 2, entitled:

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

beg leave to report as follows:

The purpose of this bill is to encourage and protect artists and other persons in Hawaii's performing arts and related industries by:

- (1) Establishing a property right in the commercial use of a person's name, voice, signature, photograph, or likeness; and
- (2) Providing remedies for infringements on the right.

Genoa Keawe Records, Inc., Kanikapila Records, Inc., and a concerned individual supported this measure. The Office of Hawaiian Affairs supported this bill and suggested an amendment. Surfside Hawaii, Inc., and Cord International/Hana Ola Records commented on this bill.

There was testimony that this bill might affect established contractual rights. Accordingly, your Committees respectfully request the Committee on Judiciary to which this bill is next

SB1005 HD1 HSCR EBM-TCI HMS 2009-3226



referred, to examine any contract clause issues raised by this measure.

Your Committees have amended this bill to encourage further discussion by changing its effective date to July 1, 2112. Technical, nonsubstantive amendments were also made for clarity, consistency, and style.

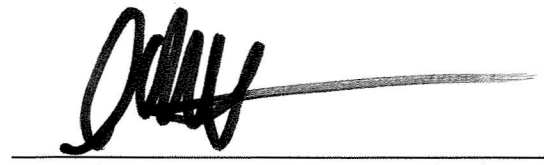
As affirmed by the records of votes of the members of your Committees on Economic Revitalization, Business, & Military Affairs and Tourism, Culture, & International Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 1005, S.D. 2, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 1005, S.D. 2, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committees on Economic  
Revitalization, Business, &  
Military Affairs and Tourism,  
Culture, & International  
Affairs,



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JOEY MANAHAN, Chair



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ANGUS L.K. MCKELVEY, Chair





State of Hawaii  
House of Representatives  
The Twenty-fifth Legislature

**Record of Votes of the Committee on Tourism, Culture, & International Affairs**

<b>Bill/Resolution No.:</b> JB 1005, JD 2	<b>Committee Referral:</b> EBM/TCI, JUD	<b>Date:</b> 3/19/09		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
TCI Members	Ayes	Ayes (WR)	Nays	Excused
1. MANAHAN, Joey (C)	✓			
2. TOKIOKA, James Kunane (VC)	✓			
3. BERG, Lyla B.	✓			
4. CHOY, Isaac W.	✓			
5. EVANS, Cindy	✓			
6. McKELVEY, Angus L.K.	✓			
7. <del>TAKAI, K. Mark</del>				
8. TSUJI, Clift	✓			
9. WAKAI, Glenn				✓
10. WOOLEY, Jessica	✓			
11. MARUMOTO, Barbara C.				✓
<b>TOTAL (11)</b>	8			2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
<b>Vice Chair's or designee's signature:</b> _____ 				
<b>Distribution:</b> Original (White) – Committee      Duplicate (Yellow) – Chief Clerk's Office      Duplicate (Pink) – HMSO				