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Testimony re: SB 63
Senate Judiciary Committee
Presented by Ronald R. Hein
on behalf of
Motion Picture Association of America, Inc.
January 31, 2017

Mister Chairman, Members of the Committee:

My name is Ron Hein, and I am legislative counsel for the Motion Picture Association of America, Inc. (MPAA), the trade association representing the nation's leading producers and distributors of motion pictures on film, home video, the Internet, satellite, cable, subscription and over-the-air television broadcast. MPAA member companies include: Buena Vista Pictures Distribution (The Walt Disney Company); Paramount Pictures Corporation; Sony Pictures Entertainment; Twentieth Century Fox Film Corporation; Universal City Studios LLP; and Warner Bros. Entertainment Inc.

The Motion Picture Association of America supports SB 63 provided that the amendments being proposed to the bill today by the Kansas Judicial Council are adopted by the committee and the full legislature. A copy of a statement supporting the amendments as being proposed by the Kansas Judicial Council is attached to my testimony.

Therefore, we urge the committee to adopt the amendments proposed by the Kansas Judicial Council and then to recommend SB 63 favorably for passage.

Thank you for permitting me to submit this written testimony.



MOTION PICTURE ASSOCIATION OF AMERICA, INC.
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Memorandum in Support of Amendments to Senate Bill 63

Senate Bill 63 would establish a Uniform Fiduciary Access to Digital Assets law in accordance with a Model Law developed by the Uniform Law Commission. To conform more precisely to the ULC's Model law, SB 63 should be amended with several amendments to Section 4, 5 and 15. MPAA is aware that the Judicial Council also seeks these amendments, as well as one additional amendment to Section 16. These amendments will ensure that the law Kansas enacts will be the same as the law enacted in 21 states in 2016 and consistent with the most up-to-date draft of the ULC's Model Law.

The amendments ensure that the obligations of the "designated recipient" – a person chosen by an account holder to have access to digital accounts – are the same obligations that the account holder has. The designated recipient must be bound by relevant law, including copyright law, as well as the terms-of-service agreements that govern digital accounts.

MPAA's interest is to ensure that this new law recognizes other existing laws and contractual obligations, and that it does not inadvertently allow unauthorized copying and dissemination of the contents of digital accounts. MPAA's members are the leading producers and distributors of filmed entertainment content across all platforms, from theatrical motion pictures to home entertainment and Internet streaming. The theft and unauthorized copying of movies and television series poses a serious challenge to motion picture and television producers. These amendments will ensure that the new law established by the Fiduciary Access to Digital Assets will be consistent with efforts to address the piracy issue.