

morikawa2-Joanna

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 10, 2014 9:54 AM
To: HLTtestimony
Cc: toddhairgrove@hotmail.com
Subject: Submitted testimony for HB2572 on Feb 12, 2014 10:15AM

HB2572

Submitted on: 2/10/2014

Testimony for HLT on Feb 12, 2014 10:15AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Todd Hairgrove	Individual	Support	Yes

Comments: Thanks For Hearing This Bill.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 10, 2014 10:32 AM
To: HLTtestimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB2572 on Feb 12, 2014 10:15AM*

HB2572

Submitted on: 2/10/2014

Testimony for HLT on Feb 12, 2014 10:15AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 10, 2014 8:23 PM
To: HLTtestimony
Cc: geesey@hawaii.edu
Subject: Submitted testimony for HB2572 on Feb 12, 2014 10:15AM

HB2572

Submitted on: 2/10/2014

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Submitted By	Organization	Testifier Position	Present at Hearing
Yvonne Geesey	Individual	Comments Only	No

Comments: Aloha Committee Members; Please consider including advanced practice registered nurses in HRS 347-13 (c) (2) as persons able to certify that a person needs to be able to use a life jacket. This will keep our patients from waiting for authorizations to be signed after we advanced practice nurses see them, do the assessment, and then have to find a physician colleague to "treat the paperwork." mahalo! Yvonne Geesey, JD Advanced Practice Registered Nurse

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DISABILITY AND COMMUNICATION ACCESS BOARD

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Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 12, 2014

LATE

TESTIMONY TO THE HOUSE COMMITTEE ON HEALTH

House Bill 2572 – Relating to Movie Theaters

The purpose of House Bill 2572 is to amend §347-13, Hawaii Revised Statutes (HRS), by adding a new provision to require every motion picture theater open to the public to provide closed captioning and descriptive narration of each motion picture being shown.

The Disability and Communication Access Board (DCAB) supports the intent of HB 2572 with comments.

Our concerns with the bill are as follows:

1. Requirements addressed in this bill are under the jurisdiction of the federal government, and the U.S. DOJ is in the process of issuing a Notice of Proposed Rulemaking that will address this specific issue at the federal level.
2. HRS §347-13 is the responsibility of the state Department of Human Services which is not the appropriate agency to implement this as there is no mechanism for enforcement.
3. The Hawaii Civil Rights Commission is responsible for accessibility to services in places of public accommodation under Chapter 489, HRS, and may be the appropriate chapter as well as agency to draft state administrative rules to address accessibility in places of public accommodation.

For clarification, attached is the U.S. DOJ's explanation of "closed captioning" and "video description" from the July 23, 2010 ANPRM.

DCAB is responsible for providing technical assistance regarding the Americans with Disabilities Act (ADA) to State and county government agencies, as well as to private businesses such as movie theaters. Part of that responsibility involves closed captioning and video description as described in HB 2572. The federal ADA covers private businesses and accessibility of services to individuals with disabilities under Title III of the law. In 2010, the U.S. Department of Justice (DOJ) issued an advanced notice of proposed rulemaking (ANPRM) related to movie captioning and video description.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director

Attachment

Captioning and Video Description Generally

Captioning makes movies shown in theaters accessible to individuals whose hearing is too limited to benefit from assistive listening devices, as well as to individuals with other hearing disabilities. Open captions are similar to subtitles in that the text of the dialog is visible to everyone in the theater. Unlike subtitles, open captions also describe other sounds and sound makers (e.g., sound effects, music, and the character who is speaking) in an on-screen text format. Open movie captions are sometimes referred to as "burned in" or "hardcoded" captions. However, new open **captioning** technology enables studios to superimpose captions without making a burned in copy or having to deliver a separate version of the movie. Open-captioned films are most often exhibited in movie theaters at certain limited showings.

Closed captioning displays the written text of the dialog and other sounds or sound makers only to those individuals who request it. It is the Department's understanding that, at the time comments were received in response to the 2008 NPRM, there were various types of **closed captioning** systems either in use or in development, including the Rear Window system, hand-held displays similar to a PDA (personal digital assistant), eyeglasses fitted with a prism over one lens, and projected bitmap captions. It is also the Department's understanding that, at present, the only system that has gained a foothold in the marketplace is the Rear Window system. Unlike open captions that are sometimes burned onto the film itself, Rear Window captions are generated via a technology that neither is physically attached to the film nor requires a separate copy of the film to be made. The Rear Window system works through a movie theater's digital sound system. It uses a computer, a time code signal, and **captioning** software to project the captions, in reverse, on an LED display in the rear of the theater. A clear adjustable panel that is mounted on, or near an individual viewer's seat reflects the captions correctly and superimposes them on that panel so that it appears to a Rear Window user that the captions are on or near the movie image. Because this technology enables a movie theater that has been equipped with a Rear Window system to exhibit any movie that a movie producer has captioned, at any showing, without displaying captions to every movie-goer in the theater, individuals who are deaf or hard of hearing may enjoy movies in the same theater as those who do not require **captioning**.

Video **description** is a technology that enables individuals who are blind or have low vision to enjoy movies by providing a spoken narration of key visual elements of a movie, such as actions, settings, facial expressions, costumes, and scene changes. Visual **description** fills in information about the visual content of a movie where there are no corresponding **audio** elements in the film. It requires the creation of a separate script written by specially trained writers who prepare a script for video **description** that is recorded on an audiotape or CD that is synchronized with the film as it is projected. The script is transmitted to the user through infra-red or FM transmission to wireless headsets.

Taken from DOJ's Advanced Notice of Proposed Rulemaking, July 23, 2010.

HB2572

Submitted on: 2/12/2014

Testimony for HLT on Feb 12, 2014 10:15AM in Conference Room 329

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Waynette Cabral	State Council on Developmental Disabilities	Support	Yes

Comments: We apologize our written testimony will be submitted late.

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HB2572

Submitted on: 2/11/2014

Testimony for HLT on Feb 12, 2014 10:15AM in Conference Room 329

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Lucy Miller	Individual	Support	No

Comments: I am deaf and the only way I can watch movie in the theater is if it is subtitled or closed captioned. Mahalo.

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