

STAND. COM. REP. NO. **3276**

Honolulu, Hawaii

**MAR 3 1 2016**

RE: H.B. No. 2727  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,  
to which was referred H.B. No. 2727, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO MOVIE THEATERS,"

begs leave to report as follows:

The purpose and intent of this measure is to require a public accommodation that owns, leases, leases to, or operates a motion picture theater in more than two locations in the State to provide open movie captioning during at least two showings per week of each motion picture that is produced and offered with open movie captioning and audio descriptions upon request for all motion pictures for which such accommodations are available and provide public notice if such accommodations are not available for certain movies.

Your Committee received testimony in support of this measure from the Department of Human Services; Division of Vocational Rehabilitation of the Department of Human Services; Disability and Communication Access Board; State Council on Developmental Disabilities; Hawai'i Civil Rights Commission; Hawaii Disability Rights Center; Hawaii Deaf Surfriders Association; Isle Interpret, LLC; and seventeen individuals. Your Committee received comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that Act 39, Session Laws of Hawaii 2015 (Act 39) requires a public accommodation that owns, leases, leases

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to, or operates a motion picture theater in more than two locations in the State to provide open movie captioning and audio descriptions upon request. Act 39 was intended to improve accessibility for movie goers who are deaf, hard of hearing, or blind or have low vision. According to testimony from the Disability and Communication Access Board, since the passage of Act 39, feedback from persons who are deaf or hard of hearing has been very positive. The Disability and Communication Access Board has also received positive comments from older residents, indicating that open captioned movies are helpful and appreciated. However, Act 39 is scheduled to repeal on January 1, 2018.

Your Committee further finds that this measure is intended to make permanent the motion picture accommodation requirements originally enacted pursuant to Act 39 by adding a new section to chapter 489, Hawaii Revised Statutes, relating to motion picture theater accommodation. However, your Committee notes that this measure is substantively identical to the language in Act 39, which was codified as section 489-9, Hawaii Revised Statutes. Your Committee concludes that, rather than restating language that has already been codified, removing the sunset date from Act 39 is a more straightforward solution, which will avoid a situation where the Hawaii Revised Statutes contain two sections that address identical subject matter.

Finally, your Committee notes that the requirements of Act 39 go beyond those contemplated in proposed federal rules currently being considered by the United States Department of Justice. Removing the sunset date from Act 39 allows full inclusion of persons with disabilities, as contemplated by the federal Rehabilitation Act of 1973, as amended, and the Americans with Disabilities Act of 1990, as amended, and will ensure that Hawaii continues to support full access for persons with disabilities and meaningful accessibility requirements for movie theaters, even after the final approval of any proposed federal rule.

Your Committee has amended this measure by:

- (1) Removing language that would have added a new section in chapter 489, Hawaii Revised Statutes, as this section is substantively identical to the existing section 489-9, Hawaii Revised Statutes;



- (2) Making permanent the requirements for motion picture theater accommodation by removing the sunset date of Act 39, Session Laws of Hawaii 2015;
- (3) Inserting an effective date of July 1, 2016; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2727, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2727, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Commerce, Consumer  
Protection, and Health,




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ROSALYN H. BAKER, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Commerce, Consumer Protection, and Health**  
**CPH**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2727 HD1	CPH	3-29-16		
<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
BAKER, Rosalyn H. (C)	/			
KIDANI, Michelle N. (VC)	/			
ESPERO, Will	/			
IHARA, Jr., Les	/			
NISHIHARA, Clarence K.				/
RUDERMAN, Russell E.	/			
SLOM, Sam				/
<b>TOTAL</b>	5			2
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