



DEPARTMENT OF BUSINESS, ECONOMIC DEVELOPMENT & TOURISM

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Statement of
Luis P. Salaveria
Director
Department of Business, Economic Development, and Tourism
before the

HOUSE COMMITTEE ON FINANCE

Wednesday, March 1, 2017

1:00 P.M.

Conference Room 308

In consideration of
HB475 HD1
RELATING TO MOVIE THEATRES

Chair Luke, Vice Chair Cullen, and Members of the House Committee on Finance.

The Department of Business, Economic Development and Tourism (DBEDT) **offers comments with concerns** on HB475 HD1, which would make permanent the requirements that a public accommodation that owns, leases, leases to or operates a motion picture theatre in more than two locations in the State must under certain conditions provide open movie captioning and audio description upon request of any motion picture that is produced and offered with audio description.

HB475 HD1 requires that DBEDT conduct a survey of the motion picture theatres to determine the operational and financial impact of Act 39. The Department would work with its Research and Economic Analysis Division to conduct such a survey and annual reports for the Legislature, but currently there are insufficient funds available for this initiative.

DBEDT supports open captioning that allows members of our community to follow both audio and visual aspects of the films exhibited with the general public.

We thank you for the opportunity to testify on this measure.



STATE OF HAWAII
STATE COUNCIL
ON DEVELOPMENTAL DISABILITIES
919 ALA MOANA BOULEVARD, ROOM 113
HONOLULU, HAWAII 96814
TELEPHONE: (808) 586-8100 FAX: (808) 586-7543
March 1, 2017

The Honorable Sylvia Luke, Chair
House Committee on Finance
Twenty-Ninth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Luke and Members of the Committee:

SUBJECT: HB 475 HD1 - Relating to Movie Theaters

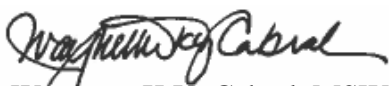
The State Council on Developmental Disabilities **SUPPORTS the intent of HB 475 HD1**. The bill extends the sunset date of Act 39, Session Laws of Hawaii 2015, which requires certain motion picture theaters to provide open movie captioning and audio description for certain motion pictures at certain times; and requires the Department of Business and Economic Development, and Tourism to conduct an impact survey.

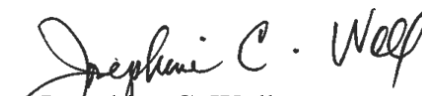
Open movie captioning provides a display of text on a screen or other visual display that provides additional or interpretive information of what is being presented. Star Wars: The Force Awakens movie was the first official premiere of open movie captioning on December 30, 2015. The overwhelming response of individuals attending the movie with open captioning was evident of the positive benefits of providing access for people who are deaf or hard of hearing to enjoy movies in a similar manner as those who do not require open movie captioning.

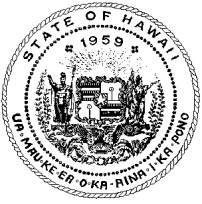
There has been no testimony made available opposing the removal of the sunset date. We question the need for an impact survey if there were an adverse impact on the movie theater industry we believe there would be such testimony opposing the removal of the sunset date. We respectfully request that HB 475 HD1 be amended back to its original form, HB 475. The passage of HB 475 HD1 would provide permanency in providing motion picture theater accommodations, such as open movie captioning.

Thank you for the opportunity to submit testimony **supporting the intent of HB 475 HD1**.

Sincerely,


Waynette K.Y. Cabral, MSW
Executive Administrator


Josephine C. Woll
Chair



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 1, 2017
Rm. 308, 1:00 p.m.

To: The Honorable Sylvia Luke, Chair
Members of the House Committee on Finance

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 475, H.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in public accommodations, HRS chapter 489, including § 489-9, which requires movie theaters to provide open captioning during at least two showings per week of each motion picture that is produced and offered with open captioning, and also requires movie theaters to provide audio description upon request of any motion picture that is produced and offered with audio description.

HRS §489-9 was added to chapter 489 by the enactment of Act 39, L. 2015, effective January 1, 2016, and has been successfully implemented by Hawai‘i movie theaters. Section 3 of Act 39 includes a “drop dead” or “sunset” provision that provides for the repeal of the Act on January 1, 2018.

H.B. No. 475, H.D.1 extends the “sunset” provision of Act 39 to July 1, 2020, and directs the Department of Business, Economic Development and Tourism (DBEDT) to survey motion picture theaters covered by the Act to determine the operational and financial impact the Act has had on those theaters.

The HCRC urges this committee to delete these provisions and instead delete the sunset provision altogether, as written in the original H.B. No. 475. The state law accessibility requirements go beyond those provided in the U.S. Department of Justice final rules, which became effective January 17, 2017. The federal rules provide only for closed captioning, without requiring any showings with open captioning.

As stated in prior testimony in support of Act 39, open captioning provides meaningful access to movies to persons with disabilities. For this reason, open captioning for movies pursuant to HRS § 489-9 should be permanently provided, even after the federal rules have gone into effect.

The HCRC supports H.B. No. 475 in its original form.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 27, 2017 3:08 PM
To: FINTestimony
Cc: gemcenterhawaii@gmail.com
Subject: Submitted testimony for HB475 on Mar 1, 2017 13:00PM

HB475

Submitted on: 2/27/2017

Testimony for FIN on Mar 1, 2017 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Colin Whited	The Georgia E. Morikawa Center (GEM)	Support	No

Comments: Please amend this bill so that it is identical with Senate Bill 1156, which removes the sunset date of Act 39 entirely.

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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Sent: Monday, February 27, 2017 11:11 AM
To: FINTestimony
Cc: hashem2 - Michael
Subject: *Submitted testimony for HB475 on Mar 1, 2017 13:00PM*

HB475

Submitted on: 2/27/2017

Testimony for FIN on Mar 1, 2017 13:00PM in Conference Room 308

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Leong	Individual	Support	No

Comments:

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DISABILITY AND COMMUNICATION ACCESS BOARD

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March 1, 2017

LATE

TESTIMONY TO THE HOUSE COMMITTEE ON FINANCE

House Bill 475, HD1 – Relating to Movie Theaters

The Disability and Communication Access Board (DCAB) supports House Bill 475, HD1 with comments below.

House Bill 475 in its original form deleted the sunset date from Act 39, Session Laws of Hawaii. House Draft 1 extended the sunset date to January 1, 2020 and asked the Department of Business, Economic Development, and Tourism (DBEDT) to conduct a survey of motion picture theaters to determine the operational and financial impact of providing open captioning in theaters.

We ask that the original wording of House Bill 475 be restored.

We note that there is NO testimony on record asking for a new sunset date, nor a survey to be conducted. In fact, DBEDT submitted supporting testimony on the original version of House Bill 475.

It is also unclear how a survey will be conducted, because under the Americans with Disabilities Act (ADA), questions regarding disability status cannot be asked of customers entering a business. Without that information movie theaters will not be able to ascertain the operational and financial impact providing open captioning has had on their business.

Please pass this bill and revert to the original wording. This will allow people who are deaf or hard of hearing to enjoy movies with their families and friends without the need or use of excessive auxiliary devices. Open captions need to be permitted on a permanent basis to allow movie patrons who are deaf or hard of hearing paying comparable prices as patrons without disabilities to attend the movies and enjoy it on an equal basis.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director