

HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 15, 2017
Rm. 309, 9:00 a.m.

To: The Honorable Mark M. Nakashima, Chair
Members of the House Committee on Economic Development and Business

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

Re: H.B. No. 475

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 would delete the “sunset” provision of Act 39. This makes sense, because the state law accessibility requirements go beyond those provided in the U.S. Department of Justice final rules, effective January 17, 2017. The federal rules provide only for closed captioning, without requiring any showings with open captioning. For this reason, HRS § 489-9 continues to provide meaningful accessibility, even after the federal rules have gone into effect.

The HCRC supports H.B. No. 475.



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
February 15, 2017

The Honorable Mark M. Nakashima, Chair
House Committee on Economic Development and
Business
Twenty-Ninth Legislature
State Capitol
State of Hawaii
Honolulu, Hawaii 96813

Dear Representative Nakashima and Members of the Committee:

SUBJECT: HB 475 - Relating to Movie Theaters


The State Council on Developmental Disabilities **SUPPORTS HB 475**. The bill requires 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 requires a public accommodation that owns, leases, leases to, or operates a motion picture theater in the State to provide, upon request, audio description of any motion picture that is produced and offered with audio description.


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 individuals who are deaf or hard of hearing to enjoy movies in a similar manner as those who do not require open movie captioning.

The passage of HB 475 would provide permanency in providing motion picture theater accommodations, such as open movie captioning.

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

Sincerely,


Waynette K.Y. Cabral, MSW
Executive Administrator


Josephine C. Woll
Chair



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
Ph. (808) 586-8121 (V/TDD) • Fax (808) 586-8129

February 15, 2017

TESTIMONY TO THE HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND BUSINESS

House Bill 475 – Relating to Movie Theaters

The Disability and Communication Access Board (DCAB) supports House Bill 475. The purpose of House Bill 475 is to remove the sunset date of Act 39, Session Laws of Hawaii 2015, thereby making permanent the requirements for 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.

The proposed amendment to the current law would address the discriminatory effects of communication barriers at movie theaters encountered by individuals who are deaf or hard of hearing by making the requirement to offer open captioned movies in Hawaii permanent. This law would afford individuals who are deaf or hard of hearing an equal opportunity to attend open captioned movies and follow both the audio and visual aspects of movies exhibited in motion pictures similar to members of the general public. After a year of offering open captioned movies, local motion picture theaters should realize that providing people the opportunity to view movies with their family and friends improves access to their services for everyone.

We ask that you pass this bill out of Committee.

Thank you for the opportunity to testify.

Respectfully submitted,

BARBARA FISCHLOWITZ-LEONG
Chairperson
Legislative Committee

FRANCINE WAI
Executive Director

February 14, 2017

Testimony by: Billy Kekua, President
Aloha State Association of the Deaf
www.deafaloha.org

Support for HB475: RELATING TO MOVIE THEATERS

Makes permanent the requirements that a public accommodation that owns, leases, leases to, or operates a motion picture theater 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.

[COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS](#)

Rep. Mark M. Nakashima, Chair
Rep. Jarrett Keohokalole, Vice Chair

Dear Chair Nakashima and EDB Committee,

We, the Association, would like to commit and uphold our Mission Statement. Two of the objectives are significant to the Bill and we would like to share this with you:

- Advocating the educational and civil rights of Deaf, Hard of Hearing, and DeafBlind (DHHDB) citizens in the State of Hawai`i.
- Improving the quality and standard of living for all DHHDB people.

On the behalf of DDHDB members, I am writing a request that the sunset date from the current law needs to be repealed. The accessibility is the heart of the communicative environments where we can exchange our ideas and thoughts freely.

The current law is still great where we all can go to theaters and enjoy the movies. My friends and I want to continue and support the cinematic businesses. Therefore, I respectfully testify to the requested change to make it a permanent and forever law.

Malama pono.

keohokalole2 - Anthony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 9:57 AM
To: edbtestimony
Cc: info@isleinterpret.com
Subject: Submitted testimony for HB475 on Feb 15, 2017 09:00AM

Follow Up Flag: Follow up
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HB475

Submitted on: 2/14/2017

Testimony for EDB on Feb 15, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Susan Kroe-Unabia	Isle Interpret, LLC	Support	No

Comments: Open Captioned movies allow deaf, hard of hearing, deaf blind and senior citizens to enjoy movies together as an 'ohana rather than having to wait until an movie is released on DVD. It is more effective than closed captioned devices and we support the bill making open captioning permanent for theater companies that operate in more than two locations.

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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keohokalole2 - Anthony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 9:00 AM
To: edbtestimony
Cc: gemcenterhawaii@gmail.com
Subject: *Submitted testimony for HB475 on Feb 15, 2017 09:00AM*

HB475

Submitted on: 2/14/2017

Testimony for EDB on Feb 15, 2017 09:00AM in Conference Room 309

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

Comments:

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keohokalole2 - Anthony

From: mailinglist@capitol.hawaii.gov
Sent: Saturday, February 11, 2017 12:27 PM
To: edbtestimony
Cc: lkakatsu@hawaii.rr.com
Subject: Submitted testimony for HB475 on Feb 15, 2017 09:00AM

HB475

Submitted on: 2/11/2017

Testimony for EDB on Feb 15, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Lynn Murakami-Akatsuka	Individual	Support	No

Comments: I strongly support HB 475 for passage. The bill will enable Hawaii residents: our hearing impaired, deaf, and our elders whose hearing declines due to the aging process. Open captioning is already used in foreign language programs on TV and familiar to everyone. I strongly support having the sunset date removed and this open captioning service offered permanently by the theaters. Thank you for the opportunity to testify.

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keohokalole2 - Anthony

From: mailinglist@capitol.hawaii.gov
Sent: Monday, February 13, 2017 9:21 PM
To: edbtestimony
Cc: clearaccessinterpreting@gmail.com
Subject: Submitted testimony for HB475 on Feb 15, 2017 09:00AM

HB475

Submitted on: 2/13/2017

Testimony for EDB on Feb 15, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Mala Arkin	Individual	Support	No

Comments: To: COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS Aloha Rep. Mark M. Nakashima, Chair, Rep. Jarrett Keohokalole, Vice Chair, and committee members, My name is Mala Arkin, I am in support of removing the sunset date for the open captioning law. I can now enjoy going to the movies with my 92 year old grandmother who is an avid theater goer. She relies on the open captioning for access since her hearing has declined. I, as a hearing person, benefit from the open captions as well. Sometimes the dialogue in movies is hard to understand and the captioning helps be to catch what I miss. The open captions do not take away from the movies going experience even if I do not benefit from them. Everyone should be able to enjoy the joy of going to the movies. Please support the Deaf, hard of hearing, and Blind communities by removing the sunset date and making open captioning and audio description (upon request) permanent! Mahalo, Mala Arkin

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keohokalole2 - Anthony

From: mailinglist@capitol.hawaii.gov
Sent: Tuesday, February 14, 2017 5:02 PM
To: edbtestimony
Cc: heather.interpreter@gmail.com
Subject: Submitted testimony for HB475 on Feb 15, 2017 09:00AM

HB475

Submitted on: 2/14/2017

Testimony for EDB on Feb 15, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Heather Benjamin	Individual	Support	No

Comments: Aloha, Rep. Mark M. Nakashima, and Rep. Jarrett Keohokalole, My name is Heather Benjamin of Honolulu, HI and I am in support of HB475. I want open captioned movies to continue after January 1, 2018. I am greatly appreciative of the opportunity to watch movies in the theater with open captions. My husband is Deaf and we can now enjoy watching movies in the theater together with equal enjoyment. Please support this bill in passing. Mahalo, Heather Benjamin

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keohokalole2 - Anthony

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Sent: Tuesday, February 14, 2017 5:06 PM
To: edbtestimony
Cc: jrlcjc@gmail.com
Subject: Submitted testimony for HB475 on Feb 15, 2017 09:00AM



HB475

Submitted on: 2/14/2017

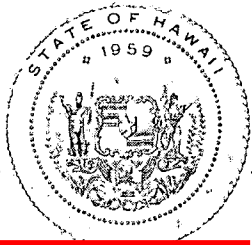
Testimony for EDB on Feb 15, 2017 09:00AM in Conference Room 309

Submitted By	Organization	Testifier Position	Present at Hearing
Joel Matusof	Individual	Comments Only	No

Comments: Aloha, Rep. Mark M. Nakashima, Chair and Rep. Jarrett Keohokalole, Vice Chair I am Deaf and like watch movies with OC, Open Caption. Please support this bill. Thank you, Joel Matusof Honolulu, HI

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**DEPARTMENT OF BUSINESS,
ECONOMIC DEVELOPMENT & TOURISM**

DAVID Y. IGE
GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

MARY ALICE EVANS
DEPUTY DIRECTOR

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LATE

Statement of
Luis P. Salaveria
Director

Department of Business, Economic Development, and Tourism
before the

COMMITTEE ON ECONOMIC DEVELOPMENT & BUSINESS

Wednesday, February 15, 2017

9:00 AM

State Capitol, Conference Room 309

In consideration of

HB 475

RELATING TO MOVIE THEATRES

Chair Nakashima, Vice Chair Keohokalole, and Members of the House
Committee on Economic Development & Business.

The Department of Business, Economic Development and Tourism
(DBEDT) **supports** HB 475, 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.

Through open captioning, members of this community have been able to
follow both audio and visual aspects of the films exhibited with the general
public.

Act 39, L. 2015 went into effect January 1, 2016 and has been successfully
implemented by Hawai'i movie theatres. Sec 3 of Act 39 includes a sunset
provision that provides for the repeal of the Act on January 1, 2018.

HB 475 would delete the sunset date and make permanent the requirements.

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