



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

SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY

Monday, March 13, 2017
1:15 P.M.
Conference Room 414

In consideration of
HB475 HD1
RELATING TO MOVIE THEATRES

Chair Wakai, Vice Chair Taniguchi, and Members of the Senate Committee on Economic Development, Tourism, and Technology.

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.



DISABILITY AND COMMUNICATION ACCESS BOARD

919 Ala Moana Boulevard, Room 101 • Honolulu, Hawaii 96814
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March 13, 2017

TESTIMONY TO THE SENATE COMMITTEE ON ECONOMIC DEVELOPMENT, TOURISM, AND TECHNOLOGY

House Bill 475, HD1 – Relating to Movie Theaters

The Disability and Communication Access Board (DCAB) supports the intent of 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 prefer the wording of Senate Bill 1156, and ask for that wording to replace the contents of this bill.

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.

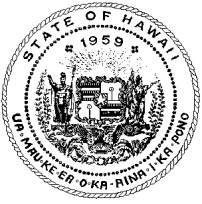
Please pass this bill and revert to the original wording. This will allow people who are deaf or hard of hearing to enjoy movies with their families and friends without the need or use of excessive auxiliary devices. Open captions need to be permitted on a permanent basis to allow movie patrons who are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



HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 13, 2017
Rm. 414, 1:15 p.m.

To: The Honorable Glen Wakai, Chair
Members of the Senate Committee on Economic Development,
Tourism, and Technology

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: Sunday, March 12, 2017 3:32 PM
To: ETT Testimony
Cc: carie.sarver14@gmail.com
Subject: Submitted testimony for HB475 on Mar 13, 2017 13:15PM

HB475

Submitted on: 3/12/2017

Testimony for ETT on Mar 13, 2017 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Carie Sarver	Individual	Support	No

Comments: Please continue to allow Deaf/Hard of Hearing patrons to enjoy movies with open captioning and without relying on cumbersome goggles or other devices. I've seen first hand how aggravating it is for my Deaf friends to deal with checking out then using malfunctioning equipment. Like us, they should be able to buy their ticket and refreshments, sit down and enjoy the show. Mahalo. Carie Sarver Honolulu resident

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: Saturday, March 11, 2017 2:19 PM
To: ETT Testimony
Cc: drlucy@hawaii.rr.com
Subject: Submitted testimony for HB475 on Mar 13, 2017 13:15PM

HB475

Submitted on: 3/11/2017

Testimony for ETT on Mar 13, 2017 13:15PM in Conference Room 414

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

Comments: I strongly support this important bill.

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From: mailinglist@capitol.hawaii.gov
Sent: Saturday, March 11, 2017 2:04 AM
To: ETT Testimony
Cc: echiwa@gmail.com
Subject: Submitted testimony for HB475 on Mar 13, 2017 13:15PM

HB475

Submitted on: 3/11/2017

Testimony for ETT on Mar 13, 2017 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen Chiwa	Individual	Support	No

Comments: If possible, please delete the sunset date, so we can enjoy open captioning without restrictions. Thank you for your attention.

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From: mailinglist@capitol.hawaii.gov
Sent: Friday, March 10, 2017 10:36 PM
To: ETT Testimony
Cc: damizu@me.com
Subject: Submitted testimony for HB475 on Mar 13, 2017 13:15PM

HB475

Submitted on: 3/10/2017

Testimony for ETT on Mar 13, 2017 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Cheryl Mizusawa	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.

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To: ETT Testimony
Cc: canthecant@gmail.com
Subject: Submitted testimony for HB475 on Mar 13, 2017 13:15PM

HB475

Submitted on: 3/10/2017

Testimony for ETT on Mar 13, 2017 13:15PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Individual	Support	Yes

Comments: I support the intent of this bill and prefer to remove the sunset date this coming 2018.

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