



## DISABILITY AND COMMUNICATION ACCESS BOARD

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

March 3, 2015

### TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

#### House Bill 1272, HD1 – Relating to Movie Theaters

The purpose of House Bill 1272, HD1 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 proposed law would address the discriminatory effects of communication barriers at movie theaters encountered by individuals who are deaf or hard of hearing or are blind or have low vision. By ensuring that movie theaters screen those movies that are produced and distributed with the necessary auxiliary aids and services — captioning and audio description — and that theaters provide the individual devices needed to deliver services to patrons with these particular disabilities, this law would afford such individuals an equal opportunity to attend movies and follow both the audio and visual aspects of movies exhibited at movie theaters.

The Disability and Communication Access Board (DCAB) supports the intent of House Bill 1272, HD1. We note that §489, HRS, is under the jurisdiction of the Hawaii Civil Rights Commission for enforcement. We recommend that Section (c) of the bill reference the Hawaii Civil Rights Commission, not the Department of Labor and Industrial Relations.

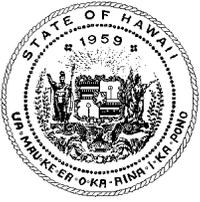
DCAB is responsible for providing technical assistance regarding the Americans with Disabilities Act (ADA) to State and county government agencies, as well as to private businesses such as movie theaters. Part of that responsibility involves closed captioning and audio description as described in House Bill 1272, HD1. The federal ADA covers private businesses and accessibility of services to individuals with disabilities under Title III of the law.

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 3, 2015  
Rm. 325, 1:00 p.m.

To: The Honorable Karl Rhoads, Chair  
Members of the House Committee on Judiciary

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

Re: H.B. No. 1272 H.D. 1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

**The HCRC supports H.B. No. 1272 H.D. 1, with a request for amendments described below.**

H.B. No. 1272 H.D. 1 requires every public motion picture theater that has more than two facilities to provide open movie captioning and descriptive narration during at least two showing per week. In addition, the bill makes a violation of this requirement a discriminatory practice under HRS Chapter 489, the state public accommodations law, and requires the DLIR director to adopt administrative rules to implement this section. The HCRC supports the requirement that open movie captioning and descriptive narration be provided during at least two showings so that individuals with hearing or sight impairments may enjoy motion pictures.

**Requested amendment:** The HCRC requests that definitions for the terms “motion picture theater” and “facilities” be provided to clarify which theater establishments are to be covered under this law. In addition, the HCRC requests that subsection (c) be deleted since subsection (a) and the above requested

definitions, will clearly state the requirements of the law, so that administrative rules are not necessary for its implementation. In addition, any rules under HRS Chapter 489 would be promulgated by the HCRC, not the DLIR director.

The HCRC supports passage of H.B. No. 1272 H.D.1 with the amendments requested above.





**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 3, 2015

The Honorable Karl Rhoads, Chair  
House Committee on Judiciary  
Twenty-Eighth Legislature  
State Capitol  
State of Hawaii  
Honolulu, Hawaii 96813

Dear Representative Rhoads and Members of the Committee:

SUBJECT: HB1272 HD1 - Relating to Movie Theaters

The State Council on Developmental Disabilities (DD) **SUPPORTS THE INTENT OF HB 1272 HD1**. The bill proposes to amend Chapter 489, Hawaii Revised Statutes, by adding a new section that requires motion picture theaters that have more than two facilities in the State open to the general public to provide open movie captioning and descriptive narration of at least two showings per week of each motion picture that is offered for viewing at the motion picture theater.

Closed captioning provides a display of text on a screen or other visual display that provides additional information or interpretive information of what is being presented. This process would enable individuals who are deaf or hard of hearing to enjoy movies in the similar manner as those who do not require closed captioning.

The intent of this bill seems to address accessibility in public accommodations. The Disability and Communication Access Board (DCAB) is responsible for providing technical assistance regarding the Americans with Disabilities Act to State and County government agencies, as well as private businesses, such as movie theaters. We are aware of the proposed amendments suggested by DCAB and respectively defer to them for the specific amendments that would strengthen this bill to provide access for viewing motion pictures.

Thank you for the opportunity to submit testimony **supporting the intent of HB 1272 HD1**.

Sincerely,

Waynette K.Y. Cabral, M.S.W.  
Executive Administrator

Rosie Rowe  
Chair

**THE TWENTY-EIGHTH LEGISLATURE  
2015  
HOUSE OF REPRESENTATIVES**

**Chair - House Representative Karl Rhoads**

**Vice Chair – Rep. San Joy Buenaventura**

**and Committee**

**Support of Bill HB 1272**

My name is Yolanda Phelan  
I represent the Hawaii Association of the Blind

Thank you for the opportunity to give testimony

**ABOUT AUDIO DESCRIPTION**

Audio description is a narration service that provides succinct and vivid language to make the visual images of a theatrical production accessible to people who are blind, have low vision or are otherwise visually impaired. Audio description is typically a carefully timed live commentary of on stage action that guides the listener through new scenes, set designs, costumes, movement and body language. Audio description is broadcast to an earpiece connected to a small handheld device via an FM transmitter and steno-mask microphone.

Through the initiative with the American Council of the Blind, an audio describer will have the opportunity to attend rehearsals at Arena Stage in order to develop an audio description script and will then make their live narration services available at least at one scheduled performance during the runs.

For more information on the American Council for the Blind's Audio Description Project, visit [acb.org/adp](http://acb.org/adp).

American Council of the Blind Contact: Joel Snyder, [jsnyder@audiodescribe.com](mailto:jsnyder@audiodescribe.com), 301 920-0218

Regarding Narrated movies on Television  
Almost every state offers narrated movies on TV.

The Hawaii Association of the blind asserts that people who are blind, like other people, have the right to expect society to make such changes to the built environment and to programs and activities operated by television, state and local stations that shall have the effect of forwarding

the inclusion of blind adults and children in the main stream of society. those rights that the Rehabilitation Act and the Americans with Disabilities Act allow, instruction in a broad range of access of narrated programs.

To accommodate blind persons information and where it should be made available, and all reasonable alterations in programmatic delivery which will make all communities more accessible to people who are blind. This principle asserts that blind people have the right to be fully included in our society and, to forward this end, public and private entities which serve the public are expected to take steps to assure that people who are blind can fully and, where possible, independently access the services or goods that are being made available to those who are not blind. Public and private  
Access to narrated TV programs.

I know our state can offer this service just like in the mainland.  
NBC,CBS, KPIX, to name a few offer this service.

Please support this Bill so that blind children can enjoy TV educational Programs like their peers do. Also enjoy movies or attend the Youth Theater with their sighted friends.

You have the power to help include Blind people into society.

Yolanda Phelan  
Hawaii Association of the Blind  
Legislator Co-Chair  
Member-Board of Directors.  
Phone: 808-341-3187  
E-Mail: [sharpsenses@hawaii.rr.com](mailto:sharpsenses@hawaii.rr.com)

To: Representative Derek Kawakami, Chair  
Representative Sam Kong, Vice-Chair  
Committee on Economic Development & Business

From: Norman Galapin, President  
Hawaii School for the Deaf and the Blind Alumni Club

Re: **HB1272 HD1**  
Relating to Movie Theaters  
Motion Picture Theaters; Open Movie Captioning and Descriptive Narration

March 2, 2015

The organization is in support of HB 1272 HD1 and would like to see that the movie theaters in State of Hawaii to provide full access of open-captioned movies for Deaf, Hard of Hearing, and DeafBlind consumers.

It is very important that the bill to be passed so we all can enjoy the same benefits of watching movies with captions. We ask that you require movie theaters to provide the captions on the screen. So we don't have to handle the captioning glasses or rear-view plastic panel mount. The additional objects defeat the purpose of real experience of watching the cinema.

Hearing consumers enjoy the films therefore we the Deaf, Hard of Hearing, and DeafBlind should experience the same sensations. We urge you to consider this and pass the bill.

We thank you for the opportunity to present our testimonies. Thank you so much.

To: Representative Derek Kawakami, Chair  
Representative Sam Kong, Vice-Chair  
Committee on Economic Development & Business

From: Kaimi Seminara, President  
Hawaii Deaf Surfers Association

Re: **HB1272 HD1**  
Relating to Movie Theaters  
Motion Picture Theaters; Open Movie Captioning and Descriptive Narration

March 2, 2015

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To: Representative Derek Kawakami, Chair  
Representative Sam Kong, Vice-Chair  
Committee on Economic Development & Business

From: Colleen Cidade, President  
Aloha State Association of the Deaf

Re: **HB1272 HD1**  
Relating to Movie Theaters  
Motion Picture Theaters; Open Movie Captioning and Descriptive Narration

March 2, 2015

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Hearing consumers enjoy the films therefore we the Deaf, Hard of Hearing, and DeafBlind should experience the same sensations. We urge you to consider this and pass the bill.

We thank you for the opportunity to present our testimonies. Thank you so much.

ART FRANK  
84-718 FARRINGTON HWY  
WAIANAE, HI96792-1906  
MARCH 1, 2015

TESTIMONY TO THE HOUSE COMMITTEE ON JUDICIARY

House Bill 1272, HD1 – Relating to Theaters

My name is Art Frank from Makaha. I am deaf and utilize braces and crutches for mobility. As a multi-disabled person I have fought for accessibility for the deaf as well as other persons with disabilities for over 30 years locally as well as nationally. I believe it's about time that our theaters provide accessibility to the deaf and hard of hearing consumer. On a personal level I have been to one movie since 1977 when I lost my hearing only because the main actress was deaf and she signed so I went to that movie. I support this bill 100% and ask for your support.

Thank you very much.

ART FRANK  
Makaha, Waianae Coast

March 2, 2015

Testimony by **Billy Kekua**  
87-2210 Farrington Highway  
Waianae, HI 96792

Support for H.B. 1272 Relating to Movie Theaters

Representative Derek Kawakami, Chair  
Representative Sam Kong, Vice Chair  
Committee on Economic Development and Business

Aloha. My name is Billy Kekua. Currently I am serving as the Chair of Deaf and Hard of Hearing Advisory Board for Division of Vocational Rehabilitation. I am in support of H.B. 1272 requiring all movie theaters to provide open-captioned films in the State of Hawaii.

This motion is a very simple request. Deaf, Hard of Hearing, and DeafBlind citizens deserve to have same freedom as the hearing movie-goers. We should enjoy the same benefits. I would be watching an open-captioned movie as an equivalent to hearing people watching a movie with sounds.

- \* They don't have to carry the devices.  
I do with caution because they took my ID card.
- \* They don't have to wear the ear pieces because they can hear.  
I have to use the captioning glasses to be able to enjoy watching a movie.
- \* They don't have to squint and strain the eyes to watch the movie and captions.  
I have to squint and strain my eyes and it's annoying to use the captioning glasses with my prescription glasses.

I would like to see that the H.B. 1272 to be passed and provided the same rights for Deaf, Hard of Hearing, and DeafBlind. So I also can enjoy the popcorn with furikake and arare. Mahalo.

Malama Pono.

## HB 1272, HD1 Relating to Movie Theaters

TO: COMMITTEE ON JUDICIARY  
Rep. Karl Rhoads, Chair  
Rep. Joy A. San Buenaventura, Vice Chair

DATE: Tuesday, March 3, 2015  
TIME: 1:00 pm  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

FROM: Jana Kidder

RE: SUPPORT

Today, I'd like to petition the Committee on Judiciary to please support and pass HB1272 HD1 Relating to Movie Theaters with all 'AYE's'. Help us to remove the communication barriers that prevent people with hearing and vision difficulties from enjoying motion pictures.

Kindly give the hard-of-hearing/deaf/blind population both residents & visitor's alike this 'Victory' and say...

- AYE! The State of Hawaii SHALL require theaters to have "open movie captioning" instead of "closed movie captioning."
- AYE! The State of Hawaii SHALL remove the requirements that captioning and descriptive narration be provided "upon request."
- AYE! The State of Hawaii SHALL delete the exemption for motion pictures shown for less than one week.
- AYE! The State of Hawaii SHALL see to it that any violation of the new requirements SHALL BE a discriminatory practice under Chapter 489, Hawaii Revised Statutes, and it SHALL BE enforceable by the Hawaii Civil Rights Commission.
- AYE! The State of Hawaii SHALL direct the Department of Labor and Industrial Relations to adopt administrative rules necessary for the new requirements.

Thank you for the opportunity to submit my testimony.

THE TWENTY-EIGHTH LEGISLATURE  
2015  
HOUSE OF REPRESENTATIVES

Chair - House Representative Karl Rhoads  
Vice Chair – Rep. San Joy Buenaventura

and Committee

Support of Bill HB 1272

My name is Art Cabanilla  
I am giving my testimony as an individual  
Thank you for the opportunity to testify.

If not yet aware by now, audio-descriptive movies and/or Television shows are not only appreciated by the blind but, it helps to equal the playing-field in terms of experiencing as close to normal a life as those who can see.

As such a person, I strongly support this measure and urge that, you not only consider its worthiness but, take in count the impact it will have on improving ones quality of life.

For those with a disability it is always a challenge to have those around them accept them as normal. For someone who is blind or visually-impaired, this challenge is even heightened when trying to fit in to today's society which is so visual in nature. Communication is our greatest asset for us when; striving to be part of our visual surroundings.

Therefore, please view this measure not simply on its technical advantages but for how it allows the blind to communicate with those around them and how it bridges the gap of both blind and sighted worlds as one.

Aloha and Mahalo,  
HAB member- Board of Director  
Art Cabanilla

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lucy Miller	Individual	Support	No

Comments: Passage of this bill will allow access to movie theaters for the part of the population with hearing and language impairments in compliance with the Americans with Disabilities Act and other federal legislation. I strongly support this bill.

Testimony of  
Roderick J. Macdonald  
60 N. Beretania St., #602  
Honolulu, HI 96817  
[rjmacdonalt@hawaiiantel.net](mailto:rjmacdonalt@hawaiiantel.net)

Submitted to the  
House Committee on Judiciary  
Hon. Karl Rhoads, Chair

Pertaining to  
HB 1272 HD1 – Relating to Movie Theaters

Monday, March 3, 2015, 1:00 PM  
Hawaii State Capitol  
Conference Room 325

Mr. Chairman, Members - My name is Rod Macdonald. I am originally from New England but have lived in Honolulu for going on 18 years.

When I was growing up in the years immediately after World War II, one of my biggest joys was to go to the movies. I was legally blind but I had enough vision to see most of the action, especially when the screens got bigger and bigger. Every Saturday morning I would go to the church hall near my home and watch the Three Stooges, Buster Keaton, Dean Martin & Jerry Lewis, Francis the Talking Mule, Bugs Bunny... Later I would go to one of the two theaters in my hometown to watch Hopalong Cassidy, Gene Autry, Roy Rogers and all the great Disney movies.

I have not enjoyed a movie for a very long time. I have very little vision now, and I have been profoundly deaf for over 40 years. yet to this day I remember Kirk Douglas singing "Old Man Nemo" to a clapping seal (20,000 Leagues Under the Sea), Mike Fink eating his hat after losing the Great Keelboat Race (Davy Crockett) and Lady shyly sharing a plate of spaghetti with Tramp while a cook sang to them (Lady and the Tramp).

The legislation before you - HB 1272 HD1 – Relating to Movie Theaters - will re-open the movie theaters to those of us who have vision or hearing limitations. With just a wee tweak of the technology I may also be able to enjoy this wonderful entertainment again via wireless connectivity to my braille tablet.

To paraphrase Neil Armstrong, this legislation will represent one small step for the movie theaters and one giant leap for those of us with sensory impairments.

Thank you for your support of this legislation.

March 3, 2015

Testimony to the House Committee on Judiciary  
HB 1272 Relating to Movie Theaters

Chair Rhoads, Vice Chair San Buenaventura, and Committee Members,

Thank you for the opportunity to provide testimony in strong support of HB1272. As a member of the deaf community, I can attest to the importance of the movie-going experience as well as the significance of being excluded from said experience. Movies play an important role in popular culture and provide a common ground for people to relate to their peers. The options currently provided for closed captioning are cumbersome, intrusive, and ultimately detract from the movie-going experience. For example, closed captioning eye glasses allow the user to view the captions but also cause nausea and headaches. As a result, deaf people are less likely to go to the movies and are left out of everyday conversations and social events. Requiring movies to instead be open-captioned would give both deaf and hearing people the ability to fully enjoy movies without the use of assistive closed-captioning devices. Deaf people have been disenfranchised from the full theatrical experience since the advent of movies with sound. It is only fair that this bill be passed and deaf people be permitted to experience movies unassisted. Thank you for the opportunity to provide testimony.

Sincerely,  
Pono Tokioka

Honorable Representative Karl Rhoads  
Chairperson, Judiciary Committee  
State of Hawaii Capitol  
415 South Beretania Street  
Honolulu, Hawaii 96813  
Re: HB 1272 HD1

To The Honorable Representative Rhoads,

I am writing to strongly support the enactment of HB1272 HD1, Relating Movie Theaters providing open caption movies to ensure equal access to entertainment for citizens of the State of Hawaii who are deaf, hard of hearing or deaf people with low vision. The audio description requirement will also open the movie theaters to blind individuals that will provide additional content to enable full enjoyment of what is on the screen. This bill would also address the social needs of the increasingly aging population. These additional features will not, however, inconvenience non-disabled moviegoers.

While I do not myself have hearing or vision difficulties, I have worked with deaf, hard of hearing and deaf-blind individuals for 40 years; my husband is both deaf and blind.

For too long, people who have unreliable hearing or no hearing at all are unable to relax and enjoy the story line portrayed in the movies. One theater offered closed captioned showings only one (1) day/week and when a deaf person showed up there often were technical difficulties so they had to go home and try again the following week. The special glasses that must be worn over regular prescription glasses are very uncomfortable and heavy when worn for a two (2) to three (3) hour movie. These are some of the inconveniences or hardships people must endure just to be like everybody else in the hearing world.

I ask that you enthusiastically support the passage of HB 1272 HD1 to integrate deaf, hard of hearing and aging hearing people into the mainstream of society.

Sincerely,

Eleanor E. Macdonald, M.Ed., CRC

To the Committee on Judiciary,

Aloha, as an American Deaf citizen of Hawaii, I strongly support HB 1272 to see that the Deaf and Hard of Hearing people of Hawaii have open captioning movies in order to acquire equal access to communication. There are 5,000 Deaf people here and 22,000 Hard of Hearings. They will benefit open captioning as much as you do going to a movie.

Thank You,

ed chevy

**LATE**

015

Dear Committee,

I am writing this testimony in SUPPORT of HB 1272 (hearing scheduled for 3/3/15 at 1pm) regarding access to Movie Theaters using captioning and descriptive narration. I am an instructor for the blind and community access for recreational activities is a must. Everyone enjoys going to the movies with family, friends or alone. However, for those who cannot fully see the actions on the screen, much of the story is lost. The current captioning and descriptive narration offered at some movie theaters is easy to use. Most importantly, it allows the individual with a disability to fully access this most common social activity in our community. Please encourage all theaters to offer at least the minimum amount of access as described in this bill. Every person who pays for a ticket to the movies should be provided with the most up to date resources to enjoy it. Your support for this bill is greatly appreciated.

Aloha,

Amy Downard

Visual Impairment Teacher, Honolulu District

**LATE**

Judiciary

To: Rep. Karl Rhoads, Chair and other Committee Judiciary Members

From: Donald sakamoto

Date: March 3, 2015

Subject: My written testimony for the support of HB 1272, HD1

Dear Rep. Karl Rhoads, Chair and other Committee Judiciary Members

My Name is Donald Sakamoto and I am a blind visually impaired person who is in support of HB 1272 HB1 because this bill will allow the blind and deaf community the opportunity to access an open movie captioning and descriptive narration at any motion picture theaters that have two or more facilities throughout our State of Hawaii.

The Federal ADA Law will be celebrating its 25<sup>th</sup> anniversary this year on July 26, 2015, and what better way to commemorate it by passing this wonderful bill that will allow the blind and deaf community their independence to access the different theaters to enjoy listening or watching their favorite movies.

I am a member of the State Wide Independent Living Council of Hawaii (SILC), and a member of The National Federation Of The Blind (NFB) Hawaii Anuenue Rainbow Chapter (advocate for the blind and blind deaf) , which are two fine organizations that support the disable community.

I would really appreciate if you all would pass HB 1272, HD1 to allow the blind and deaf community the access that they truly need to experience the wonderful enjoyment of listening or watching their favorite movie at the different motion picture theaters.

Sincerely,

Donald Sakamoto

E-mail: [cylonone@aol.com](mailto:cylonone@aol.com)

Mobile: (808) 291-1740

**LATE**

**Testimony in SUPPORT of HB1272 HD1  
MOTION PICTURE THEATERS; OPEN MOVIE CAPTIONING AND DESCRIPTIVE  
NARRATION**

**REPRESENTATIVE KARL RHOADS, CHAIR  
HOUSE COMMITTEE ON JUDICIARY**

Hearing Date: March 03, 2015, 1:00pm      Room Number: 325

I am Philip Ana, Long Term Care Disability Specialist with the Hawaii Executive Office On Aging. I would like to give my personal testimony in support of HB1272 HD 1.

This bill will make it possible for blind and deaf individuals to enjoy the movies just like anyone else. I am blind from birth, and have personally experienced the enjoyment of movies with descriptive narration. All of the silent parts of the movie are described for you, including a color description, and scenery. The narration works very well, and does not interfere with the rest of the movie. You will also not be bothering your companion, with the details of the movie. By supporting HB1272 HD 1, movie theaters can become ADA compliant and remove barriers to the enjoyment of movies for individuals with disabilities.

Thank you for the opportunity to testify.