

SB1528
TESTIMONY



NEL ABERCROMBIE
GOVERNOR

BRIAN SCHATZ
LIEUTENANT GOVERNOR

STATE OF HAWAII
OFFICE OF THE LIEUTENANT GOVERNOR
OFFICE OF INFORMATION PRACTICES

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CATHY L. TAKASE
ACTING DIRECTOR

To: Senate Committee on Judiciary and Labor
Senate Committee on Economic Development and Technology

From: Cathy L. Takase, Acting Director

Hearing: Wednesday, February 9, 2011, 11:00 a.m.
State Capitol, Room 016

Re: Testimony on S.B. No. 1528
Relating to Shipboard Gaming

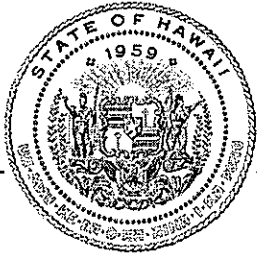
The Office of Information Practices (OIP) takes no position on the purpose of this bill, which is to authorize shipboard gaming in state waters. OIP does have concerns with this bill's provisions concerning disclosure of records and recommends amendments to the bill to address these concerns.

First, on page 18-19 of the bill, a proposed new subsection (c) provides that the gaming board shall not disclose information "barred" by: (1) chapter 92F or (2) "[t]he statutes, rules, regulations, or intergovernmental agreements of any jurisdiction." OIP recommends that this new subsection (c) be deleted for the following reasons.

This new subsection (c) incorrectly presumes that chapter 92F, which is the Uniform Information Practices Act (Modified) (UIPA), sets forth provisions "barring" disclosure of information. The UIPA does **not** contain disclosure restrictions, but rather requires public disclosure of government records and provides exceptions to this requirement, including the exception in section 92F-13(4) for records protected by other laws. Also, the proposed new subsection (c) provides that the board must comply with rules, regulations and intergovernmental agreements barring disclosure of information. This proposed requirement would inappropriately elevate the legal authority of rules, regulations and contracts as having the same force and effect as laws with respect to disclosure of government records.

Second, on page 37 of the bill, lines 9 -12, a proposed new subsection (c) provides that the books and records kept by a licensed gaming operations owner are “government records” and that they are subject to chapter 92F. This requirement conflicts with the UIPA’s definition of “government record” which is limited to “information maintained by an agency” HRS § 92F-3 (emphasis added). OIP recommends that this proposed subsection (c) on page 37 of the bill be replaced with a requirement that the licensed owner shall provide the gaming board access to its records. By instead requiring the board to have access to an owner’s records, the board will be deemed as “maintaining” the records and, therefore, the records will be “government records” which the board shall have the duty under the UIPA to disclose, upon request, unless an exception applies.

Thank you for the opportunity to provide testimony on this bill.



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

NEIL ABERCROMBIE
GOVERNOR

RICHARD C. LIM
INTERIM DIRECTOR

No. 1 Capitol District Building, 250 South Hotel Street, 5th Floor, Honolulu, Hawaii 96813
Mailing Address: P.O. Box 2359, Honolulu, Hawaii 96804
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Statement of
RICHARD C. LIM
Interim Director
Department of Business, Economic Development, and Tourism
before the
HOUSE COMMITTEE ON JUDICIARY AND LABOR
AND
HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

February 9, 2011
11:00 A.M.
State Capitol, Conference Room 016

in consideration of
SB 1528
RELATING TO SHIPBOARD GAMING.

Chairs Hee and Fukunaga, Vice Chairs Shimabukuro and Wakai and Committee members:

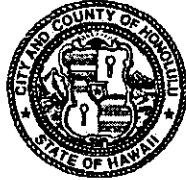
The Department offers the following comments regarding Senate Bill 1528 which establishes a regulatory framework for the conduct of legal shipboard gaming in Hawaii. The measure establishes within DBEDT, the Hawaii gaming board, which shall administer, regulate, and enforce the system of shipyard gaming.

DBEDT does not have the resources or core competency to regulate and enforce an industry such as gaming and related activities.

Thank you for the opportunity to offer these comments.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



PETER B. CARLISLE
MAYOR

LOUIS M. KEALOHA
CHIEF

DELBERT T. TATSUYAMA
RANDAL K. MACADANGDANG
DEPUTY CHIEFS

OUR REFERENCE JI-TA

February 9, 2011

The Honorable Clayton Hee, Chair
and Members
Committee on Judiciary and Labor
The Honorable Carol Fukunaga, Chair
and Members
Committee on Economic Development
and Technology
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chairs Hee and Fukunaga and Members:

Subject: Senate Bill No. 1528, Relating to Shipboard Gaming

I am Jerry Inouye, Captain of the Narcotics/Vice Division of the Honolulu Police Department.

The Honolulu Police Department opposes Senate Bill No. 1528, Relating to Shipboard Gaming.

The Honolulu Police Department recognizes the need for Hawaii to remain competitive with other resort destinations. However, even in these lean economic times, we believe that legalizing any form of gambling would have harmful long-term effects.

Gambling exploits those who can least afford it and undermines community values. The socioeconomic costs include job loss, more people filing for unemployment benefits, and increased embezzlements, suicides, work absences, homelessness, divorce, and bankruptcy.

In keeping with our vision of making Honolulu the safest city in the nation in which to live, work, and play, we are strongly opposed to all forms of gambling.

The Honolulu Police Department urges you to oppose Senate Bill No. 1528.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

for DC Kealoha
LOUIS M. KEALOHA
Chief of Police

Jerry Inouye
JERRY INOUYE, Captain
Narcotics/Vice Division

Serving and Protecting With Aloha

From: Tracy A Ryan [tracyar@hawaiiantel.net]
Sent: Saturday, February 05, 2011 1:26 PM
To: JDLTestimony
Subject: Testimony for Wednesday
Attachments: image001.jpg

TESTIMONY

The Libertarian Party
c/o 1658 Liholiho St #205
Honolulu, HI 96822

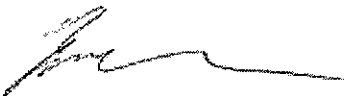
February 5, 2011

RE: SB 1528 to be heard Wednesday, February 9, 2011 at 11:00 AM in conference room 016.

To the members of the Senate Committee on Judiciary and Labor and the Committee on Economic Development and Technology

We support passage of SB 1528 **if it is amended** to repeal code sections 712-1221 through and including 712-1230 that criminalize gambling in our State. Either gambling is a right that free people enjoy, as we libertarians believe, or it is a dangerous vice that the community must suppress, as some others believe. For the legislature to take the point of view that it is dangerous vice to be criminalized except when it benefits tourism or the State tax coffers is a questionable stand.

Sincerely:



Tracy Ryan
Oahu County Chair
The Libertarian Party of Hawaii

(808) 534-1846

tracyar@hawaiiantel.net

Radcliffe & Associates, LLC

222 South Vineyard Street, Suite 401, Honolulu, HI 96813-2453 Phone (808) 524-4459 Fax (808) 599-4340

February 7, 2011

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair
Committee on Judiciary

Senator Carol Fukunaga, Chair
Senator Glenn Wakai, Vice Chair
Committee on Economic Development and Technology

RE: SB1528 Relating to Shipboard Gaming

Dear Chairman Hee, Vice Chairwoman Shimabukuro, Chairwoman Fukunaga, Vice Chairman Wakai and Members of the Committee:

SB1528, if passed would be a tremendous shot in the arm to our cruise ship industry. All large cruise ships are built with casinos. Those plying Hawaiian waters have to actually remove their existing facilities. This bill would allow ships to ply the waters of Hawaii so that our residents and tourist could enjoy themselves by gambling legally.

The bill also calls for a referendum by the citizens of each County. If the voters of any County chose, by popular vote, not to participate, then that would be their right.

Thank you for the opportunity to submit written testimony.

Respectfully Submitted,

John H. Radcliffe
President, Radcliffe & Associates, LLC



Email to: JDLTestimony@Capitol.hawaii.gov
Hearing on: Wednesday, February 9, 2011 @ 11:00 a.m.
Conference Room #016

DATE: February 5, 2011

TO: **Senate Committee on Judiciary & Labor**
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

Senate Committee on Economic Development & Technology
Senator Carol Fukunaga, Chair
Senator Glenn Wakai, Vice Chair

FROM: Allen Cardines, Jr., Executive Director

RE: Strong Opposition to: SB 1528 Relating to Shipboard Gaming

Honorable Chairs and members of the joint committee on Judiciary & Labor and Economic Development & Technology, I am Allen Cardines, representing the Hawaii Family Forum. Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii, representing a network of various Christian Churches and denominations. We strongly oppose this bill that would authorize shipboard gaming on vessels in our island waters.

Hawaii is among only two States (Utah and Hawaii) in the nation where all forms of gambling remain illegal. Proponents of legalized gambling in Hawaii boast of its promise of economic revitalization and prosperity. There may well be an element of truth to their claims; however, greater scrutiny reveals a far different story. While it may be true that legalized gambling could potentially yield new jobs, the potential greater negative economic impact must also be considered. Not unlike the social costs associated with other addictive behaviors, compulsive gambling wreaks havoc on individuals, families, and communities.

The widespread proliferation of gambling on the mainland has produced very troubling consequences for the people and communities most closely associated with it. Those consequences include: increased violent crime, property crime, and drug-related crime; an increased influence of organized crime; increased addiction and family deterioration; a disproportionately adverse impact on youth and the poor; and, a net negative economic impact.

Gambling is often associated with crime. The relationship is easy to understand. Many types of gambling have been, indeed still are, illegal. Hence, by definition, criminals are the only operators of games. When gambling restrictions are relaxed, criminals are the first to open up legal gambling establishments.



Page Two

We should also point out the obvious. Lots of people in Hawaii travel to Las Vegas for fun and recreation. Those visits are 100% irrelevant to the simple issue at hand - should Hawaii become more like Las Vegas by legalizing gambling? To answer that question, we really should examine the data about what it is like to live in a place like Vegas.

This data should serve as a clarion call for all of us - a reminder of the compelling reasons the people of Hawaii and our elected representatives have consistently and steadfastly resisted the siren song of the big money gambling interests. It reminds us why "the Las Vegas effect" upon our islands would wreak havoc on our ohana based community and our aloha spirit.

How does Nevada rate in the nation? Nevada is number three in bankruptcies and abortions. Number four in rape, out of wedlock births and alcohol related death. Number five in crime, number six in prisoners locked up and number 50 in voter participation. This and other well-documented information is available through the Hawaii Coalition Against Legalized Gambling.

In response to this data, the Coalition's response seems appropriate: "Not in my Backyard." Shouldn't that be our collective community response?

It seems to me Hawaii is rather akamai for its continued rejection of legalized gambling. As we all know, Hawaii is special. This issue is no different - we are one of only three states in the nation that can boast of no legalized gambling. Let's work hard to keep it that way!

Mahalo for the opportunity to testify.



HAWAII CATHOLIC CONFERENCE
6301 Pali Highway
Kaneohe, HI 96744-5224

Email to: JDCTestimony@Capitol.hawaii.gov
Hearing on: Wednesday, February 9, 2011 @ 8:00 a.m.
Conference Room #016

DATE: February 5, 2011

TO: **Senate Committee on Judiciary & Labor**
Senator Clayton Hee, Chair
Senator Maile Shimabukuro, Vice Chair

Senate Committee on Economic Development & Technology
Senator Carol Fukunaga, Chair
Senator Glenn Wakai, Vice Chair

FROM: Walter Yoshimitsu, Executive Director

RE: Strong Opposition to: SB 1528 Relating to Shipboard Gaming

Honorable Chairs and members of the joint Senate Committees on Judiciary & Labor and Economic Development & Technology, I am Walter Yoshimitsu, **representing the Hawaii Catholic Conference.** The Hawaii Catholic Conference is the public policy voice for the Roman Catholic Church in the State of Hawaii, which under the leadership of Bishop Larry Silva, represents over 200,000 Catholics in Hawaii.

We strongly **oppose gambling in any form.** The Catholic Church holds that gambling becomes morally problematic when it interferes with an individual's other duties or responsibilities. Observing that "the passion for gambling risks becoming an enslavement," the Catechism of the Catholic Church highlights the need for moderation to avoid addictions and unhealthy behaviors.

In sharing the Catholic theological perspective on gambling, we are also aware of and very concerned about other important and related aspects of the issue that would serve to make specific pieces of gambling legislation morally unacceptable. We believe that the promotion of the common good of society and the protection of individual rights is always to be the primary goal of public policy. Accordingly, the potential negative consequences of an expanded "culture of gambling" needs to be carefully evaluated.

Please **OPPOSE** any legislation that would bring any form of gambling to Hawaii.

Mahalo for the opportunity to testify.

From: mailinglist@capitol.hawaii.gov
Sent: Sunday, February 06, 2011 5:53 PM
To: JDLTestimony
Cc: toddhairgrove@yahoo.com
Subject: Testimony for SB1528 on 2/9/2011 11:00:00 AM

Testimony for JDL/EDT 2/9/2011 11:00:00 AM SB1528

Conference room: 016
Testifier position: oppose
Testifier will be present: Yes
Submitted by: Todd Hairgrove
Organization: Individual
Address:
Phone:
E-mail: toddhairgrove@yahoo.com
Submitted on: 2/6/2011

Comments:

Hawai'i Coalition Against Legalized Gambling

1124 Fort Street Mall, Suite 209
Honolulu, HI 96813
524-7766

Member Organizations

Advocates for Consumer Rights
Animal Rights Hawaii
Buddhist Peace Fellowship
Christian Voice of Hawaii
Church of Jesus Christ of Latter-day Saints
Church of Perfect Liberty
Common Cause
Disciples of Christ
Hale Kipa
Hawaii Assemblies of God
Hawaii Association of International Buddhists
Hawaii Christian Coalition
Hawaii Conference of Seventh-day Adventists
Hawaii Conference of the United Church of Christ (UCC)
Hawaii District United Methodist Church
Hawaii Family Forum
Hawaii Pacific Baptist Convention
Hawaii Rainbow Coalition
Hawaii Religions for Peace
Hawaii Youth Services Network
Honolulu Friends Meeting (Quakers)
Honolulu Police Department
Institute for Religion and Social Change
Interfaith Alliance Hawaii
Kokua Council
League of Women Voters of Hawaii
Life of the Land (Hawaii)
Dr. Martin Luther King, Jr. Coalition Hawaii
Mestizo Association
Muslim Association & Islamic Center of Hawaii
Pacific Gateway Center
Presbytery of the Pacific
Saints Constantine & Helen Greek Orthodox Church
Small Business Hawaii
Soto Zen Mission of Hawaii
Temple Emanu-El
Windward Coalition of Churches
The Woman's Board of Missions for the Pacific Islands (UCC)

Cooperating Organizations

Chamber of Commerce of Hawaii
Catholic Diocese of Honolulu
Hawaii Bankers Association
Hawaii Business Roundtable
Hawaii State PTSA
Hawaiian Humane Society

COMMITTEE ON JUDICIARY AND LABOR

Senator Clayton Hee, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

COMMITTEE ON ECONOMIC DEVELOPMENT AND TECHNOLOGY

Senator Clayton Hee, Chair
Senator Glenn Wakai, Vice Chair

Wednesday, February 9, 2011
11:00 AM, Conference Room 016

Opposition to SB1528

My name is H. Thomas Kay, Jr. I am attorney for the Hawaii Coalition Against Legalized Gambling. Two reasons HCALG opposes HB1651 related to shipboard gambling follow:

1. The Hawaii tourist industry is in a recovery mode from the substantial losses that occurred in 2008 and 2009 due to the US recession. Discretionary funds from tourists are needed to increase hotel revenue through higher room rates and more days spent in Hawaii. These funds are also necessary to help local businesses and enterprises be profitable as they provide tourists with merchandise, transportation, events, activities, and other services so that their stay in Hawaii is enjoyable and memorable. These discretionary funds from tourists should not be dissipated by losses from shipboard gambling when the tourist industry is dependant upon these funds to provide visitors with quality vacations and still make a profit.
2. It would appear that under the Johnson Act, 15USC1176, use of gambling devices on ships leaving or returning to Hawaii is prohibited. Therefore, new Hawaii legislation allowing shipboard gambling would be invalid and illegal under Federal statutes.

H. Thomas Kay 373-3479
1516 Kamole Street
Honolulu, Hawaii 96821