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In Opposition: Senate Bill 957

An Act Concerning the Regulation of Gaming and the Authorization of a Casino Facility in the State

March 9, 2017

Senator Guglielmo, Senator Larson, Representative Verrengia and distinguished members of the Public Safety and Security Committee:

Thank you for allowing me to submit testimony in opposition to Senate Bill 957, An Act Concerning the Regulation of Gaming and the Authorization of a Casino Facility in the State.

While I understand both sides of this argument I think it is important to appreciate that there could be some serious legal ramifications if we jointly allow two federally recognized tribes to develop a casino off tribal lands. I think we need to carefully evaluate the benefits of this proposed legislation against its prospective risks.

Some of these risks include the potential impact to the state's existing tribal compacts – which include the revenue sharing agreement, which gives the state 25 percent of gross slots revenue at the two tribal casinos (Foxwoods and Mohegan Sun) in return for exclusive rights to slots in Connecticut. Both tribes currently have separate agreements with the state which outline their respective covenants.

This bill also fails to address any violations of equal-protection guarantees under the constitution due to the fact that if enacted the legislation would grant the tribes exclusive rights to conduct casino gambling. Additionally, there is a potential violation of the commerce clause because the bill would grant the tribes the exclusive right to conduct casino gaming in the state, unconstitutionally discriminating against interstate commerce.

I also believe the process was so fluid that due process issues may be pursued.

I do not believe we should rush into an agreement which has the potential to disrupt an already existing revenue-sharing agreement or be hurried to move forward with a bill that could open up the state to claims of illegal preferentialism.

There is no doubt that our great state is facing many challenges ahead, we should not look to increase those challenges. We should not put the revenue-sharing agreement at risk. We should not open the state up to a third-party challenge on the basis of equal-protection, commerce clause or due process violations. That is what this bill does here today.

Until these legal questions are sufficiently concluded, I would urge this committee not to be hasty in making decisions which have the potential to impact the entire state as a whole and many individual municipalities.

Sincerely,

A handwritten signature in black ink, appearing to read "John", with a long, sweeping horizontal stroke extending to the right.

John A. Kissel
State Senator, 7th District