



# Senate

General Assembly

**File No. 506**

January Session, 2019

Senate Bill No. 11

*Senate, April 8, 2019*

The Committee on Public Safety and Security reported through SEN. BRADLEY of the 23rd Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

***AN ACT CONCERNING THE AUTHORIZATION OF A CASINO GAMING FACILITY IN EAST WINDSOR.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 12-578f of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective from passage*):

3 (a) For the purposes of this section and section 12-578g:

4 (1) "Authorized games" means any game of chance, including, but  
5 not limited to, blackjack, poker, dice, money-wheels, roulette, baccarat,  
6 chuck-a-luck, pan game, over and under, horse race game, acey-deucey,  
7 beat the dealer, bouncing ball, video facsimile game and any other  
8 game of chance authorized by the Commissioner of Consumer  
9 Protection;

10 (2) "Mashantucket Pequot memorandum of understanding" means  
11 the memorandum of understanding entered into by and between the  
12 state and the Mashantucket Pequot Tribe on January 13, 1993, as

13 amended on April 30, 1993;

14 (3) "Mashantucket Pequot procedures" means the Final  
15 Mashantucket Pequot Gaming Procedures prescribed by the Secretary  
16 of the United States Department of the Interior pursuant to Section  
17 2710(d)(7)(B)(vii) of Title 25 of the United States Code and published in  
18 56 Federal Register 24996 (May 31, 1991);

19 (4) "MMCT Venture, LLC" means a limited liability company  
20 described in subsection (d) of this section;

21 (5) "Mohegan compact" means the Tribal-State Compact entered  
22 into by and between the state and the Mohegan Tribe of Indians of  
23 Connecticut on May 17, 1994; and

24 (6) "Mohegan memorandum of understanding" means the  
25 memorandum of understanding entered into by and between the state  
26 and the Mohegan Tribe of Indians of Connecticut on May 17, 1994.

27 (b) MMCT Venture, LLC, is authorized to conduct authorized  
28 games at a casino gaming facility at 171 Bridge Street, East Windsor,  
29 Connecticut.

30 (c) Such authorization shall not be effective unless the following  
31 conditions have been met:

32 (1) (A) The Governor enters into amendments to the Mashantucket  
33 Pequot procedures and to the Mashantucket Pequot memorandum of  
34 understanding with the Mashantucket Pequot Tribe and amendments  
35 to the Mohegan compact and to the Mohegan memorandum of  
36 understanding with the Mohegan Tribe of Indians of Connecticut  
37 concerning the operation of a casino gaming facility in the state.

38 (B) The amendments to the Mashantucket Pequot procedures and  
39 the Mohegan compact shall include a provision that the authorization  
40 of MMCT Venture, LLC, to conduct authorized games in the state does  
41 not terminate the moratorium against the operation of video facsimile  
42 games by the Mashantucket Pequot Tribe and Mohegan Tribe of

43 Indians of Connecticut on each tribe's reservation.

44 (C) The amendments to each tribe's memorandum of understanding  
45 shall include a provision that the authorization of MMCT Venture,  
46 LLC, to conduct authorized games in the state does not relieve each  
47 tribe from each tribe's obligation to contribute a percentage of the gross  
48 operating revenues of video facsimile games to the state as provided in  
49 each tribe's memorandum of understanding.

50 [(2) The amendments to the Mashantucket Pequot procedures, the  
51 Mashantucket Pequot memorandum of understanding, the Mohegan  
52 compact and the Mohegan memorandum of understanding are  
53 approved or deemed approved by the Secretary of the United States  
54 Department of the Interior pursuant to the federal Indian Gaming  
55 Regulatory Act, P.L. 100-497, 25 USC 2701 et seq., and its  
56 implementing regulations. If such approval is overturned by a court in  
57 a final judgment, which is not appealable, the authorization provided  
58 under this section shall cease to be effective.]

59 [(3)] (2) The amendments to the Mashantucket Pequot procedures  
60 and to the Mohegan compact are approved by the General Assembly  
61 pursuant to section 3-6c.

62 [(4)] (3) The amendments to the Mashantucket Pequot  
63 memorandum of understanding and to the Mohegan memorandum of  
64 understanding are approved by the General Assembly pursuant to the  
65 process described in section 3-6c.

66 [(5)] (4) The governing bodies of the Mashantucket Pequot Tribe  
67 and Mohegan Tribe of Indians of Connecticut enact resolutions  
68 providing: (A) That if MMCT Venture, LLC, fails to pay any fees or  
69 taxes due the state, the tribes, as the members of MMCT Venture, LLC,  
70 waive the possible defense of sovereign immunity with respect to any  
71 action or claim by the state against the tribes as the members of MMCT  
72 Venture, LLC, to the extent such action or claim is permitted to be  
73 brought against a member of a limited liability company under state  
74 law to collect any fees or taxes, while preserving any other defenses

75 available to the tribes, and (B) that the venue for such action or claim  
76 shall be in the judicial district of Hartford.

77 (d) Such authorization shall apply to MMCT Venture, LLC,  
78 provided: (1) MMCT Venture, LLC, is a limited liability company  
79 jointly and exclusively owned by the Mashantucket Pequot Tribe and  
80 the Mohegan Tribe of Indians of Connecticut; (2) no other person or  
81 business organization holds an equity interest in MMCT Venture, LLC;  
82 and (3) each tribe holds at least a twenty-five per cent equity interest in  
83 MMCT Venture, LLC. If MMCT Venture, LLC, ceases to be a limited  
84 liability company jointly and exclusively owned by the Mashantucket  
85 Pequot Tribe and the Mohegan Tribe of Indians of Connecticut in  
86 which each tribe holds at least a twenty-five per cent equity interest,  
87 such authorization shall be void.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	12-578f

**PS**      *Joint Favorable*

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*The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.*

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### **OFA Fiscal Note**

**State Impact:** None

**Municipal Impact:** None

### **Explanation**

The bill removes the requirement for the U.S. Department of Interior to approve the amendments and memorandum of understanding before the East Windsor Casino can be built and results in no cost to the state. The U.S. Department of Interior approved the amendments and memorandum of understanding in March.

### **The Out Years**

**State Impact:** None

**Municipal Impact:** None

**OLR Bill Analysis****SB 11*****AN ACT CONCERNING THE AUTHORIZATION OF A CASINO GAMING FACILITY IN EAST WINDSOR.*****SUMMARY**

This bill removes the requirement that the proposed commercial casino in East Windsor receive federal approval of the amendments to the Mashantucket Pequot procedures, Mohegan compact, and the memoranda of understanding (MOU) before the commercial casino is authorized. (Such amendments have received federal approval (see BACKGROUND).)

Current law requires, among other things, the amendments to be approved or deemed approved by the U.S. Department of Interior (DOI) secretary, pursuant to the Indian Gaming Regulatory Act and its implementing regulations.

The bill also eliminates the provision in the law retracting the authorization if a court overturns DOI's approval in a final judgment that is not appealable.

By law, the amendments to the (1) compact and procedures must include a provision that MMCT's authorization to conduct authorized casino games in the state does not terminate the moratorium against operating video facsimile games and (2) MOUs must include a provision that MMCT's authorization to conduct authorized casino games in the state does not relieve the tribes of their obligation to contribute a percentage of the gross operating revenues of video facsimile games to the state under the MOUs.

EFFECTIVE DATE: Upon passage

**BACKGROUND**

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**Federal Approval**

On June 1, 2018, the DOI approved the amendments to the Mohegan compact and MOU (83 Fed. Reg. 25484). Then on March 25, 2019, the DOI approved the amendments to the Mashantucket Pequot procedures and MOU (84 Fed. Reg. 11122).

**Off-reservation Commercial Casino**

Once certain conditions are met, the law authorizes the operation of an off-reservation commercial casino gaming facility in East Windsor, Connecticut, subject to Department of Consumer Protection regulations. The law gives MMCT Venture, LLC, a company jointly owned and operated by the Mashantucket Pequot and Mohegan tribes, the exclusive right to conduct authorized games (i.e., games of chance) at the facility (CGS § 12-578f).

**COMMITTEE ACTION**

Public Safety and Security Committee

Joint Favorable

Yea 19    Nay 5    (03/19/2019)