



General Assembly

January Session, 2019

Committee Bill No. 11

LCO No. 3741



Referred to Committee on PUBLIC SAFETY AND SECURITY

Introduced by:
(PS)

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 Section 12-578f of the general statutes is repealed and the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*