



**Public Safety Committee**

**Public Hearing**

**March 3, 2020**

**Rodney Butler, Chairman  
Mashantucket Pequot Tribal Nation**

**Testimony in Support of**

**S.B. 21 An Act Authorizing Sports Wagering, Internet Gaming, a Casino Gaming Facility in Bridgeport, Entertainment Zone Facilities, Internet Lottery and Internet Keno.**

Good morning Senators Bradley, Osten and Hwang, Representatives Verrengia, Paolillo and Sredzinski, and other honorable members of the Public Safety Committee. My name is Rodney Butler and I am the Chairman of the Mashantucket Pequot Tribal Council and former acting CEO of Foxwoods Casino.

To begin, I'd like to state for the record our Nation's unequivocal support for S.B. 21, the *Connecticut Jobs and Revenue Act*. I'd also like to thank all those policymakers that worked together in a bicameral and bipartisan fashion over the interim to craft this piece of legislation. We deeply appreciate all the time and energy that went into bringing this bill forward.

As currently drafted, S.B. 21, directs Governor Lamont to negotiate and amend the existing Tribal compacts by October 1<sup>st</sup>:

1. **Allowing the tribes to operate both retail and on-line sports betting.**
  - a. One on-line sports betting skin (federally recognized Tribe operating Class III)
  - b. One on-line internet gaming skin (federally recognized Tribe operating Class III)
  - c. Retail sports betting in entertainment zones by Tribally owned company
  - d. Establishes gross gaming tax rate of 10% from I-gaming
  - e. Establishes gross gaming tax rate of 8% for sports betting

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2. **Establishing a Bridgeport Casino Venue and Three Entertainment Zones (Boutique Sports Betting Venues).**
  - a. Minimum investment of \$100M to develop a casino gaming venue in Bridgeport.
  - b. Entertainment Zones
    - Hartford
    - New Haven
    - a municipality chosen by Tribally owned company.
3. **Authorizing I-Keno.**
4. **Providing for the sale of I-lottery draw games** through internet, on-line, or mobile provided total drawings don't exceed six.
5. **Extending the deadline for serving alcohol in casinos from 2 a.m. until 4 a.m.**
6. **Allotting new tribal revenue, including 10% of gross gaming revenue (not from video slots) to statewide tourism efforts, and 15% to the General Fund.**
7. **Increasing by \$88 million (from \$51 million to \$139 million) of gaming revenue to be distributed annually to all 169 Connecticut cities and towns, including the following totals that might be of particular interest (full list of municipal grants attached):**
  - a. \$14.6M to Bridgeport
  - b. \$17M to Hartford
  - c. \$14M to New Haven
  - d. \$2.25M to Newtown
  - e. \$2.25M to Danbury
  - f. \$1.4M to Manchester
  - g. \$1M to W. Hartford
  - h. \$728K to E. Hartford
  - i. \$518K to Wethersfield
  - j. \$498K to Brooklyn
  - k. \$346K to Wallingford
  - l. \$282K to Southington
  - m. \$253K to Plainfield
  - n. \$235K to Killingly
8. If remaining funds allow, **providing additional grants of \$750,000 each annually** to Bridgeport, East Hartford, Ellington, Enfield, Hartford, New Haven, Norwalk, South Windsor, Waterbury, West Hartford, Windsor and Windsor Locks.

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9. If remaining funds allow, **providing additional grants of \$750,000 each annually** to East Lyme, Groton, Ledyard, Montville, Norwich, Stonington and Waterford.
10. If remaining funds allow, **providing additional grants of \$375,000 each annually** to Bozrah, Franklin, Griswold, Lisbon, North Stonington, Preston, Salem, and Sprague.
11. **Allowing the City of Bridgeport to impose property taxes on the planned Bridgeport casino for up to 10 years.**
12. **Extending the requirement that the Department of Consumer Protection must, within available resources, inform the public about programs designed to prevent, treat and rehabilitate compulsive gamblers.**
13. **Extending the requirement that the state Department of Mental Health and Addiction Services (DMHAS) must establish a program for the treatment and rehabilitation of compulsive gamblers.**

In the twenty-one jurisdictions that have legalized sports betting, eighteen authorize casinos to be the operators, including twelve states where casinos are the *only* operators. The three remaining jurisdictions do not have commercial casino gaming. Every state with Tribal casinos (except MT which only has a small venue) has authorized its in-state casinos to operate sports betting. In NM, NC, and soon WA, Tribes are the exclusive operators. Connecticut should follow their lead.

We fully appreciate that S.B. 21 is in need of further amendment prohibiting bets on in-state collegiate games and requiring further safeguards around the extension of liquor hours. We are prepared to support such modifications. Likewise, as we have in the past, we remain committed to working with the Connecticut Council on Problem Gambling (CCPG), to realize their objectives.

To touch upon a couple of issues that received particular focus during the last hearing, I'd like to state the following:

One, we are committed to moving forward in East Windsor. We have \$20M already invested in the project and no one would like to see a return on that investment more than us. We have been pushed to walk away from the project and we haven't. That should tell you what you need to know about our commitment.

Two, in terms of a timetable for "build," it's not unusual for these types of projects to be delayed. It took MGM five years to build their facility in Springfield. Simply put, we can't put a shovel in the ground until we have zoning approval. I'm pleased to say that we have the full support of both the local and state delegations in resolving these issues as quickly as possible.

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Three, as you know from our previous testimony, we maintain that sport betting falls within our current exclusivity agreement with the State as a class III game. While we appreciate that that may be a bone of contention for some - our position on that accord won't change. Our position is further substantiated by recent guidance issued by the Indian Gaming Regulatory Commission on January 29, 2020 confirming sports betting as a class III casino game. Absent an agreement between the Tribes, the Governor, and the General Assembly, it will be the courts that finally decide the matter which we don't believe is in anyone's best interest. We understand that there are concerns about litigation whatever path the State chooses to take but that does not justify inaction. S.B. 21 offers the State substantial protection from a lawsuit, as it arises directly out of the Tribal-State agreements entered into pursuant to the Indian Gaming Regulatory Act and approved by the Secretary of the U.S. Department of the Interior.

If some of the competing bills under consideration by the committee were to emerge, Connecticut would stand to lose approximately \$250M annually in exchange for \$15M annually. That's a hard equation to reconcile. "Exclusivity," in layman's terms, means that if the state embarks on any new gaming initiative, it must be done in the context of an agreement with the Tribes and that can be accomplished fairly easily and without a lot of controversy as evidenced by the adoption of Keno.

Lastly, I want to touch on the question of cannabis that came up quite surprisingly last week. If it is the will of the legislature to legalize adult-use cannabis, we simply ask that Connecticut adopt the standards used in Washington State, Oregon and Nevada whereby the states and the Tribe enter into compacts relating to cannabis production and sales. We believe these compacts will facilitate and promote a cooperative and mutually beneficial relationship between the state and the Tribes, enhancing public health and safety, ensuring a lawful and well-regulated marijuana market. Just as the State has expressed an interest in working with surrounding states regarding marijuana legalization, it would be mutually beneficial for the State and interested Tribes to partner to create a cohesive regulatory structure.

I want to end my comments by saying that I am here today - my executive team is here today - not because we want to work against you but because we want to work with you. Speaking on behalf of Mashantucket, we stand ready to meet with the Governor, Leadership, and any individual caucus upon request. Like many of you, we believe 2020 is the year to move forward and S.B. 21 does just that. We respectfully ask for your support of its passage.

**Pequot - Mohegan Funding and Other Gaming Related Funding**

<b>Municipality</b>	<b>Actual FY 20 Pequot Payments</b>	<b>Total (Statutory Funding + New Sources)</b>	<b>Statutory Pequot Fund Funding*</b>
Andover	6,680	38,366	38,366
Ansonia	113,045	518,735	518,735
Ashford	12,010	56,334	56,334
Avon	-	42,157	42,157
Barkhamsted	6,728	36,457	36,457
Beacon Falls	12,467	65,409	65,409
Berlin	-	97,586	97,586
Bethany	881	40,605	40,605
Bethel	-	99,897	99,897
Bethlehem	4,125	33,057	33,057
Bloomfield	94,314	372,983	372,983
Bolton	3,244	37,216	37,216
Bozrah	9,143	411,796	36,796
Branford	-	133,076	133,076
Bridgeport	5,606,925	15,400,117	14,650,117
Bridgewater	3,734	20,139	20,139
Bristol	400,282	1,400,033	1,400,033
Brookfield	-	67,478	67,478
Brooklyn	191,703	498,866	498,866
Burlington	-	51,227	51,227
Canaan	6,202	22,570	22,570
Canterbury	15,208	74,283	74,283
Canton	-	51,867	51,867
Chaplin	73,052	209,219	209,219
Cheshire	1,962,440	5,097,406	5,097,406
Chester	3,278	36,024	36,024
Clinton	-	75,663	75,663
Colchester	23,167	124,417	124,417
Colebrook	6,045	26,729	26,729
Columbia	4,857	48,715	48,715
Cornwall	4,434	20,466	20,466
Coventry	13,336	91,065	91,065
Cromwell	-	91,516	91,516
Danbury	678,398	2,248,535	2,248,535
Darien	-	22,796	22,796
Deep River	4,490	37,233	37,233
Derby	207,304	602,600	602,600
Durham	1,003	38,070	38,070
East Granby	987	40,418	40,418
East Haddam	3,042	64,436	64,436
East Hampton	6,742	205,334	205,334
East Hartford	156,898	1,478,456	728,456
East Haven	82,006	206,161	206,161
East Lyme	270,204	1,473,587	723,587

Municipality	Actual FY 20 Pequot Payments	Total (Statutory Funding + New Sources)	Statutory Pequot Fund Funding*
East Windsor	15,432	79,664	79,664
Eastford	7,529	30,794	30,794
Easton	-	47,081	47,081
Ellington	4,081	852,992	102,992
Enfield	1,224,751	4,132,575	3,382,575
Essex	-	34,333	34,333
Fairfield	114,941	1,441,814	691,814
Farmington	-	73,803	73,803
Franklin	9,738	403,464	28,464
Glastonbury	-	86,195	86,195
Goshen	2,687	26,981	26,981
Granby	-	59,255	59,255
Greenwich	-	232,963	232,963
Griswold	55,478	570,858	195,858
Groton	1,232,069	3,786,118	3,036,118
Guilford	-	64,257	64,257
Haddam	908	47,808	47,808
Hamden	725,946	2,220,238	2,220,238
Hampton	8,881	33,517	33,517
Hartford	6,136,523	18,512,247	17,012,247
Hartland	6,593	30,435	30,435
Harwinton	3,676	42,276	42,276
Hebron	3,350	67,331	67,331
Kent	1,298	26,274	26,274
Killingly	94,184	235,490	235,490
Killingworth	-	40,700	40,700
Lebanon	13,139	68,854	68,854
Ledyard	1,391,000	2,255,923	1,505,923
Lisbon	11,287	425,010	50,010
Litchfield	-	43,529	43,529
Lyme	1,997	21,625	21,625
Madison	-	51,675	51,675
Manchester	412,450	1,414,247	1,414,247
Mansfield	179,151	658,506	658,506
Marlborough	1,807	46,284	46,284
Meriden	698,609	2,144,425	2,144,425
Middlebury	-	43,159	43,159
Middlefield	5,616	37,073	37,073
Middletown	1,060,747	2,963,013	2,963,013
Milford	236,690	943,350	943,350
Monroe	-	75,374	75,374
Montville	1,446,162	2,426,151	1,676,151
Morris	5,059	24,521	24,521
Naugatuck	147,899	462,114	462,114
New Britain	1,980,822	5,434,525	5,434,525
New Canaan	-	21,982	21,982

Municipality	Actual FY 20 Pequot Payments	Total (Statutory Funding + New Sources)	Statutory Pequot Fund Funding*
New Fairfield	-	65,447	65,447
New Hartford	822	56,151	56,151
New Haven	5,503,352	15,903,776	14,403,776
New London	1,667,837	3,959,059	3,959,059
New Milford	2,049	210,172	210,172
Newington	164,924	980,744	980,744
Newtown	829,098	2,256,828	2,256,828
Norfolk	8,899	33,383	33,383
North Branford	2,647	90,149	90,149
North Canaan	12,383	46,735	46,735
North Haven	86,789	374,507	374,507
North Stonington	880,690	1,310,691	935,691
Norwalk	577,059	3,523,765	2,023,765
Norwich	2,360,229	4,613,048	3,863,048
Old Lyme	-	413,649	38,649
Old Saybrook	-	411,357	36,357
Orange	6,408	104,569	104,569
Oxford	-	75,321	75,321
Plainfield	82,099	253,700	253,700
Plainville	27,635	191,054	191,054
Plymouth	33,955	162,780	162,780
Pomfret	9,172	39,806	39,806
Portland	2,902	57,938	57,938
Preston	1,165,290	1,954,150	1,579,150
Prospect	1,085	74,850	74,850
Putnam	75,902	222,266	222,266
Redding	-	29,236	29,236
Ridgefield	-	35,884	35,884
Rocky Hill	213,545	666,446	666,446
Roxbury	2,188	19,665	19,665
Salem	7,370	413,201	38,201
Salisbury	-	21,660	21,660
Scotland	11,620	37,306	37,306
Seymour	24,111	161,335	161,335
Sharon	2,001	20,830	20,830
Shelton	-	175,721	175,721
Sherman	109	21,922	21,922
Simsbury	-	83,580	83,580
Somers	1,564,515	3,994,926	3,994,926
South Windsor	-	859,525	109,525
Southbury	-	89,712	89,712
Southington	7,160	282,109	282,109
Sprague	17,479	434,378	59,378
Stafford	60,839	206,863	206,863
Stamford	625,635	2,190,254	2,190,254
Sterling	24,317	84,665	84,665

Municipality	Actual FY 20 Pequot Payments	Total (Statutory Funding + New Sources)	Statutory Pequot Fund Funding*
Stonington	30,000	845,178	95,178
Stratford	30,567	1,159,829	409,829
Suffield	2,760,598	7,015,494	7,015,494
Thomaston	16,872	106,406	106,406
Thompson	38,307	115,766	115,766
Tolland	-	82,456	82,456
Torrington	196,642	664,969	664,969
Trumbull	-	873,609	123,609
Union	19,013	53,127	53,127
Vernon	79,820	410,003	410,003
Voluntown	80,641	218,782	218,782
Wallingford	33,058	346,634	346,634
Warren	4,369	20,455	20,455
Washington	-	20,805	20,805
Waterbury	2,637,435	8,722,435	7,222,435
Waterford	-	837,622	87,622
Watertown	11,631	155,820	155,820
West Hartford	27,820	1,772,726	1,022,726
West Haven	807,097	1,524,994	1,524,994
Westbrook	-	36,113	36,113
Weston	-	23,007	23,007
Westport	-	66,088	66,088
Wethersfield	137,556	518,194	518,194
Willington	17,399	60,215	60,215
Wilton	-	28,491	28,491
Winchester	49,474	170,938	170,938
Windham	793,155	1,949,760	1,949,760
Windsor	-	934,924	184,924
Windsor Locks	387,713	1,427,528	1,052,528
Wolcott	16,939	172,581	172,581
Woodbridge	-	36,709	36,709
Woodbury	-	51,195	51,195
Woodstock	5,694	67,128	67,128
<b>TOTAL</b>	<b>51,472,789</b>	<b>162,255,000</b>	<b>139,380,000</b>

\*Pequot statute distributes \$132.5 million to towns, plus additional "host town" funding of \$5,350,000 to various municipalities in southeastern Connecticut. The FY 20 and FY 21 budget additionally provides Pequot funding of \$1,530,000 to four towns; 1) \$500,000 to Norwich, Montville, and Ledyard, and 2) \$30,000 to Stonington.

\*\* These estimates are subject to the construction of various gaming facilities and the associated gaming revenue necessary to fund such accounts.





**Public Safety and Security Committee  
Informational Hearing on Gaming  
Tuesday, February 11, 2020**

**George Henningsen, Chairman, Mashantucket Pequot Gaming Commission**

As I know our time is limited, please accept the following addendum to the foregoing testimony I provided last March. I stand by the analysis provided therein, but would reemphasize and add the following for today's discussion.

There has been much talk about the Tribes' exclusivity and whether that extends to sports betting. Under the terms of the MOU each Tribe has with the State, this exclusivity extends to "video facsimiles" and "other commercial casino games." See State/MPTN Memorandum of Understanding (Second Amended to the MOU, dated April 25, 1994)

While I am unaware of any definitive legal analysis/determination that concludes that "sports betting" is a "commercial casino game" for the purposes of defining the tribal exclusivity provisions in the MOUs, absent a decision by the Tribes and the State to litigate that issue, there likely never will be a definitive answer. Where does that leave us?

Attorney General Jepsen considered whether sports betting is a "commercial casino game" in an April 17, 2018 opinion letter. He could not reach a definitive answer, concluding it was an "...open question" and "[h]ow a court might resolve that question is uncertain." Attorney General Blumenthal also considered the definition of a "commercial casino game," but could offer no more than it was a "... game prevalent in casinos."

In a "Bulletin" published just two weeks ago on January 29, 2020 the National Indian Gaming Commission stated very clearly that under 25 U.S.C. Sec. 2703(8); 25 C.F.R. Sec. 502. 4(c) when addressing sports betting for Compact purposes, "Sports betting is defined as Class III gaming..."

In New Jersey, it is clear that the New Jersey Division of Gaming Enforcement is given the authority to regulate sports wagering under N.J.S.A. 5:12A-4 "...to the same extent the division regulates other casino games." At the Committee's hearing last March, Joe Corbo (VP and Legal Counsel, Borgata Casino, Hotel and Spa) while testifying on behalf of MGM, confirmed that "in New Jersey the legislature defines sports betting as a casino game."

Given the opportunity to simply define “commercial casino games” by referencing back to those “authorized games” listed in the Compacts, for its part, the State was obviously satisfied with having the scope of tribal exclusivity defined in the broadest of terms as any “...commercial casino games.”

None of the above points are the “silver bullet” answer we might like, but I respectfully suggest, particularly in the face of no contrary positions from Attorneys General Blumenthal and Jepsen, that the clear weight of the evidence is on the side of the Tribes.

Important to this analysis are also the cautions provided by both Attorneys General regarding any legislative gaming proposals that might trigger a violation of the exclusivity provisions – a complex question at best. Given those fairly pointed cautions, I have to question (at least as a Connecticut taxpayer), how can any reasonable “risk/reward” analysis conclude that the taxpayer’s best interests are being served by risking \$250 million per year to possibly earn (win) \$15 million per year? That said, it’s of course my hope that further discussions will eliminate the risk of such a bad bet, but I think it’s important to underscore that it’s up to the Tribes to determine how much, if any, of the valuable exclusivity rights we bargained for and have paid for in the form of slot revenue over the years, we might now choose to give up. Respectfully, and quite simply, that’s not up to the State to decide.

Thank you for the opportunity to comment.



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**Public Safety and Security Committee Public Hearing**

**March 12, 2019**

**Testimony of George Henningsen**

**HB 7331 An Act Concerning Sports Wagering in the State**

Senators Bradley, Osten and Hwang and Representatives Verrengia, Paolillo and Sredzinski and other honorable members of the Public Safety Committee, my name is George Henningsen and I have been Chairman of the Mashantucket Pequot Tribal Nation Gaming Commission since 2004. Prior to that I served the Tribe as Foxwoods Senior Vice President of Operations, Senior Vice President of Compliance, and when I first started in 1991, I was the initial Executive Director of the Gaming Commission. For the 13 years prior to that I worked for the NJ Attorney General's Office, and served as an Assistant Attorney General in both the Division of Gaming Enforcement and the Division of Criminal Justice.

From the outset, Mohegan Sun's Avi Alroy and I are primarily here to assure you that the various new forms of gaming contemplated by the bills before you can be safely and effectively regulated while generating considerable revenue to the State. We are, however, greatly concerned that House Bill 7331 and SB 17, discussed at your 2/26 public hearing, appear to be premised upon conflicting interpretations of our Tribal/State MOUs. With respect to the application of the "Exclusivity" provision to sports betting, I respectfully offer the following thoughts.

I've reviewed the testimony from your 2/26/2019 public hearing and while there is general understanding of the purpose of the MOUs, there appears to be a considerable divergence in the interpretation of the clause defining the scope of exclusivity as precluding all others from operating "...video facsimiles or other commercial casino games..." (Sec 1 of the "SECOND AMENDMENT TO THE MEMORANDUM OF UNDERSTANDING" April 25, 1994). More particularly, the issue has focused on whether "sports betting" is a commercial casino game.

Understandably, those who feel it is not, point to former Attorney General Jepsen's guidance to this Committee last year (March 15, 2018). While he was clear that sports betting was not a "...video facsimile..." he further advised that:

*"...whether it is a 'commercial casino game' is an open question. That term is not defined in the MOUs or Compacts. My Office has not thoroughly researched whether sports wagering might constitute a 'commercial casino game' for purposes of the MOUs and I do not at this time have a high degree of certainty about how a court might resolve that question."*

Still, others point to the fact that sports betting was "illegal" (precluded in all but four states by Federal law - the Professional and Amateur Sports Protection Act, or PASPA) so it couldn't have been encompassed within the meaning of a "commercial casino game" when the MOUs were entered. This analysis unfortunately ignores the fact that the only place in the US where you could place legal sports bets was, long had been, and until the US Supreme Court overturned PASPA this past May, the casinos in Nevada. This position also appears to be – to varying degrees – founded on an assumption that the only "casino games" relevant to this consideration are those currently familiar to us in Connecticut, or more precisely, those listed in our Compacts. While the MOUs could have easily covered the question of what "casino games" meant by referencing back to the "authorized games" language in the Compacts, they clearly did not. The intent was and is to cover all games, not just those currently authorized for play at Foxwoods and Mohegan Sun.

Similarly, it's been suggested that with the advent of mobile gaming (sports or otherwise) because you no longer have to go to a casino to place a bet, that the underlying game is therefore no longer a "casino game". Simply put, it is our position that the delivery system (mobile device, home computer, internet, mobile applications etc.) does not change the fact that the game being played is indeed a "casino game." The central question is whether sports betting is a "commercial casino game," and that does not mean it is a game found exclusively in casinos.

In considering a similar question—whether Keno was a "commercial casino game"—former Attorney General Blumenthal addressed this question by asking whether the game was "prevalent in casinos." He concluded that a court may find Keno was prevalent in casinos, and accordingly, authorizing Keno could violate the exclusivity provision in the MOUs. That same analysis would apply to sports betting. In a letter to Speaker Aresimowicz last April, the

Mohegan Tribe explained why it believed sports betting was a “commercial casino game,” noting, among other things, that sports betting has been prevalent in Nevada casinos and that several states had pre-authorized sports betting for casinos if and when legalized under federal and state law. This analysis has only been bolstered by the post-PASPA flood of state legislation to authorize sports betting in casinos. Sports betting is currently legal in 6 states with casinos, and in each of those states, sports betting is being offered in casinos.

Again, with respect to the use of mobile devices, I would again refer you back to Attorney General Jepsen’s 3/15/18 presentation to raise an ongoing Tribal concern with the question of how “delivery systems” (mobile or otherwise) can also implicate potential violations of the MOU exclusivity provisions, namely, when such use crosses into the uncharted territory of what is a “video facsimile of a game of chance”. In his analysis of a bill proposing to allow the Connecticut Lottery Corporation to sell Lottery draw games online, Attorney General Jepsen described the risks as follows:

*“My Office previously has warned the legislature about the dangers associated with permitting CLC to offer online lottery games. In particular, any law authorizing CLC to offer games that might constitute video facsimiles of games of chance or commercial casino games ...could potentially breach the MOUs or end the Compact moratoria. The question of whether any particular game or platform for playing a particular game constitutes a video facsimile game is a very complex and fact specific inquiry.”*

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*“In addition, while the bill purports to prohibit CLC from offering games that would violate the Compacts or MOUs, it does not address how or by whom such a determination would be made.”*

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*“Even then, the State should consult with the Tribes before enacting any such legislation because rewards programs, second chance drawings and other similar proposals arguably constitute video facsimiles.”*

I reference this guidance from the former Attorney General to underscore the potential “slippery slope” that exists when trying to reconcile the Tribe’s exclusive rights to operate both “video

facsimiles of a game of chance” or “a commercial casino game” with the ever expanding universe of game offerings designed for either mobile or “bricks and mortar” applications.

By way of example, in recent years several jurisdictions have considered allowing their struggling thoroughbred racing industries to offer “Historical Horse Racing” games. Generally speaking, these games look and play like a video lottery terminal/slot machine, but because the internal “data” is based upon hundreds of thousands of races previously run – hence “historical” – they have been deemed to be a simple (and some would argue legally convenient) expansion of the thoroughbred racing authorizations that already exist pursuant to the “Horse Racing Act”. The relevant definition of what comprises a “video facsimile” for purposes of the MOU/exclusivity provisions is found in the Compact, Section 2 “Definitions” (cc), and reads as follows:

*(cc) “Video facsimile” means any mechanical, electrical or other device, contrivance or machine, which, upon insertion of a coin, currency, token or similar object therein, or upon payment of any consideration whatsoever, is available to play or operate, the play or operation of which is a facsimile of a game of chance, and which may deliver or entitle the person playing or operating the machine to receive cash or tokens to be exchanged for cash or to receive any merchandise or thing of value, whether the payoffs made automatically from the machine or in any other manner whatsoever.*

I offer the forgoing testimony to clarify why any legislation that does not fully recognize and honor the Tribes exclusive right to the “...operation of video facsimiles or other commercial casino games...” pursuant to the MOUs will be vigorously opposed by the Tribes and likely lead to protracted litigation and delays that will be costly to all involved. While SB 17 (previously introduced) provides a framework to avoid those issues and allows us to work cooperatively towards a solution to address the needs of the State, the OTB’s and the Connecticut Lottery, I respectfully assert that House Bill 7331 clearly does not.

Thank you for the opportunity to appear here today.