

PA10-128

HB5236

House	2201-2211, 5647-5650	15
<u>Senate</u>	<u>4059-4061, 4247-4254</u>	<u>11</u>
		26

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2010**

**VOL.53
PART 7
1870– 2219**

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HOUSE OF REPRESENTATIVES

April 28, 2010

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER O'ROURKE:

Have all Members voted? Have all Members voted?
Please check the machine to make sure your vote is properly recorded.

If all Members have voted, the machine will be locked. The Clerk will take the tally, and Mr. Clerk please announce the tally.

THE CLERK:

House Bill 5457.

Total Number Voting	143
Necessary for Passage	72
Those voting Yea	140
Those voting Nay	3
Those absent and not voting	8

DEPUTY SPEAKER O'ROURKE:

The Bill is passed.

Mr. Clerk, please call Calendar 74.

THE CLERK:

On Page 4, Calendar 74, House Bill Number 5236 AN ACT CONCERNING AN ADDITIONAL OFF TRACK BETTING BRANCH FACILITY IN NEW LONDON. Favorable Report of the Committee on Public Safety.

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DEPUTY SPEAKER O'ROURKE:

The Chair recognizes the Chairman of the Public Safety Committee, Representative Dargan.

REP. DARGAN: (115th)

Thank you. Thank you, Mr. Speaker. I move acceptance of the Committee's Favorable Report and passage of the Bill.

DEPUTY SPEAKER O'ROURKE:

Motion is on acceptance and passage. Will you remark?

REP. DARGAN: (115th)

Thank you, Mr. Speaker. Under the current law, off track betting facilities are allowed in 18 facilities within the State of Connecticut. Right now there are 12. The 13th one would be the additional one in the City of New London, and that would be the one added underneath this specific Bill. I move for adoption.

DEPUTY SPEAKER O'ROURKE:

Motion is on passage. Will you remark? Will you remark on the Bill? Representative Perillo.

REP. PERILLO: (113th)

Mr. Speaker, thank you very much. We heard quite a bit of testimony on this in the Public Safety Committee, and in this case the local folks have signed off as something the Town of New London does want.

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And regardless of anyone's opinions on OTB, you know, in a lot of these cases, you should really defer to the local folks who have a sense of their community and have a sense of what's needed.

So I would urge a yes vote on the Bill before us today. Thank you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Will you remark on the Bill? Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker, and good afternoon. Through you, a few questions to Representative Dargan.

DEPUTY SPEAKER O'ROURKE:

Representative Dargan, prepare yourself.

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker. Through you to Representative Dargan, I'm not sure that I necessarily have an opposition to this policy, especially as Representative Perillo said, if the local folks are in favor of this.

But I'm curious as to whether there is some process or thought given to where these particular OTB facilities are located, you know. New London has decided they want one. I guess I'm just curious. Do we have a process by which we

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determine where new applications or new OTB facilities are located? Through you.

DEPUTY SPEAKER O'ROURKE:

Representative Dargan.

REP. DARGAN: (115th)

Thank you, Mr. Speaker. Through you, the communities are already listed. You probably know what those communities are. Autotote is the facilitator of simulcasting facilities within the State of Connecticut.

There's been some communities that have come forward that were looking for OTB facilities within their specific municipalities, and there's also that local level of control whereby the local board of selectmen, common council, whatever form of government, would have to approve it on that local level, and then they would come to us for approval to have that simulcasting facility within their community. Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker. And through you to Representative Dargan. Are there circumstances under which, because of the way the market for OTB works, or anything like that, are there circumstances under which

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this legislative body in the past has said no to an additional OTB facility when the city or town in question has signed off on it? Through you.

DEPUTY SPEAKER O'ROURKE:

Representative Dargan.

REP. DARGAN: (115th)

Through you, Mr. Speaker, I think that we wanted to have that local control on that local level, and if that local control was not in favor of it, as far as I know we have not passed any legislation in order to put that facility within that community.

DEPUTY SPEAKER O'ROURKE:

Representative Williams.

REP. WILLIAMS: (68th)

Thank you, Mr. Speaker. I think maybe I didn't phrase the question right.

In circumstances where a city or town affirmatively asks for an OTB, are there circumstances under which this Legislature has said no to them? Through you.

DEPUTY SPEAKER O'ROURKE:

Representative Dargan.

REP. DARGAN: (115th)

To the best of my knowledge, that answer would be no.

REP. WILLIAMS: (68th)

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Thank you, Mr. Speaker, and I thank the gentleman for his answers.

DEPUTY SPEAKER O'ROURKE:

Thank you, both. Will you remark on the Bill?

REP. DARGAN: (115th)

Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Dargan.

REP. DARGAN: (115th)

The Clerk has an Amendment. If he may please call and I be allowed to summarize LCO Number 4103. May he please call and I be allowed to summarize.

DEPUTY SPEAKER O'ROURKE:

Mr. Clerk, please call LCO 4103 designated House Amendment "A".

THE CLERK:

LCO Number 4103, House "A" offered by Representative Johnston.

DEPUTY SPEAKER O'ROURKE:

The gentleman has asked leave of the Chamber to summarize. Please proceed, Representative Dargan.

REP. DARGAN: (115th)

Thank you, Mr. Speaker. Since we did have a public hearing on that, there was two other communities that came

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forward that work with Autotote. One of them is the Town of Manchester. The other one is the Town of Windham. Windham held a public hearing on March 2nd of this year, and it was approved by the Windham Town Council on March 16th of this year.

The partnership would be with Damian Fox, a local restaurant within the City of Windham/Willimantic, and Manchester held a public hearing on April 6, 2010, which was approved by the Manchester Board of Directors on April 20, 2010, and I move for its adoption.

DEPUTY SPEAKER O'ROURKE:

Motion is on adoption. Will you remark? Will you remark on the Amendment? Representative Perillo.

REP. PERILLO: (113th)

Mr. Speaker, thank you very much. Some questions on the Amendment, and I don't know if they should be directed to the Chair of Public Safety. I know this is not his community and he has not offered the Amendment. But Public Safety gets an opportunity, the Public Safety Committee gets an opportunity to vet these towns-when we talk about the addition of OTB, and I unfortunately haven't had the opportunity to hear anything about the types of establishments and whatnot.

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So if I could, I will direct some questions, through you to Representative Dargan, or whoever can answer the questions.

DEPUTY SPEAKER O'ROURKE:

Please proceed.

REP. PERILLO: (113th)

Thank you, Mr. Speaker. And through you, what types of establishments are these? In Public Safety we had an opportunity to talk about New London and the kind of establishment it was, and what the owner had envisioned for the establishment, but in this case, we don't have that information.

So are we talking about a restaurant? Are we talking about a bar, et cetera? Through you, sir. Thank you.

DEPUTY SPEAKER O'ROURKE:

Representative Dargan.

REP. DARGAN: (115th)

Thank you, Mr. Speaker. To the Ranking Member of the Committee, I do have two letters in front of me from the Town of Windham, (inaudible) the Town Manager and from the Town of Manchester by Senator Handley and Representative Ryan Barry, and it looks like both of these facilities are similar to the facilities that we approved in New London

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and the additional off track betting would be in a separate facility offset from the restaurant facility itself.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Perillo.

REP. PERILLO: (113th)

Thank you, and I thank the gentleman for his answer. One of the things we talked about was that the individual, the owner in New London had a specific vision. He wanted actually to be a family establishment, and we agreed as a Committee, that indeed that was what he was attempting to do through the differentiation of one section, which had the betting in one section, which did not.

I'd just like to get a sense. Is this intended to be the type of an establishment where parents would bring their children or a family would feel comfortable or is this really intended to be primarily a betting facility?

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Dargan.

REP. DARGAN: (115th)

Through you, Mr. Speaker, it would still be underneath the current law. It would be 21. It wouldn't be any different than bringing your children to the Native

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American Casinos to any one of the shows that they might have within their facilities with the understanding that they couldn't be on the gaming floor and this specifically states that children under the age of 21 cannot be in an off track betting facility betting on horses.

Through you, Mr. Speaker.

DEPUTY SPEAKER O'ROURKE:

Representative Perillo.

REP. PERILLO: (113th)

I thank the gentleman very much for his answers to my questions. I thank you for your time. Thank you, sir.

DEPUTY SPEAKER O'ROURKE:

Thank you, Representative. Will you remark on the Amendment, House Amendment "A"? Will you remark?

If not, I'll try your minds. All those in favor of the adoption of House Amendment "A" signify by saying Aye.

REPRESENTATIVES:

Aye.

DEPUTY SPEAKER O'ROURKE:

Those opposed, Nay. The Ayes have it. The Amendment is adopted.

Will you remark on the Bill as amended? Will you remark? If not, staff and guests come to the well of the

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House. Members take their seats. The machine will be opened.

THE CLERK:

The House of Representatives is voting by Roll Call.

Members to the Chamber.

The House is voting by Roll Call. Members to the Chamber, please.

DEPUTY SPEAKER O'ROURKE:

Have all Members voted? Have all Members voted?

Please check the machine carefully to make sure your vote is properly recorded.

If all Members have voted, the machine will be locked. The Clerk will take the tally, and Mr. Clerk, please announce the tally.

THE CLERK:

House Bill 5236 as amended by House "A".

Total Number Voting	142
Necessary for Passage	72
Those voting Yea	99
Those voting Nay	43
Those absent and not voting	9

DEPUTY SPEAKER O'ROURKE:

The Bill as amended is passed.

Mr. Clerk, please call Calendar 92.

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**CONNECTICUT
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The House reconvened at 3:51 o'clock p.m.,
Speaker Donovan in the Chair.

SPEAKER DONOVAN:

The House will please come back to order.

Will the Clerk please call Calendar Number 74.

THE CLERK:

On page 2, Calendar 74, House Bill
Number 5236, AN ACT CONCERNING ADDITIONAL
OFF-TRACK BETTING BRANCH FACILITIES IN NEW LONDON,
MANCHESTER AND WINDHAM, favorable report by the
Committee on Public Safety.

SPEAKER DONOVAN:

Representative Steve Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker.

I move for reconsideration of Bill H.B. 5236.

SPEAKER DONOVAN:

The question before the Chamber is on
reconsideration of House Bill 5236.

For the benefit of the Chamber, I will note
that Representative Dargan was on the prevailing
side of this issue when the Chamber passed this

measure and is therefore an appropriate member to make the motion for reconsideration.

Is there objection to the motion to reconsider? Is there objection? Hearing none, the bill will be reconsidered.

For the benefit of the chamber, we didn't pay our electric bills -- but no. Actually, we're having problems with the board. If people can read this board, that has the information. The lights seem to be out on this side. So please refer to that side of the board or your computers. Thank you.

Representative Dargan.

REP. DARGAN (115th):

Thank you, Mr. Speaker.

I move for repassage of the bill.

SPEAKER DONOVAN:

The question is on repassage. Will you remark?

REP. DARGAN (115th):

Thank you, Mr. Speaker.

This bill previously passed the House and Senate. And let me just be very brief. These are three facilities in New London, Windham and

Manchester that not only have local legislative approval, but there were developers within those communities that were looking to build a facility that -- and/or facilities that would add approximately about 50 jobs and bring in approximately about \$64,000 to each town, and about a quarter of a million dollars in revenue for the State of Connecticut.

Let me also be clear, Mr. Speaker, that underneath current state law, underneath state statute there could be 18 licenses right now. There are 13, and with these three, it would bring the OTB facilities to 15, Mr. Speaker.

And I move for adoption.

SPEAKER DONOVAN:

The question is on adoption. Remark further on the bill? Remark further on the bill? If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call. Members to the chamber. The House is taking a roll call vote. Members to the chamber,

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please.

SPEAKER DONOVAN:

Have all the members voted? Have all the members voted? Please check the roll call board to make sure your vote has been properly cast. If all the members have voted, the machine will be locked. The Clerk will please take a tally. Will the Clerk please announce the tally.

THE CLERK:

House Bill 5236.

Total Number voting	138
Necessary for adoption	101
Those voting Yea	110
Those voting Nay	28
Those absent and not voting	13

SPEAKER DONOVAN:

The bill is repassed.

The House come back to order.

Representative Merrill.

REP. MERRILL (54th):

Yes, Mr. Speaker. I'd like to make a motion to recess the veto session.

SPEAKER DONOVAN:

Excuse me, Representative.

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cd
SENATE

505
May 5, 2010

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Would move for immediate transmittal of that last
item to the House of Representatives.

THE CHAIR:

Motion on the floor for immediate transmittal to the
House. Seeing no objections, so ordered, sir.

Yes, thank you, Mr. President.

Mr. President, if you'd move to the next go item,
calendar page 13, Calendar 508, House Bill 5236.

THE CHAIR:

Thank you, sir.

Mr. Clerk, please call that.

THE CLERK:

Calendar page 13, Calendar Number 508, File Number
103 and 668, House Bill 5236, AN ACT CONCERNING

ADDITIONAL OFF-TRACK BETTING BRANCH FACILITIES IN NEW
LONDON, MANCHESTER AND WINDHAM as amended by House
Amendment Schedule "A," favorable report of the Committee
on Public Safety.

THE CHAIR:

Senator Stillman.

Oop, I'm sorry. Is that -- Oh, Senator Daily.

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SENATE

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SENATOR DAILY:

Thank you, Mr. President.

I move the joint committee's favorable report and seek passage of the bill.

THE CHAIR:

Acting on acceptance and approval of the bill, sir, will you remark further?

SENATOR DAILY:

Yes, I will. Thank you.

Ours laws currently 18 OTB facilities 12 are named and this increases the number to 15.

THE CHAIR:

Thank you, ma'am.

Will you remark further on House Bill 5236 as amended by House "A"? Will you remark further?

Senator Daily.

SENATOR DAILY:

I'd ask for a roll call vote please.

THE CHAIR:

Mr. Clerk, please call for a roll call vote.

The machine will be opened.

THE CLERK:

Immediate roll call has been ordered in the Senate.

Will all Senators please return to the chamber.

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Immediate roll call vote has been ordered in the Senate.

Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The machine will be locked. The Clerk will call the tally.

THE CLERK:

Motion's on passage of the House Bill 5236 in concurrence with the action of the House.

Total Number of Voting	35
Those voting Yea	24
Those voting Nay	11
Those absent and not voting	1

THE CHAIR:

The bill passes.

Senator Looney.

SENATOR LOONEY:

Tha -- thank you, Mr. President.

Mr. President, would now like to mark items appearing on Senate Agenda Number 5. Mr. President, if we might mark as go, the -- under business from the House, the Judiciary nominations appearing on Senate Agenda Number 5, that is, House Joint Resolutions number 106, 107, 108, 109, 110, 111, 112, 113, 114 and 115.

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Yes, thank you, Mr. President.

Mr. President, there is a single item under business from the House, on Senate Agenda Number 6. It is House Bill Number 5236.

Mr. President, this bill was passed, obviously, in both chambers of the General Assembly. The House of Representatives has voted to override the Governor's veto. I was on the prevailing side on this matter when it was passed in the Senate, and I would move for reconsideration of that item.

THE CHAIR:

There's a motion on the floor by the prevailing side to reconsider House Bill 5236.

Will you remark further?

If not, I will try your minds. All those in favor, please signify by saying, aye.

SENATORS:

Aye.

THE CHAIR:

Opposed, nays.

The ayes have it. The bill is before us for reconsideration.

Senator Looney.

SENATOR LOONEY:

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Yes, thank you -- thank you, Mr. President.

The bill now before us for reconsideration, I would yield to Senator Stillman, the Chair of the Public Safety and Security Committee, from which the bill originates, for a motion to repass.

THE CHAIR:

Senator Stillman, do you accept the yield, ma'am.

SENATOR STILLMAN:

Yes, I do, sir.

THE CHAIR:

Please proceed.

SENATOR STILLMAN:

Thank you. I move to repass Public Act 10-128 which was previously vetoed by the Governor on June 10th.

THE CHAIR:

There's a motion on the floor to repass House Bill 5236.

Would you like to remark further, ma'am?

SENATOR STILLMAN:

Yes. Thank you, sir.

THE CHAIR:

Please proceed.

SENATOR STILLMAN:

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I think this bill is self-explanatory and even though I will continue to oppose the bill, in fairness to all who are concerned about it, I will let it run its course and not block it in any possible way.
Thank you, sir.

THE CHAIR:

Thank you, ma'am.

Will you remark further on the passage of House Bill 5236.

Senator McKinney.

SENATOR MCKINNEY:

Thank you, Mr. President.

I'm not going to take too much of the circle's time, but as one who voted against this bill when it came before us and who supports the Governor's veto, I think it's important to put on the record my concerns about this bill, but also my concerns about the future.

I say that because there have been reports in the press, calls from different advocates and people concerned seeking to override this veto that regard the future success of a restaurant or several restaurants. And restaurant owners claiming that if they can't get OTB in their establishment or OTB near

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their establishment, that their restaurant is going to go out of business.

Well, I'm here to predict that when this gets overridden and OTB comes in, those restaurants which are failing now will still be failing in the future. Are we really going to say that the future of our economy in a state of Connecticut rests on expanding gambling with OTB facilities so much so that is a key to the success of restaurants.

Our economy is hurting. We want to put as many people into jobs as possible, but I ask you, how many of you have gone to an OTB facility? How many of you have seen especially the ones that aren't simulcast?

We're expanding gambling, increasing opportunities to tax people who are lower income brackets, and we're using that as a way to help restaurants and build our economy. It is the wrong direction for the State of Connecticut to go. Everybody who stood up and said we can't have keno because we're expanding gambling can't say, but OTB is okay.

Eighty-something percent of the people of the state of Connecticut said we didn't want to see keno in our restaurants and our convenience stores, but OTB

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is okay. It's a huge mistake. And let me just say to the OTB owners, you may have won this one, but I sat down with them several years ago when many of us had concerns about their expansion of simulcast. And Senator Duff, Senator McDonald, several others had objected to their bill. And at the 11th hour on the closing day of sessions they made a deal and promised not to come back to increase simulcast, not to expand beyond what they had under law. And a deal is a deal, and they've broken it. And they may have got a majority to agree to it today, but shame on all of them. Their word is worth nothing.

And so what we are doing in standing up here as a state of Connecticut is saying, let's have more gambling. Let's expand the swath of gambling in the state of Connecticut, and we're saying we're going to do that because it's going to help a restaurant stay in business and boost our economy. Well, shame on us if gambling is the success to our economic prosperity in the state of Connecticut.

THE CHAIR:

Thank you, sir.

Will you remark further?

Senator Prague.

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SENATOR PRAGUE:

Thank you, Mr. President.

Mr. President, I am very sensitive to what Senator McKinney just said. I voted against this bill when it came before us. But, you know, jobs in this economy are critically important, and I had to choose between more jobs, particularly in the little city of Willimantic, where I lived for 15 years. It's right next to the town I live in. It just seems that this OTB will create more jobs, and I have come down on the side of supporting this. I wish there were other ways that we could create more jobs.

I'm very disappointed that Senate Bill 1 isn't before us today. That would have given small businesses, with a tax of \$250 a year, a break so that they would have had a little more money, but it's not before us. But this is before us. Even the Southeastern Council of Governments sent us a letter asking us to support this because it means more jobs.

So I guess I have to choose between my dislike of expanded gambling and the creation of jobs. So I am going to support this override. Be that as it may, but I can understand what the others are saying about opposing the extension of gambling in the state.

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Thank you.

THE CHAIR:

Thank you, ma'am.

Will you remark? Will you remark further on the repass of House Bill 5236? Will you remark further on the repass of House Bill 5236?

If not, Mr. Clerk, please call for a roll call vote. The machine will be open.

THE CLERK:

Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber. Immediate roll call vote has been ordered in the Senate. Will all Senators please return to the chamber.

THE CHAIR:

Have all Senators voted? If all Senators have voted, please check your vote. The Clerk will call the tally.

THE CLERK:

Motion is on repassage of House Bill 5236.

Total Number Voting	36
Necessary for Adoption	24
Those voting Yea	26
Those voting Nay	10

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SENATE

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June 21, 2010

Those absent and not voting 0

THE CHAIR:

House Bill 5236 passes.

Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, we have completed our business for the reconvened session. And I will -- before wrapping things up in that session, would yield the floor for announcements or points of personal privilege from the members.

THE CHAIR:

At this time, I will entertain any point of personal privileges or announcements.

Seeing none, Senator Looney.

SENATOR LOONEY:

Thank you, Mr. President.

Mr. President, it's our intent to conclude the reconvened session and would then ask the Chair to reconvene the June Special Session, which was in recess for purposes of formal adjournment.

So, Mr. President, I would move that the reconvened session, that is the veto session, be adjourned sine die.