

SENATE BILL NO. 273

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

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AN ACT

To enact R.S. 27:306(C)(5), relative to the Video Draw Poker Devices Control Law; to provide relative to licenses for truck stop facilities; to provide for an effective date; to provide for definitions; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:306(C)(5) is hereby enacted to read as follows:

§306. State license qualifications; limitations; right to hearing

* * *

C. * * *

(5)(a)(i) Notwithstanding any provision of law to the contrary, no license shall be issued for any truck stop facility unless previously applied for or licensed as of June 1, 2010, located, at the time application is made for a license to operate video draw poker devices, within two thousand five hundred feet of any residential property unless the applicant for license has applied prior to June 1, 2010, with the local governing authority of the parish where the truck stop is located for a certificate of compliance with applicable zoning ordinances and building codes and a statement of approval for the operation of video draw poker devices at a truck stop facility as required by R.S. 27:324(C) or has applied with the appropriate authority for a building permit prior to June 1, 2010. If a parish or municipality does not have a zoning ordinance which designates certain property within their jurisdiction as residential property, the governing authority of the parish or municipality shall have the authority to designate to certain areas of their jurisdiction as residential districts for the purpose of this Paragraph.

(ii) The subsequent construction, erection, development, or movement of a property on the National Historic Registry, public playground, church,

1 synagogue, public library, or school which causes the truck stop facility to be
2 located within the prohibited distance as provided in this Paragraph shall not
3 be cause for revocation, withholding, denial of an application, nonrenewal of a
4 license, or issuance of a new license. The subsequent construction, erection,
5 development, or movement of a property on the National Historic Registry,
6 public playground, church, synagogue, public library, or school following the
7 application for a license to operate video draw poker devices at a truck stop
8 facility and the granting of that license which causes the truck stop facility to be
9 located within the prohibited distance as provided in this Paragraph shall not
10 be cause for the revocation, withholding, denial of an application, nonrenewal
11 of a license, or issuance of a new license.

12 (b) "Residential property" shall mean any property which is wholly or
13 partly used for or intended to be used for living or sleeping by human occupants
14 and which includes one or more rooms, including a bathroom and complete
15 kitchen facilities. Residential property shall include a mobile home or
16 manufactured housing, provided that it shall have been in its present location
17 for at least sixty days. Residential property shall not include any hotel or motel.

* * *

19 Section 2. This Act shall become effective on June 1, 2010; if vetoed by the
20 governor and subsequently approved by the legislature, this Act shall become effective on
21 June 1, 2010, or on the day following such approval by the legislature, whichever is later.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____