

Regular Session, 2010

SENATE BILL NO. 364

BY SENATOR MICHOT

GAMING. Provides for the measurement of the distance between qualified truck stop facilities and certain structures. (6/1/10)

1 AN ACT

2 To amend and reenact R.S. 27:306(C)(2) and (C)(5)(a)(i), relative to Video Draw Poker

3 Devices Control Law; to provide for licensing requirements for truck stop facilities;

4 to provide for an effective date; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 27:306(C)(2) and (C)(5)(a)(i) are hereby amended and reenacted to

7 read as follows:

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

9 * * *

10 C. * * *

11 (2)(a)(i) Notwithstanding any provision of law to the contrary, no license

12 shall be granted to any truck stop facility located, at the time application is made for

13 a license to operate video draw poker devices, within five hundred feet of any

14 property that is on the National Historic Registry, any public playground, or a

15 building used exclusively as a church, synagogue, public library, or school.

16 (ii) Notwithstanding any provision of law to the contrary, no license shall be

17 issued for any truck stop facility unless previously applied for or licensed as of

1 January 1, 2008, located, at the time application is made for a license to operate
2 video draw poker devices, within two thousand five hundred feet of any property that
3 is on the National Historic Registry, any public playground, or a building used
4 exclusively as a church, synagogue, public library, or school unless the applicant for
5 the license has applied prior to January 1, 2008, with the local governing authority
6 of the parish where the truck stop is located for a certificate of compliance with
7 applicable zoning ordinances and building codes and a statement of approval for the
8 operation of video draw poker devices at a truck stop facility as required by R.S.
9 27:324(C) or has applied with the appropriate authority for a building permit prior
10 to January 1, 2008.

11 ~~(b) In municipalities and in unincorporated areas which are divided into~~
12 ~~subdivisions with streets, blocks, and sidewalks, this distance shall be measured as~~
13 ~~a person walks using the sidewalk from the nearest point of the property line of the~~
14 ~~property on the National Historic Registry, public playground, church, synagogue,~~
15 ~~public library, or school to the nearest point of the premises to be licensed.~~

16 ~~(c)(b) Outside of municipalities and unincorporated areas which are not~~
17 ~~divided into subdivisions with streets, blocks, or sidewalks, the The measurement~~
18 ~~of this distance shall be a straight line from the nearest point of the truck stop facility~~
19 ~~to the nearest point of the church, synagogue, or school.~~

20 * * *

21 (5)(a)(i) Notwithstanding any provision of law to the contrary, no license
22 shall be issued for any truck stop facility unless previously applied for or licensed
23 as of June 1, 2010, located, at the time application is made for a license to operate
24 video draw poker devices, within two thousand five hundred feet of any residential
25 property unless the applicant for license has applied prior to June 1, 2010, with the
26 local governing authority of the parish where the truck stop is located for a certificate
27 of compliance with applicable zoning ordinances and building codes and a statement
28 of approval for the operation of video draw poker devices at a truck stop facility as
29 required by R.S. 27:324(C) or has applied with the appropriate authority for a

1 building permit prior to June 1, 2010. If a parish or municipality does not have a
 2 zoning ordinance which designates certain property within their jurisdiction as
 3 residential property, the governing authority of the parish or municipality shall have
 4 the authority to designate to certain areas of their jurisdiction as residential districts
 5 for the purpose of this Paragraph. **The measurement of this distance shall be a**
 6 **straight line from the nearest point of the truck stop facility to the nearest point**
 7 **of the residential property.**

8 * * *

9 Section 2. This Act shall become effective on June 1, 2010.

The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Dawn Romero Watson.

DIGEST

Michot (SB 364)

Present law provides that no license shall be issued for any truck stop facility located, at the time application is made for a license to operate video draw poker devices, within 2,500 feet of any property that is on the National Historic Registry, any public playground, or a building used exclusively as a church, synagogue, public library, or school. Present law provides an exception to truck stop facilities previously applied for and licensed as of January 1, 2008. Provides another exception for applicants for licenses who applied with the local governing authority of the parish where the truck stop facility 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 law or has applied with the appropriate authority for a building permit prior to January 1, 2008.

Present law provides that in municipalities and in unincorporated areas which are divided into subdivisions with streets, blocks, and sidewalks, this distance shall be measured as a person walks using the sidewalk from the nearest point of the property line of the property on the National Historic Registry, public playground, church, synagogue, public library, or school to the nearest point of the premises to be licensed.

Present law provides that outside of municipalities and unincorporated areas which are not divided into subdivisions with streets, blocks, or sidewalks, the measurement of this distance shall be a straight line from the nearest point of the truck stop facility to the nearest point of the church, synagogue, or school.

Proposed law does not distinguish between municipalities and unincorporated areas which are divided into subdivisions and those that are not and provides that the measurement of distance for both shall be a straight line from the nearest point of the truck stop facility to the nearest point of the church, synagogue, or school.

Present law provides that no license shall be issued for any truck stop facility located, at the time application is made for a license to operate video draw poker devices, within 2,500 feet of any residential property except as provided by law. Present law provides an exception for facilities previously applied for or were licensed as of June 1, 2010.

Proposed law provides that the distance required in present law shall be a straight line from the truck stop facility to the nearest point of the residential property.

Effective June 1, 2010.

(Amends R.S. 27:306(C)(2) and (C)(5)(a)(i))