
HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to
Reengrossed Senate Bill No. 575 by Senator Morrell

1 AMENDMENT NO. 1

2 On page 3, line 23, change "board or division, where applicable" to "division"

3 AMENDMENT NO. 2

4 On page 3, line 28, change "board or division, where applicable" to "division"

5 AMENDMENT NO. 3

6 On page 4, line 11, change "board or division, where applicable" to "division"

7 AMENDMENT NO. 4

8 On page 6, line 8, change "board or division, where applicable." to "division"

9 AMENDMENT NO. 5

10 On page 6, at the end of line 17, delete "board" and on line 18, delete "or division, where
11 applicable." and insert "division"

12 AMENDMENT NO. 6

13 On page 7, line 14, change "board or division, where applicable." to "division"

14 AMENDMENT NO. 7

15 On page 7, line 27, change "board or division, where applicable." to "division"

16 AMENDMENT NO. 8

17 On page 8, line 7, change "board or division, where applicable." to "division"

18 AMENDMENT NO. 9

19 On page 8, line 28, change "board or division, where" to "division"

20 AMENDMENT NO. 10

21 On page 8, at the beginning of line 29, delete "applicable."

22 AMENDMENT NO. 11

23 On page 9, line 17, change "board or division, where applicable" to "division"

24 AMENDMENT NO. 12

25 On page 9, line 29, change "board or division, where applicable." to "division"

1 AMENDMENT NO. 13

2 On page 10, line 3, change "board or division, where" to "division"

3 AMENDMENT NO. 14

4 On page 10, at the beginning of line 4, delete "applicable."

5 AMENDMENT NO. 15

6 On page 10, line 23, change "board or division, where" to "division"

7 AMENDMENT NO. 16

8 On page 10, at the beginning of line 24, delete "applicable."

9 AMENDMENT NO. 17

10 On page 11, line 21, change "board or division, where applicable" to "division"

11 AMENDMENT NO. 18

12 On page 17, line 10, change "board or division, where applicable." to "division"

13 AMENDMENT NO. 19

14 On page 17, line 13, after "restaurant" and before "for" insert a comma "," and delete
15 "which." and insert "except for reason of force majeure affecting the ability to maintain the
16 on-site restaurant for a reasonable period of time as determined by the division following the
17 interruption of such ability, which"

18 AMENDMENT NO. 20

19 On page 17, between lines 22 and 23 insert the following:

20 "(e) In Orleans Parish, qualified truck stop facility restaurants shall provide
21 full table service for sit-down meals."

22 AMENDMENT NO. 21

23 On page 17, line 27, after "specifications." delete the remainder of the line and insert
24 "subject to approval by the division, except for reason of force majeure affecting the ability
25 to maintain the stable parking area for a reasonable period of time as determined by the
26 division following the interruption of such ability."

27 AMENDMENT NO. 22

28 On page 18, at the end of line 6, delete the period "." and insert "as provided for in R.S.
29 27:416."

30 AMENDMENT NO. 23

31 On page 18, line 8, after "vehicles." and before "The" delete the period "." and insert a
32 comma "," and insert "except for reason of force majeure affecting the ability to maintain
33 the onsite repair service for a reasonable period of time as determined by the division
34 following the interruption of such ability."

1 AMENDMENT NO. 24

2 On page 18, line 14, after "~~the~~" delete the remainder of the line and on line 15, delete
3 "~~applicable,~~" and insert "division"

4 AMENDMENT NO. 25

5 On page 18, delete lines 27 through 29 in their entirety

6 AMENDMENT NO. 26

7 On page 19, delete lines 1 through 3 in their entirety

8 AMENDMENT NO. 27

9 On page 19, at the beginning of line 4, change "C." to "B."

10 AMENDMENT NO. 28

11 On page 19, at the beginning of line 17, change "D." to "C."

12 AMENDMENT NO. 29

13 On page 22, line 22, after "~~the~~" delete the remainder of the line and on line 23, delete
14 "~~applicable~~" and insert "division"

15 AMENDMENT NO. 30

16 On page 22, line 26, after "~~the~~" delete the remainder of the line and on line 27, delete
17 "~~applicable,~~" and insert "division"

18 AMENDMENT NO. 31

19 On page 23, delete lines 1 through 29 in their entirety

20 AMENDMENT NO. 32

21 On page 24, delete lines 1 through 14 in their entirety and insert the following:

22 "§422. Truck stop locations; prohibited distances; prohibited structures
23 A. No license shall be granted to any qualified truck stop facility located, at
24 the time application is made for a license to operate video draw poker devices, within
25 one mile from any property on the National Register of Historic Places, any public
26 playground, any residential property, or a building used primarily as a church,
27 synagogue, public library, or school. The measurement of the distance shall be a
28 straight line from the nearest point of the truck stop facility to the nearest point of the
29 property on the National Register of Historic Places, the public playground,
30 residential property, or a building used primarily as a church, synagogue, public
31 library, or school.
32 B. After an application is filed with the division, the subsequent
33 construction, erection, development, or movement of a property identified in
34 Subsection A of this Section which causes the location of a qualified truck stop
35 facility to be within the prohibited distance shall not be cause for denial of an initial
36 or renewal application or revocation of a license.
37 C. The prohibition in Subsection A of this Section shall not apply to the
38 location of a qualified truck stop facility which applied for a license or was issued
39 a license on or before June 1, 2010, or which applied for or was issued a certificate
40 of compliance as required by R.S. 27:452(C) or a valid building permit on or before
41 June 1, 2010, and subsequently issued a license. Such location shall be eligible for

1 a qualified truck stop facility license without reference to the prohibition in
 2 Subsection A of this Section unless after having obtained a license, a qualified truck
 3 stop facility has not been licensed at that location for thirty-six consecutive months
 4 and application for licensing is not made within that thirty-six-month period.

5 D.(1) For locations on which a truck stop facility has not been completely
 6 constructed, if application for licensing is made on or before December 31, 2012, the
 7 prohibited distance shall be in accordance with the following:

8 (a) For facilities which applied for or were issued a certificate of compliance
 9 or a valid building permit on or before January 1, 2008 - five hundred feet from any
 10 property on the National Register of Historic Places, any public playground, or a
 11 building used primarily as a church, synagogue, public library, or school.

12 (b) For facilities which applied for or were issued a certificate of compliance
 13 or a valid building permit after January 1, 2008, but on or before June 1, 2010 - two
 14 thousand five hundred feet from any property on the National Register of Historic
 15 Places, any public playground, or a building used primarily as a church, synagogue,
 16 public library, or school.

17 (c) For facilities which applied for or were issued a certificate of compliance
 18 or a building permit after June 1, 2010 - one mile from any property on the National
 19 Register of Historic Places, any public playground, residential property, or a building
 20 used primarily as a church, synagogue, public library, or school.

21 (2) The measurement of the distances shall be a straight line from the nearest
 22 point of the truck stop facility to the nearest point of the property on the National
 23 Register of Historic Places, the public playground, residential property, or a building
 24 used primarily as a church, synagogue, public library, or school.

25 E. If a parish or municipality does not have a zoning ordinance which
 26 designates certain property within their jurisdiction as residential property, the
 27 governing authority of the parish or municipality shall have the authority to
 28 designate to certain areas of their jurisdiction as residential districts for the purpose
 29 of this Section.

30 F. If application for licensing is made after December 31, 2012, the
 31 prohibition in Subsection A of this Section shall apply.

32 G. "Residential property" shall mean any property which is wholly or partly
 33 used for or intended to be used for living or sleeping by human occupants and which
 34 includes one or more rooms, including a bathroom and complete kitchen facilities.
 35 Residential property shall include a mobile home or manufactured housing, provided
 36 that it shall have been in its present location for at least sixty days. Residential
 37 property shall not include any hotel or motel."

38 AMENDMENT NO. 33

39 On page 25, line 18, change "board or division, where applicable," to "division"

40 AMENDMENT NO. 34

41 On page 25, line 22, change "board or division, where applicable," to "division"

42 AMENDMENT NO. 35

43 On page 25, line 25, change "board or division, where" to "division"

44 AMENDMENT NO. 36

45 On page 25, at the beginning of line 26, delete "applicable,"

46 AMENDMENT NO. 37

47 On page 25, line 28, change "board or division, where applicable," to "board"

1 AMENDMENT NO. 38

2 On page 26, line 2, change "board or division, where applicable." to "division"

3 AMENDMENT NO. 39

4 On page 26, line 7, change "board or division, where applicable." to "division"

5 AMENDMENT NO. 40

6 On page 26, line 11, change "board or division, where applicable." to "division" and after
7 "form" and before "a" insert a comma " ,"

8 AMENDMENT NO. 41

9 On page 26, line 15, change "board or division, where applicable" to "division"

10 AMENDMENT NO. 42

11 On page 26, at the end of line 20, delete "board"

12 AMENDMENT NO. 43

13 On page 26, line 21, change "or division, where applicable" to "division"

14 AMENDMENT NO. 44

15 On page 26, line 23, change "board or division, where applicable." to "division"

16 AMENDMENT NO. 45

17 On page 29, line 17, change "board or division, where applicable." to "division"

18 AMENDMENT NO. 46

19 On page 29, line 19, after "Section" insert a period " ." and delete the remainder of the line

20 AMENDMENT NO. 47

21 On page 29, delete line 20 in its entirety and at the beginning of line 21 delete "Section."

22 AMENDMENT NO. 48

23 On page 29, line 25, change "board or division, where applicable." to "division"

24 AMENDMENT NO. 49

25 On page 29, line 27, change "board or division, where applicable." to "division"

26 AMENDMENT NO. 50

27 On page 30, line 6, change "board or division." to "board"

28 AMENDMENT NO. 51

29 On page 30, at the beginning of line 7, delete "where applicable."

1 AMENDMENT NO. 52

2 On page 30, line 12, delete "or division, where applicable."

3 AMENDMENT NO. 53

4 On page 30, line 21, after "Board" delete the remainder of the line

5 AMENDMENT NO. 54

6 On page 30, at the beginning of line 22, delete "applicable."

7 AMENDMENT NO. 55

8 On page 30, line 26, change "board or division, where applicable." to "board"

9 AMENDMENT NO. 56

10 On page 32, line 3, after "Board" delete the remainder of the line

11 AMENDMENT NO. 57

12 On page 32, at the beginning of line 4, delete "applicable."

13 AMENDMENT NO. 58

14 On page 32, line 5, after "Board" and before "become" delete "or division"

15 AMENDMENT NO. 59

16 On page 32, line 16, after "the" delete the remainder of the line

17 AMENDMENT NO. 60

18 On page 32, line 17, delete "division, where applicable." and insert "division"

19 AMENDMENT NO. 61

20 On page 32, line 21, change "board or division, where applicable." to "division"

21 AMENDMENT NO. 62

22 On page 33, line 5, change "board or division, where applicable." to "board"

23 AMENDMENT NO. 63

24 On page 33, line 9, change "board or division, where" to "division"

25 AMENDMENT NO. 64

26 On page 33, line 10, delete "applicable."

27 AMENDMENT NO. 65

28 On page 33, line 16, change "board or division, where applicable." to "division"

29 AMENDMENT NO. 66

30 On page 33, line 24, change "board or division, where applicable" to "division"

1 AMENDMENT NO. 67

2 On page 33, delete line 27 in its entirety and insert the following "board, the board"

3 AMENDMENT NO. 68

4 On page 34, line 2, change "board or division, where applicable," to "board"

5 AMENDMENT NO. 69

6 On page 34, between lines 9 and 10, insert the following:

7 "§431. Powers and duties of the board or division; restrictions; permits
8 A. The board shall promulgate rules and regulations necessary to facilitate
9 implementation of this Chapter and specifically to:

10 (1) Provide permit, application, and licensing procedures.

11 (2) Prescribe necessary application and reporting forms.

12 (3) Establish qualifications and duties of certified technicians.

13 (4) Provide for the protection of legitimate economic interests of licensees,
14 creditors, and other parties involved in the operation, financing, manufacture,
15 distribution, sale, and servicing of video draw poker devices and equipment.

16 B.(1) The board or division, as may be applicable, may deny or condition
17 any license or permit applied for or issued pursuant to the provisions of this Chapter
18 for any violation of the provisions of this Chapter, Chapter 2 of this Title, or any rule
19 of the board. The board or division, as may be applicable, shall not levy a penalty
20 against, condition the license or permit of, or reinstate the license or permit of, any
21 person or the approval of any device unless and until the person or device meets all
22 the criteria and requirements to be licensed or approved for play.

23 (2) Notwithstanding the provisions of Paragraph (B)(1) of this Subsection,
24 no sanction or denial of a license renewal application, revocation of a license, or
25 license suspension shall be imposed for a period in excess of ten calendar days
26 against any person to whom a license for the operation of video draw poker devices
27 has been issued for the failure to disclose all criminal charges resulting in any
28 misdemeanor conviction, provided that the person has not previously been cited for
29 the same nondisclosure regulatory offense within a one-year period prior to the
30 current regulatory offense. However, the failure to disclose all charges resulting in
31 any misdemeanor conviction may be considered and utilized within the provisions
32 set forth under R.S. 27:310, and there shall be no limitation as to the sanction
33 imposed.

34 (3) The board or division, as may be applicable, may initiate an
35 administrative action as defined in R.S. 27:3 and may revoke or suspend the license
36 of any person or approval of any device issued pursuant to the provisions of this
37 Chapter for violations as provided for in R.S. 27:308.2(A).

38 (4) The board or division, as may be applicable, shall allow a licensee to
39 temporarily turn in his license for reason of force majeure affecting the ability to
40 operate the business described in the application for an indefinite period of time as
41 determined by the division. During the time the license is turned in, the licensee
42 shall be eligible to renew the license. When the licensee is able to resume business
43 operations and is in compliance with all applicable physical amenities and permit
44 requirements, the license shall be returned to the licensee within ten days of
45 completion of a compliance inspection by the division.

46 (5) The board or division, as may be applicable, shall terminate the device
47 operation fees paid pursuant to R.S. 27:311(A)(5) when a licensed video draw poker
48 device is destroyed as the result of force majeure. In such a case, the device
49 operation fees shall terminate in the quarter following the quarter in which the device
50 was destroyed.

51 C. The board or division, as may be applicable, may initiate an
52 administrative action as defined in R.S. 27:3 against any licensee issued a license,
53 permit, or approval and may revoke or suspend the license or permit of any person

1 or approval of any device issued pursuant to the provisions of this Chapter if the
 2 division finds that the person licensed or permitted or device approved did not meet,
 3 at the time of application, or does not continue to meet the suitability requirements
 4 provided for in this Chapter, Chapter 2 of this Title, or in any rules adopted by the
 5 board and promulgated in Chapter III or XI of Title 42 of the Louisiana
 6 Administrative Code governing the operation of video draw poker devices which
 7 provide for suitability criteria.

8 D. For a period of five years from the date of the revocation of the license,
 9 no license authorized by this Chapter may be granted to any person whose previous
 10 license was revoked by the division.

11 E. The division and its agents may:

12 (1) Inspect and examine all premises where video draw poker devices are
 13 offered for play or where video draw poker devices or equipment are manufactured,
 14 sold, or distributed.

15 (2) Inspect all video draw poker devices and related equipment and supplies
 16 in, upon, or about such premises.

17 (3) Summarily seize and remove from such premises and impound any video
 18 draw devices, equipment, or supplies for the purpose of examination and inspection.

19 (4) Request that the board promulgate rules and regulations requiring
 20 licensees or former licensees to maintain specified records, including financial and
 21 income records, of video draw poker devices and operations.

22 (5) Request that the board promulgate rules and regulations to provide for
 23 minimum physical security standards at licensed establishments to maintain safety
 24 and integrity within the gaming area.

25 F. The board or the division, as may be applicable, shall have the authority
 26 to issue subpoenas and to compel the attendance of witnesses before it, to administer
 27 oaths at its official proceedings, to require testimony under oath, and to punish as
 28 contempt the failure to obey its orders. Appeals of an action by the division holding
 29 a person in contempt shall be taken to the Nineteenth Judicial District Court.

30 G. The division, within ten days after granting a license for the placement
 31 of video draw poker devices in a licensed establishment, shall notify the local
 32 governing authority of the municipality or, if not in a municipality, of the parish
 33 where the licensed establishment is located of the approval and granting of the
 34 license.

35 H. When an establishment licensed to operate video draw poker devices
 36 requests the division to disable such devices, such licensee shall also provide the
 37 notice of such request to the owner of the devices. The board shall adopt rules to
 38 implement this process."

39 AMENDMENT NO. 70

40 On page 34, line 10, change "§431" to "§432"

41 AMENDMENT NO. 71

42 On page 35, line 15, delete "R.S. 27:308 as R.S. 27:431,"