

SENATE SUMMARY OF HOUSE AMENDMENTS

SB 575 By Senator Morrell

KEYWORD AND SUMMARY AS RETURNED TO THE SENATE

VIDEO POKER. Provides with respect to the Video Draw Poker Devices Control Law. (8/1/12)

SUMMARY OF HOUSE AMENDMENTS TO THE SENATE BILL

1. Provided that force majeure provisions apply to restaurant facilities, onsite repair facilities and parking areas.
2. Clarified which regulatory functions belong to the Louisiana Gaming Control Board and which functions belong to the gaming division, office of state police.
3. Added provisions requiring truck stop facility restaurants in Orleans Parish to continue providing full table service at restaurant facilities.
4. Amended provisions regarding the location of truck stop facilities with respect to property used for certain purposes.
5. Clarifies that an applicant holding a retail or restaurant permit to sell alcoholic beverages who has satisfied suitability requirements of Title 26 is deemed to satisfy suitability requirements as to video gaming which are duplicative without requiring the division to make an additional suitability determination provided the applicant meets all other requirements prior to being granted a new video gaming license.
6. Adds provision specifically stating August 1, 2012 effective date for proposed law.

DIGEST OF THE SENATE BILL AS RETURNED TO THE SENATE

Morrell

SB No. 575

Present law provides for the licensing and operation of video draw poker devices at licensed establishments by the Louisiana Gaming Control Board and the gaming division in the office of state police.

Proposed law provides for the statutory reorganization of the provisions of present law regarding the licensing and operation of video draw poker devices and the locations of truck stop facilities.

Present law defines a "restaurant, bar, tavern, cocktail lounge, or club for purposes of the video draw poker law as an establishment primarily engaged in the retail sale of prepared foods or the sale of alcoholic beverages for on the premises or immediate consumption if it meets all of the following criteria:

(1) Has a Class-A General retail permit or Class-A Restaurant permit for the sale of alcoholic beverages for on-premises consumption as defined in the law regulating the sale of alcoholic beverages.

(2) Prepares and serves food or prepares, dispenses, and sells alcoholic beverages for on-premises consumption during the hours it is open to the public.

(3) Maintains financial records that segregate the sales of alcoholic beverages prepared for on-premises or immediate consumption and sales of food prepared for on-premises or immediate consumption from any other sales on the premises.

(d) Operates a fully equipped kitchen containing commercial appliances used for the preparation of uncooked foods for on-premises or immediate consumption, which may include but is not limited to a range, an oven, and refrigerated storage appliances; or it must have a person whose primary duty is tending bar on duty while the establishment is open for business and have a permanently affixed wet bar facility, including plumbing and sinks.

Proposed law removes restrictions and only requires that the restaurant, bar, tavern, cocktail lounge, or club have a Class-A General retail permit or Class-A Restaurant permit for the sale of alcoholic beverages for on-premises consumption.

Present law defines a "video draw poker device" as any unit, mechanism, or device authorized that, upon insertion of cash, is available to play or simulate the play of the game of draw poker or other card games approved by the division, utilizing a cathode ray tube or video display screen and microprocessors in which the player may win games or credits that can be redeemed for cash only. Proposed law excludes from this definition line up games, mechanical reel games, or any combination thereof, and slot machines as defined by law.

Present law provides that no multi-hand games or minimum wager may be authorized with respect to any video draw poker device located in Orleans Parish unless it has been determined by the Louisiana Gaming Control Board that permitting such game or wager in Orleans Parish will not violate the terms or provisions of the land based casino contract, as entered into on October 30, 1998, and amended effective October 19, 1999, March 29, 2001, and March 31, 2001. Proposed law retains present law but adds the February 14, 2005, and December 16, 2005, amendments to the land based casino contract.

Proposed law specifically lists the following three categories of licenses to be issued to qualified establishments to operate video draw poker devices:

- (1) Licenses to operate a maximum of three video draw poker devices at establishments licensed to sell alcoholic beverages for consumption on the premises.
 - (2) Licenses to operate up to 50 video draw poker devices at qualified truck stop facilities.
 - (3) License to operate an unlimited number of video draw poker devices at a licensed pari-mutual wagering facility or an off track wagering facility.
- Prohibits a licensee from having on its premises or making available for play on the premises more video draw poker devices than listed in proposed law.

Present law provides that a qualified truck stop shall mean a facility covering at least five developed contiguous acres which sells fuel, lubricating oil, and other vehicular merchandise, such as batteries, tires, or vehicle parts for eighteen-wheeler tractor-trailers, and which meet certain criteria including a requirement of an on-site restaurant with seating to be provided for at least 50 patrons and full table service for sit-down meals. Proposed law retains these provisions but requires that seating for the 50 patrons be centralized and removes the requirement for full table service for sit-down meals except for qualified truck stop facilities located in Orleans Parish.

Proposed law provides an exception for the requirement of an on-site restaurant facility at a qualified truck stop in the event of force majeure which affects the ability to maintain an on-site restaurant facility. Allows this exception for a reasonable period as determined by the gaming division. Proposed law further provides exceptions to the requirement that qualified a truck stop facility maintain a stable parking area for at least 50 eighteen-wheel tractor-trailer motor vehicles and an on-site repair facility for eighteen-wheelers due to a force majeure for a reasonable period determined by the gaming division.

Present law authorizes the gaming division to allow the continued operation of a licensed establishment which requires a alcoholic beverage license as a condition of receipt of a video draw poker device license is sold or transferred, the devices are allowed to continue operation if the new owner applies for a Class "A" license within fifteen days of purchasing the business, and upon issuance of a state Class "A" license, the new owner applies for a video draw poker license within fifteen days. Proposed law retains this provision but also authorizes the gaming control board to allow the operation to continue.

Present law provides that a person who has an alcoholic beverage permit for on premises consumption of alcohol may be granted a license to operate no more than three video draw poker devices at that premises. Provides suitability requirements for the issuance of video draw poker licenses and qualification criteria for the issuance of permits for the consumption of alcoholic beverages on the premises of a restaurant or bar.

Proposed law retains present law and further provides that if a person has met the suitability qualifications for the granting of a permit to sell alcoholic beverages on the premises of a restaurant or bar, they shall be granted a license to operate not more than three video draw

poker devices without requiring the division to make an additional suitability determination. Requires that the division determine that an applicant meet all other requirements as to a video gaming license before granting a new license.

Effective Aug. 1, 2012.

(Amends R.S. 14:90(C), R.S. 27:20(A)(1)(d)(ii) and R.S. 27:401 and 402; Adds R.S. 27:403 - 457 and 501 - 502; Repeals R.S. 27:301 - 326)

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