

HOUSE COMMITTEE AMENDMENTS

Amendments proposed by House Committee on Administration of Criminal Justice to Engrossed Senate Bill No. 747 by Senator Morrell

1 AMENDMENT NO. 1

2 On page 1, line 2, after "enact" delete the remainder of the line and delete lines 3 and 4 in
 3 their entirety and insert "R.S. 27:422, relative to the operation of video draw poker devices;
 4 to provide with respect to the construction and location of qualified truck stop facilities;"

5 AMENDMENT NO. 2

6 On page 1, line 7, change "R.S. 27:19(D)" to "R.S. 27:422"

7 AMENDMENT NO. 3

8 On page 1, delete lines 8 through 14 in their entirety and insert the following:

9 "§422. Truck stop locations; prohibited distances; prohibited structures
 10 A. No license shall be granted to any qualified truck stop facility located, at
 11 the time application is made for a license to operate video draw poker devices, within
 12 one mile from any property on the National Register of Historic Places, any public
 13 playground, any residential property, or a building used primarily as a church,
 14 synagogue, public library, or school. The measurement of the distance shall be a
 15 straight line from the nearest point of the truck stop facility to the nearest point of the
 16 property on the National Register of Historic Places, the public playground,
 17 residential property, or a building used primarily as a church, synagogue, public
 18 library, or school.
 19 B. After an application is filed with the division, the subsequent
 20 construction, erection, development, or movement of a property identified in
 21 Subsection A of this Section which causes the location of a qualified truck stop
 22 facility to be within the prohibited distance shall not be cause for denial of an initial
 23 or renewal application or revocation of a license.
 24 C. The prohibition in Subsection A of this Section shall not apply to the
 25 location of a qualified truck stop facility which applied for a license or was issued
 26 a license on or before June 1, 2010, or which applied for or was issued a certificate
 27 of compliance as required by R.S. 27:452(C) or a valid building permit on or before
 28 June 1, 2010, and subsequently issued a license. Such location shall be eligible for
 29 a qualified truck stop facility license without reference to the prohibition in
 30 Subsection A of this Section unless after having obtained a license, a qualified truck
 31 stop facility has not been licensed at that location for thirty-six consecutive months
 32 and application for licensing is not made within that thirty-six-month period.
 33 D.(1) For locations on which a truck stop facility has not been completely
 34 constructed, if application for licensing is made on or before December 31, 2012, the
 35 prohibited distance shall be in accordance with the following:
 36 (a) For facilities which applied for or were issued a certificate of compliance
 37 or a valid building permit on or before January 1, 2008 - five hundred feet from any
 38 property on the National Register of Historic Places, any public playground, or a
 39 building used primarily as a church, synagogue, public library, or school.
 40 (b) For facilities which applied for or were issued a certificate of compliance
 41 or a valid building permit after January 1, 2008, but on or before June 1, 2010 - two
 42 thousand five hundred feet from any property on the National Register of Historic
 43 Places, any public playground, or a building used primarily as a church, synagogue,
 44 public library, or school.
 45 (c) For facilities which applied for or were issued a certificate of compliance
 46 or a building permit after June 1, 2010 - one mile from any property on the National

1 Register of Historic Places, any public playground, residential property, or a building
 2 used primarily as a church, synagogue, public library, or school.

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

7 E. If a parish or municipality does not have a zoning ordinance which
 8 designates certain property within their jurisdiction as residential property, the
 9 governing authority of the parish or municipality shall have the authority to
 10 designate to certain areas of their jurisdiction as residential districts for the purpose
 11 of this Section.

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

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

20 Section 2. In the event of a conflict between the provisions of this Act and the
 21 provisions of the Act which originated as Senate Bill No. 575 of the 2012 Regular Session,
 22 the provisions of this Act shall prevail."