

SENATE BILL NO. 365

BY SENATOR MARTINY

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AN ACT

To amend and reenact R.S. 27:306(A)(4)(b), relative to the operation of video draw poker devices at qualified truck stop facilities; to provide with respect to the calculation of fuel sales; to provide for exceptions regarding the fuel sales requirements at certain facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:306(A)(4)(b) is hereby amended and reenacted to read as follows:

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

A.

* * *

(4)

* * *

(b)(i) Except as provided for in Subparagraph (7)(a) of this Subsection **and in R.S. 27:306(A)(4)(b)(ii)**, the number of video draw poker devices placed at a qualified truck stop facility shall be based on the average monthly fuel sales calculated quarterly, **using four sets of three calendar months**, for the first year of operation and thereafter shall be based upon the average monthly fuel sales calculated annually, **using a calendar year**, as follows:

(i)(aa) One hundred thousand gallons of fuel of which forty thousand gallons are diesel - not more than fifty devices.

(i)(bb) Seventy-five thousand gallons of fuel of which thirty thousand gallons are diesel - not more than forty devices.

(i)(cc) Fifty thousand gallons of fuel of which ten thousand are diesel - not more than thirty-five devices.

(ii) In addition to the requirements in Item (i) of this Subparagraph, a qualified truck stop facility, except a qualified truck stop facility located in

1 Orleans Parish, which complies or has complied with one of the fuels sales
 2 requirements of Item (i) of this Subparagraph for five consecutive years shall
 3 thereafter be permitted to retain the number of devices it operated during that
 4 same consecutive five-year period provided it continues to meet the fuel sales
 5 requirement set forth in R.S. 27:306(A)(4)(b)(i)(cc).

6 (iii) The board may adopt rules to recognize alternative fuel sources to
 7 satisfy the requirements regarding fuel sales provided by this Chapter.

8 * * *

9 Section 2. In the event Senate Bill 575 of the 2012 Regular Session is enacted into
 10 law, the Louisiana State Law Institute is hereby directed to redesignate R.S. 27:306(A)(4)(b)
 11 as amended in this Act as R.S. 27:416(C).

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

VETO MESSAGE

"Senate Bill No. 365 by Senator Martiny provides that qualified truck stop facilities which comply with one level of the required monthly fuel sales for five consecutive years will be permitted to retain the same number of video poker devices they operated during that five-year period if they simply continue to meet the lowest fuel sales requirement.

Under current law, if a facility has a monthly average sale of 100,000 gallons of fuel, then it can operate up to 50 devices. If a facility has a monthly average sale of 75,000 gallons of fuel, then it can operate up to 40 devices. And if a facility has a monthly average sale of 50,000 gallons of fuel, then it can operate up to 35 devices.

Not having to consistently meet the same level of fuel sales in order to operate the same number of video poker devices lessens our standards.

For this reason, I have vetoed Senate Bill No. 365 and hereby return it to the Senate."