

Present law provides for the operation of video draw poker devices at qualified truck stop facilities.

Present law provides that 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 for the first year of operation and, thereafter, shall be based upon the average monthly fuel sales calculated annually as follows:

- (1) 100,000 gallons of fuel of which 40,000 gallons are diesel - not more than 50 devices.
- (2) 75,000 gallons of fuel of which 30,000 gallons are diesel - not more than 40 devices.
- (3) 50,000 gallons of fuel of which 10,000 gallons are diesel - not more than 35 devices.

Proposed law would have retained present law and further provided that a qualified truck stop facility, except a qualified truck stop facility located in Orleans Parish, which complies or has complied with the fuel sales requirements of present law for five consecutive years shall thereafter be permitted to retain the number of devices it operated during that same consecutive five-year period provided it continues to meet the fuel sales requirements of 50,000 gallons of fuel of which 10,000 are diesel.

Proposed law would have changed the calculation from monthly averages to annual averages after the first year of operation.

Proposed law would have provided that the board may adopt rules to recognize alternative fuel sources to satisfy the requirements regarding fuel sales provided by law.

Would have become effective August 1, 2012.

(Proposed to amend R.S. 27:306(A)(4)(b))

**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."