

Regular Session, 2013

SENATE BILL NO. 164

BY SENATOR MARTINY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

VIDEO POKER. Provides relative to the Video Draw Poker Devices Control Law. (8/1/13)

AN ACT

To amend and reenact R.S. 27:415 and 422(D)(1), relative to Video Draw Poker Devices Control Law; to provide for the location of certain video draw poker facilities; to provide for prohibited distances of certain video draw poker facilities; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:415 and 422(D)(1) are hereby amended and reenacted to read as follows:

§415. Pari-mutuel wagering facility or offtrack wagering facility; no minimum wager

A. A person owning a Louisiana State Racing Commission licensed pari-mutuel wagering facility or an offtrack wagering facility may be granted a license for the placement of video draw poker devices in his facility if all other requirements of this Chapter are met. There shall be no limit on the number of video draw poker devices which may be placed at the facility. Notwithstanding any provision of law to the contrary, video draw poker devices in these facilities may schedule games with no minimum wager.

B. No license shall be granted to a Louisiana State Racing Commission

licensed pari-mutuel wagering facility or an offtrack wagering facility, at the time application is made for a license to operate video draw poker devices, within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. The measurement of the distance shall be a straight line from the nearest point of the Louisiana State Racing Commission licensed pari-mutuel wagering facility or the offtrack wagering facility to the nearest point of the property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school.

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

* * *

§422. Truck stop locations; prohibited distances; prohibited structures

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

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

~~(b) For facilities which applied for or were issued a certificate of compliance or a valid building permit after January 1, 2008, but on or before June 1, 2010 – two thousand five hundred feet from any property on the National Register of Historic~~

1 ~~Places, any public playground, or a building used primarily as a church, synagogue,~~
 2 ~~public library, or school.~~

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

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The original instrument was prepared by Michelle Ducharme. The following digest, which does not constitute a part of the legislative instrument, was prepared by Thomas L. Tyler.

DIGEST

Martiny (SB 164)

Present law provides for the locations of truck stops.

Proposed law retains present law provisions authorizing a person owning a licensed pari-mutuel wagering facility or offtrack wagering facility to receive a license for placement of video draw poker devices in his facility if all other requirements of law are met. Provides that there is no limit on the number of video draw poker devices which may be placed at the facility and that video draw poker devices in these facilities may schedule games with no minimum wager.

Proposed law prohibits granting a license to a licensed pari-mutuel wagering facility or an offtrack wagering facility, at the time application is made for a license to operate video draw poker devices, within one mile from any property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. Requires that measurement of the distance to be a straight line from the nearest point of the licensed facility to the nearest point of the property on the National Register of Historic Places, any public playground, any residential property, or a building used primarily as a church, synagogue, public library, or school. Defines residential property to be any property which is wholly or partly used for or intended to be used for living or sleeping by human occupants and which includes one or more rooms, including a bathroom and complete kitchen facilities. Provides that residential property includes a mobile home or manufactured housing which has been in its present location for at least 60 days but does not include any hotel or motel.

Present law provides that for locations on which a truck stop facility has not been completely constructed, if application for licensing is made on or before August 1, 2012, the prohibited distance shall be in accordance with the following:

- (1) For facilities which applied for or were issued a certificate of compliance or a valid building permit on or before January 1, 2008 - 500 feet from any property on the National Register of Historic Places, any public playground, or a building used primarily as a church, synagogue, public library, or school.
- (2) For facilities which applied for or were issued a certificate of compliance or a valid building permit after January 1, 2008, but on or before June 1, 2010 - 2,500 feet from any property on the National Register of Historic Places, any public playground, or a building used primarily as a church, synagogue, public library, or school.

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

Proposed law provides that regardless of the date a facility applied for or was issued a certificate of compliance or a valid building permit, locations on which a truck stop facility has not been completely constructed, if application for licensing is made on or before August 1, 2012, the prohibited distance shall be one mile from any property on the National Register of Historic Places, any public playground, residential property, or a building used primarily as a church, synagogue, public library, or school.

Effective August 1, 2013.

(Amends R.S. 27:415 and 422(D)(1))

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Add provisions prohibiting issuance of license within a mile of a property on the National Register of Historic Places, public playground, residential property, church, synagogue, public library or school.