

Regular Session, 2013

SENATE BILL NO. 141

BY SENATOR BROWN

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

VIDEO POKER. Provides relative to the temporary placement of video poker devices.  
(gov sig)

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AN ACT

To amend and reenact R.S. 27:421(B), relative to the licensing and operation of video draw poker devices in qualified truck stop facilities; to provide authority for the temporary operation of video draw poker devices; to provide with respect to force majeure; to provide for applicability; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 27:421(B) is hereby amended and reenacted to read as follows:

§421. Temporary placement of twenty-five video draw poker devices

\* \* \*

B. If after **one year** a qualified truck stop facility is licensed and ~~an initial determination has been made to authorize the placement and operation of devices at the facility based upon the average of the fuel sales reports for three months, and the qualified truck stop facility thereafter becomes unable to sell a sufficient number of gallons of fuel~~ **meets all fuel sale requirements to operate** to permit the minimum **the maximum** number of devices to be operated at the facility, **and then the truck stop facility becomes unable to meet fuel sale requirements in order to operate the maximum number of devices** for reasons of force majeure or due to other

1 noncommercial circumstances, such as road or other governmental construction  
2 projects contiguous to, or otherwise ~~directly~~ affecting the fuel sales of the qualified  
3 truck stop facility as determined by the division, the facility shall continue to be  
4 authorized to place and operate the same number of devices ~~based upon the last~~  
5 ~~average calculation of monthly fuel sales reports~~ prior to the interruption in the fuel  
6 sales. Upon resolution of the reasons causing the reduction in fuel sales, the division  
7 shall use the next three months of monthly fuel sales reports to determine the number  
8 of devices authorized to be placed and operated at the facility.

9 Section 2. This Act shall become effective upon signature by the governor or, if not  
10 signed by the governor, upon expiration of the time for bills to become law without signature  
11 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
12 vetoed by the governor and subsequently approved by the legislature, this Act shall become  
13 effective on the day following such approval.

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Cathy R. Wells.

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#### DIGEST

Present law authorizes up to 25 video poker machines be temporarily placed at a truck stop facility upon such facility meeting the licensing and amenity requirements provided by law. Present law provides that the number of video poker machines that will be finally placed in such facility is based on the average monthly fuel sales from the first three months of operation. For each calendar year thereafter, the number of video draw poker devices placed at the qualified truck stop facility is based upon the average fuel sales calculated annually.

Present law allows a qualified truck stop facility to temporarily continue operating the number of devices it was operating prior to an interruption in fuel sales when such interruption was caused by reasons of force majeure or due to other noncommercial circumstances such as road or other governmental construction projects contiguous to, or otherwise directly affecting fuel sales, as determined by the gaming division of the office of state police.

Proposed law restricts temporary authority for devices in instances of fuel sales interrupted by force majeure and road or other governmental construction projects to qualified truck stop facilities that have been licensed for one year and met fuel sale requirements during that year. Proposed law would allow such affected facilities to place and operate the same number of machines prior to the interruption in fuel sales.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 27:421(B))