

GREEN SHEET REDIGEST

HB 368

2020 Regular Session

Mack

GAMBLING/VIDEO POKER: Provides relative to qualified truck stop facilities

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DIGEST

Present law provides for the operation of video draw poker devices at qualified truck stop facilities. 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 using a calendar year as follows:

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

Present law provides that a qualified truck stop facility, except a qualified truck stop facility located within a radius of 12 miles or less from the location of the official gaming establishment in Orleans Parish, which complies or has complied with one of the fuel sales requirements of present law for five consecutive years shall be permitted to retain the number of devices it operated during the same consecutive five-year period provided it continues to sell a monthly average of 50,000 gallons of fuel.

Present law provides that after 10 years of operation as a qualified truck stop facility, the facility shall thereafter be permitted to retain the number of devices for which the facility qualified in the prior calendar year of operation, not to exceed 40 devices, if the facility meets a minimum fuel sale requirement of not less than 30,000 gallons per month and continues to be a fuel facility that offers, in the regular course of business, fuel sales for individual vehicle consumption.

Proposed law allows for the Louisiana Gaming Control Board to grant an exception to present law fuel sale requirements determining the allowable number of video draw poker devices when all of the following apply:

- (1) There is a force majeure or other catastrophic event causing 50% or more of a qualified truck stop facility to be destroyed.
- (2) The facility must be rebuilt according to local, state, or federal basic flood elevation standards.
- (3) The rebuilding will inhibit the facility's ability to meet the fuel sales requirements.
- (4) The qualified truck stop facility has been in operation for 10 or more years and has maintained fuel sales in compliance with present law and continues to offer fuel sales in their regular course of business for individual vehicle consumption.

Proposed law provides that the board may grant the initial waiver of fuel sales requirements for a qualified truck stop for a time period of up to three months. Provides that if the rebuilding is not completed within the initial waiver period and provided the qualified truck stop facility continues to offer fuel for sale, the licensee may apply to the board for an additional waiver, and for good cause shown, the board may grant the additional waiver for an additional one-month time period. Provides that any additional waivers may be approved by the board only for good cause and only for an additional one-month time period.

(Adds R.S. 27:416(C)(3)(c))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Administration of Criminal Justice to the original bill:

1. Provide that any qualified truck stop facility that is required to rebuild pursuant to proposed law shall be in accordance with local, state, or federal basic flood elevation standards rather than building code standards.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the engrossed bill:

1. Limit waivers from fuel sales requirements in determining the allowable number of video draw poker devices at a qualified truck stop to a three-month time period for the initial waiver and a one-month time period for any subsequent waivers.
2. Require a finding by the board of good cause for approval of a subsequent waiver from fuel sale requirements.