

2023 Regular Session

SENATE BILL NO. 189

BY SENATOR JACKSON

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

CHARITABLE GAMING. Provides relative to electronic or video bingo machines and licensed premises. (7/1/23)

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AN ACT

To amend and reenact R.S. 4:724(J) and to enact R.S. 4:724(L) and (M), relative to electronic or video bingo; to provide for operation of machines by a licensed distributor if certain criteria are met; to provide for authorized locations; to provide for an effective date; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 4:724(J) is hereby amended and reenacted and R.S. 4:724(L) and (M) are hereby enacted to read as follows:

§724. Use of electronic or video bingo games

* * *

J.(1) **Any license or permit that was issued to any location for the use of electronic bingo machines before June 30, 2022, is a bona fide and valid license and permit under Louisiana law.**

(2) **Any license or permit that was issued to any distributor for the use of electronic video bingo machines before June 30, 2022, is a bona fide and valid license and permit under Louisiana law.**

(3) Any person ~~who is~~ **may be** licensed as a distributor ~~shall be permitted to~~

1 operate electronic video bingo machines ~~which are not in compliance with the~~
2 ~~provisions of R.S. 4:724(B)(5)~~ if either of the following occurs:

3 (a) The licensed distributor has purchased or has entered into a lease
4 agreement approved by the office for the total number of electronic video bingo
5 machines to be placed at a specific location and the electronic video bingo machines
6 have been permitted by the office and placed at a location which has been approved
7 by the office on or prior to August 15, 2008; ~~or,~~

8 (b) The ~~licensed distributor~~ **person** has delivered to the office or has sent by
9 certified mail an application with the required fees to have electronic video bingo
10 machines permitted, ~~which~~ **and the** application ~~has been received, but not approved~~
11 ~~by the office on or prior to August 15, 2008, and the application includes one of the~~
12 ~~following:~~ **includes proof of purchase for the total number of electronic video**
13 **bingo machines to be placed at a specific location that has been approved by the**
14 **office.**

15 (i) ~~Proof of purchase for the total number of video bingo machines to be~~
16 ~~placed at a specific location.~~

17 (ii) ~~A nonrefundable deposit of a minimum of twenty-five percent of the fair~~
18 ~~market value of the wholesale purchase price of the total number of machines to be~~
19 ~~placed at a specific location.~~

20 (iii) ~~A nonrefundable deposit on a lease agreement which is equivalent in~~
21 ~~value to a minimum of twenty-five percent of the fair market value of the wholesale~~
22 ~~purchase price of the total number of machines to be placed at a specific location.~~

23 ~~(2)~~**(4)** Electronic video bingo machines authorized by the provisions of this
24 Subsection shall only be placed at one of the following locations:

25 (a) A location which has been approved by the office ~~on or prior to August~~
26 ~~15, 2008; or,~~

27 (b) A location for which a completed application with the required fees for
28 the licensing to conduct charitable gaming at a specific location has been received
29 **and approved** by the office ~~on or prior to August 15, 2008.~~ However, locations

1 ~~which have not been approved by the office prior to August 15, 2008, but for which~~
2 ~~an application has been timely filed as provided by this Subparagraph, shall have~~
3 ~~received final approval from the office and must be occupied by August 15, 2009,~~
4 ~~in order to operate electronic video bingo machines which are not in compliance with~~
5 ~~the provisions of R.S. 4:724(B)(5).~~

6 **(5)(a) If at any time the Legislature of Louisiana amends the law to add**
7 **new licenses, the office shall not issue any new license or permit after June 30,**
8 **2022, that would allow any electronic or video bingo machine to be placed**
9 **within one mile from any property on the National Register of Historic Places,**
10 **any public playground, any residential property, or any building used primarily**
11 **as a church, synagogue, public library, or school. The measurement of the**
12 **distance shall be a straight line from the nearest point of the intended location**
13 **for the electronic video bingo machine for which any license or permit is sought**
14 **to the nearest point of the property on the National Register of Historic Places,**
15 **the public playground, the residential property, or the building used primarily**
16 **as a church, synagogue, public library, or school.**

17 **(b) The provisions of this Paragraph shall not apply to either of the**
18 **following:**

19 **(i) Any location that is damaged or destroyed due to an act of God,**
20 **natural disaster, force majeure, catastrophic event, action by a governmental**
21 **body, or a similar occurrence over which the licensee or permittee has no**
22 **control.**

23 **(ii) To any location licensed to conduct electronic video bingo on or**
24 **before June 30, 2022.**

25 **(c) For the purposes of this Paragraph, "residential property" means**
26 **any property that is wholly or partly used for or intended to be used for living**
27 **or sleeping by human occupants and that includes one or more rooms, including**
28 **a bathroom and complete kitchen facilities. "Residential property" shall include**
29 **a mobile home or manufactured housing provided that the mobile home or**

sent by certified mail an application and fees to have machines permitted which has been received and not approved on or prior to August 15, 2008, and the application includes either a proof of purchase or a non-refundable deposit.

Proposed law removes references to the licensed distributor and electronic video bingo machines, which are not in compliance, and provides for the licensing of distributors to operate electronic video bingo machines if either:

- (1) The licensed distributor has purchased or has entered into a lease agreement and the machines have been permitted by the office and placed at a location which has been approved by the office prior to August 15, 2008.
- (2) The person has delivered to the office or has sent by certified mail an application with the required fees to have electronic video bingo machines permitted, and the application includes proof of purchase for the total number of electronic video bingo machines to be placed at a specific location that has been approved by the office.

Present law provides that electronic video bingo machines authorized by present law may only be placed at the following two locations:

- (1) A location approved by the office on or prior to August 15, 2008.
- (2) A location for which a completed application with the required fees for the licensing to conduct charitable gaming at a specific location has been received by the office of charitable gaming on or prior to August 15, 2008, and which has received final approval from the office and was occupied by August 15, 2009.

Proposed law removes deadlines for approval or receipt of applications and provides that machines may be placed either at a location approved by the office of charitable gaming or at a location for which a completed application with the required fees was received and approved by the office.

Proposed law provides that if at any time the Legislature of Louisiana amends the law to add for new licenses, the office shall not issue any new license that would allow any electronic or video bingo machine to be placed within one mile of certain places, including any property on the National Register of Historic Places and any building used primarily as a church, synagogue, public library, or school. Provides for exceptions to the proposed law one-mile radius.

Proposed law provides that if the physical location in which the charitable gaming organization operates electronic or video bingo machines is destroyed or damaged as a result of a natural disaster, an act of God, force majeure, a catastrophe, or such other occurrence over which the organization has no control, then the office of charitable gaming shall allow for a replacement location to be permitted in accordance with local zoning laws.

Proposed law allows for the transfer of a location license and a electronic video bingo machines license.

Effective July 1, 2023.

(Amends R.S. 4:724(J); adds R.S. 4:724(L) and (M))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary B to the original bill

1. Provides for the validity of licenses for location and electronic video bingo

machines issued before June 30, 2022.

2. Removes provisions relative to licensed distributors and the operation of electronic video machines that were not in compliance and provides for licensing requirements of distributors.
3. Removes references to deadline dates for submission of applications for licensure and approval of applications.
4. Provides that if the legislature amends law to add new licenses, the office of charitable gaming shall not issue a license or permit after June 30, 2022, that would allow any electronic video bingo machine to be placed within one mile of certain places and provides for exceptions to the one-mile radius.
5. Defines residential property.
6. Provides that if a location, where electronic video bingo machines are validly licensed or permitted to operate is damaged or destroyed due to certain events, the office may allow such machines to operate at the same physical location.
7. Provides for the transfer of a location license and electronic video bingo machines license.