

1 owned and operated transportation facility offering any transportation to interstate
2 and international destinations.

3 * * *

4 §414. Hotel and motel facilities; criteria

5 A licensee owning or leasing a licensed establishment which is a hotel or
6 motel which has more than one lounge or facility and which has a Class A-General
7 retail permit or a Class A-Restaurant permit, as defined in Part II of Chapter 1 or Part
8 II of Chapter 2 of Title 26 of the Louisiana Revised Statutes of 1950, to sell alcoholic
9 beverages for on-premises consumption on a single licensed premises may make
10 available for play not more than ~~three~~ four video draw poker devices at each lounge
11 or separate facility, not to exceed a total of ~~twelve~~ thirteen video draw poker devices
12 for the hotel or motel, if all other requirements of this Chapter are met. Each
13 separate lounge or facility shall meet the following criteria:

14 * * *

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

17 * * *

18 C. No license shall be granted to any offtrack wagering facility located, at
19 the time application is made for a license to operate video draw poker devices, within
20 one mile from any property on the National Register of Historic Places, any public
21 playground, any residential property, or a building used primarily as a church,
22 synagogue, public library, or school. The measurement of the distance shall be a
23 straight line from the nearest point of the offtrack wagering facility to the nearest
24 point of the property on the National Register of Historic Places, the public
25 playground, residential property, or building used primarily as a church, synagogue,
26 public library, or school.

27 D. After an application is filed with the division, the subsequent
28 construction, erection, development, or movement of a property identified in
29 Subsection C of this Section which causes the location of an offtrack wagering

1 facility to be within the prohibited distance shall not be cause for denial of an initial
2 or renewal application or revocation of a license.

3 E. If a parish or municipality does not have a zoning ordinance which
4 designates certain property within their jurisdiction as residential property, the
5 governing authority of the parish or municipality shall have the authority to
6 designate certain areas of their jurisdiction as residential districts for the purposes of
7 this Section.

8 F. The prohibition provided for in Subsection C of this Section shall not
9 apply to any offtrack wagering facility that is both licensed and operating on January
10 1, 2025. If application for licensing is made after January 1, 2025, the prohibition
11 in Subsection C of this Section shall apply.

12 G. For the purposes of this Section, "residential property" means any
13 property which is wholly or partly used for or intended to be used for living or
14 sleeping by human occupants and which includes one or more rooms, including a
15 bathroom and complete kitchen facilities. Residential property shall include a
16 mobile home or manufactured housing, provided that it shall have been in its present
17 location for at least sixty days. Residential property shall not include any hotel or
18 motel.

19 §416. Qualified truck stop facilities; number of devices; fuel sales

20 A. A person owning or leasing a qualified truck stop facility may be granted
21 a license for the placement of not more than ~~fifty~~ sixty video draw poker devices in
22 his facility based on the fuel sales as provided in Subsection C of this Section, in an
23 area separated for adult patronage only, if all other requirements of this Chapter are
24 met. There shall be only one license granted for the operation of video draw poker
25 devices at each qualified truck stop facility.

26 * * *

27 C.

28 * * *

1 be based on the type of licensed establishment authorized by the division for the
2 placement of video draw poker devices, as follows:

3 * * *

4 (4)(a) Of the amount attributable to the payment of franchise fees as required
5 in this Section, an amount equal to the avails of one-half of one percent of the
6 franchise fee rate shall be allocated as provided in R.S. 27:437 and appropriated by
7 the legislature as provided in R.S. 27:439.

8 (b) Of the amount attributable to payment of franchise fees as required in this
9 Section, for additional video draw poker devices authorized pursuant to the
10 provisions of this Act an amount equal to the avails of one-half of one percent of the
11 franchise fee rate shall be allocated as provided in R.S. 27:437 and appropriated by
12 the legislature as provided in R.S. 27:439.

13 §437. Video Draw Poker Device Fund; distribution and expenditure

14 * * *

15 C. Except as provided in Paragraph ~~(3)~~ (4) of this Subsection, the monies in
16 the Video Draw Poker Device Fund shall only be withdrawn pursuant to
17 appropriation by the legislature and shall be distributed as follows:

18 * * *

19 (3) An amount shall be allocated to the Video Draw Poker Device
20 Supplement Fund as follows:

21 (a) The monies in excess of the monies generated in R.S. 27:435 for the
22 Fiscal Year 2024, if any, and received in this Chapter and distributed as outlined
23 above, the initial twenty-two million dollars shall be allocated as provided in R.S.
24 27:439.1.

25 (b) Any monies after (3)(a), in excess of the monies generated in R.S. 27:435
26 for the Fiscal Year 2024 and received in this Chapter and distributed as outlined
27 above, fifteen percent shall be allocated as provided in R.S. 27:439.1.

28 ~~(3)~~ (4) Any unexpended or unencumbered portion of the twenty-five percent
29 remaining in the Video Draw Poker Device Fund after the allocations made pursuant

1 to the provisions of Paragraph (1) of this Subsection at the end of the fiscal year shall
2 not revert to the state general fund but shall be distributed in accordance with the
3 provisions of Paragraph (1) of this Subsection. Any remaining portion of the
4 seventy-five percent of the unexpended or unencumbered monies in the Video Draw
5 Poker Device Fund after the allocations made pursuant to the provisions of
6 Paragraphs (2) and (3) of this Subsection at the end of the fiscal year shall revert to
7 the state general fund.

8 ~~(4)~~ (5) An amount equal to all franchise payments exempted pursuant to R.S.
9 27:321 shall be considered to be part of the Video Draw Poker Device Fund for
10 purposes of calculating the distribution of the fund pursuant to Paragraphs (1), (2),
11 and ~~(2)~~ (3).

12 * * *

13 §439.1. Video Draw Poker Device Purse Supplement Fund; additional distribution
14 and expenditure

15 A. Funds specified pursuant to the provisions of R.S. 27:437(C) shall be
16 forwarded by the division to the state treasurer for immediate deposit in the state
17 treasury. The funds so deposited shall first be credited to the Bond Security and
18 Redemption Fund in accordance with Article VII, Section 9(B) of the Constitution
19 of Louisiana. Thereafter, the state treasurer shall, each fiscal year, credit to a special
20 fund, which is hereby created in the state treasury and entitled the Video Draw Poker
21 Device Purse Supplement Fund, an amount equal to all funds specified pursuant to
22 R.S. 27:437(C)(3). Monies in the Video Draw Poker Device Purse Supplement Fund
23 shall only be withdrawn pursuant to an appropriation by the legislature and shall be
24 used solely as provided in Subsection B of this Section.

25 B. Monies in the Video Draw Poker Device Purse Supplement Fund pursuant
26 to the provisions of R.S. 27:437(C)(3) shall be annually appropriated to the
27 Louisiana State Racing Commission within the office of the governor and shall be
28 allocated as follows:

1 (1) Sixty percent of the funds appropriated to the commission pursuant to
2 this Section shall be allocated and provided to the Horsemen's Bookkeeper to be used
3 at the licensed racing associations in the state which conduct live horse racing on the
4 basis of the proportion of the number of thoroughbred race days each association
5 conducted for the preceding year bears to the total number of thoroughbred race days
6 conducted statewide for the preceding year. These additional monies shall be
7 distributed in accordance with a schedule or formula established by the purse
8 committee of the Louisiana Thoroughbred Breeders Association on Louisiana-bred
9 thoroughbred races or for Louisiana-bred horses that earn a percentage of the purse
10 in a non-breed-restricted race.

11 (2) Thirty percent of the funds appropriated to the commission pursuant to
12 this Section shall be allocated and provided to the Louisiana Quarter Horse Breeders
13 Association to be used to supplement purses for Louisiana-bred quarter horses.

14 (3) Four and one-half percent of the funds appropriated to the commission
15 pursuant to this Section shall be allocated and provided to the Louisiana
16 Thoroughbred Breeders Association for Breeder Awards.

17 (4) Two and one-quarter percent of the funds appropriated to the commission
18 pursuant to this Section shall be allocated and provided to the Louisiana Quarter
19 Horse Breeders Association for Breeder Awards.

20 (5) Two percent of the funds appropriated to the commission pursuant to this
21 Section shall be allocated and provided to the Louisiana State Racing Commission.

22 (6) One and one-quarter percent of the funds appropriated to the commission
23 pursuant to this Section shall be allocated and provided to the Louisiana Horsemen's
24 Benevolent and Protective Association, 1993 Inc.

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

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 540 Engrossed

2025 Regular Session

Fontenot

Abstract: Provides relative to the number of video draw poker devices certain businesses may operate, to areas where video draw poker devices may not be granted, and to where revenue is allocated.

Proposed law increases the number of video draw poker devices permitted at certain alcoholic beverage facilities from three to four and provides criteria to qualify for additional video draw poker devices.

Proposed law increases the number of video draw poker devices permitted at truck stops from 50 to 60.

Proposed law increases the number of video draw poker devices permitted at hotels and motels from three to four for individual lounges and from 12 to 13 for the hotel or motel.

Proposed law provides that offtrack wagering facilities shall not be granted a license to operate video draw poker devices within one mile of 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.

Proposed law provides for the designation of residential districts for the purposes of proposed law.

Proposed law provides relative to franchise fee rates and appropriation for revenue generated by video draw poker devices.

Proposed law (R.S. 27:437) provides that of the monies generated by franchise fees in the 2025 fiscal year, above the amount generated in the 2024 fiscal year, the first \$22 million shall be allocated in accordance with proposed law (R.S. 27:439.1).

Proposed law (R.S. 27:439.1) provides that revenue generated by proposed law (R.S. 27:437) shall be allocated to the Video Draw Poker Device Purse Supplement Fund and to various horse racing industry groups.

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

(Amends R.S. 27:412(B)(1) and (2), 413(A) and (B), 414(intro. para.), 416(A), (C)(2)(a)-(c) and (3)(b), 435(D)(4), and 437(C)(intro. para.), (3), and (4); Adds R.S. 27:415(C)-(G), 437(C)(5), and 439.1)

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Amend R.S. 27:437 to allocate tax revenue to the Video Draw Poker Device Purse Supplement Fund.

3. Change the requirements that a restaurant or bar shall meet to add a fourth machine and remove the requirement that the gaming enforcement section remove a machine if the location falls under a certain net device revenue.
4. Add R.S. 27:439.1 to create the Video Draw Poker Device Purse Supplement Fund and allocate money to the fund for certain purposes.