

SENATE BILL NO. 364

BY SENATOR MICHOT

1 AN ACT

2 To amend and reenact R.S. 27:306(C)(2) and (C)(5)(a)(i), relative to Video Draw Poker
3 Devices Control Law; to provide for licensing requirements for truck stop facilities;
4 to provide with respect to the location of certain qualified truck stop facilities; to
5 provide with respect to prohibitions; to provide for exceptions; to provide for an
6 effective date; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 27:306(C)(2) and (C)(5)(a)(i) are hereby amended and reenacted to
9 read as follows:

10 §306. State license qualifications; limitations; right to hearing

11 * * *

12 C. * * *

13 (2)(a)(i) Notwithstanding any provision of law to the contrary, no license
14 shall be granted to any truck stop facility located, at the time application is made for
15 a license to operate video draw poker devices, within five hundred feet of any
16 property that is on the National Historic Registry, any public playground, or a
17 building used exclusively as a church, synagogue, public library, or school.

18 (ii) Notwithstanding any provision of law to the contrary, no license shall be
19 issued for any truck stop facility unless previously applied for or licensed as of
20 January 1, 2008, located, at the time application is made for a license to operate
21 video draw poker devices, within two thousand five hundred feet of any property that
22 is on the National Historic Registry, any public playground, or a building used
23 exclusively as a church, synagogue, public library, or school unless the applicant for
24 the license has applied prior to January 1, 2008, with the local governing authority

1 of the parish where the truck stop is located for a certificate of compliance with
2 applicable zoning ordinances and building codes and a statement of approval for the
3 operation of video draw poker devices at a truck stop facility as required by R.S.
4 27:324(C) or has applied with the appropriate authority for a building permit prior
5 to January 1, 2008.

6 ~~(b) In municipalities and in unincorporated areas which are divided into~~
7 ~~subdivisions with streets, blocks, and sidewalks, this distance shall be measured as~~
8 ~~a person walks using the sidewalk from the nearest point of the property line of the~~
9 ~~property on the National Historic Registry, public playground, church, synagogue,~~
10 ~~public library, or school to the nearest point of the premises to be licensed.~~

11 ~~(c)(b) Outside of municipalities and unincorporated areas which are not~~
12 ~~divided into subdivisions with streets, blocks, or sidewalks, the The measurement~~
13 ~~of this distance shall be a straight line from the nearest point of the truck stop facility~~
14 ~~to the nearest point of the church, synagogue, or school.~~

15 * * *

16 (5)(a)(i) Notwithstanding any provision of law to the contrary, **including the**
17 **prohibited distance provisions provided for in Paragraphs (2), (3) and (4) of this**
18 **Subsection**, no license shall be issued for any truck stop facility unless previously
19 applied for or licensed as of June 1, 2010, located, at the time application is made for
20 a license to operate video draw poker devices, within ~~two thousand five hundred feet~~
21 **one mile** of any residential property, **any property that is on the National Registry**
22 **of Historic Places, any public playground, or a building used exclusively as a**
23 **church, synagogue, public library, or school** unless the applicant for license has
24 applied prior to June 1, 2010, with the local governing authority of the parish where
25 the truck stop is located for a certificate of compliance with applicable zoning
26 ordinances and building codes and a statement of approval for the operation of video
27 draw poker devices at a truck stop facility as required by R.S. 27:324(C) or has
28 applied with the appropriate authority for a building permit prior to June 1, 2010. If
29 a parish or municipality does not have a zoning ordinance which designates certain
30 property within their jurisdiction as residential property, the governing authority of

1 the parish or municipality shall have the authority to designate to certain areas of
 2 their jurisdiction as residential districts for the purpose of this Paragraph. The
 3 measurement of this distance shall be a straight line from the nearest point of
 4 the truck stop facility to the nearest point of the residential property.

5 * * *

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

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____