

Regular Session, 2013

HOUSE BILL NO. 146

BY REPRESENTATIVE ADAMS

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

GAMBLING/VIDEO POKER: Provides relative to fuel sales provisions of video draw poker law

1 AN ACT

2 To amend and reenact R.S. 27:421(B), relative to the operation of video draw poker devices
3 at qualified truck stop facilities; to provide for the continued operation of video draw
4 poker devices during force majeure or noncommercial circumstances which prohibit
5 or reduce requisite fuel sales; to provide for the continued operation of the same
6 number of video draw poker devices during those circumstances; and to provide for
7 related matters.

8 Be it enacted by the Legislature of Louisiana:

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

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

11 * * *

12 B. If after a qualified truck stop facility is licensed and ~~an initial~~ a
13 determination has been made to authorize the placement and operation of devices at
14 the facility based upon the average of the fuel sales reports for three months, and the
15 qualified truck stop facility thereafter becomes unable to sell a sufficient number of
16 gallons of fuel to permit the ~~minimum~~ same number of devices to be operated at the
17 facility, for reasons of force majeure or due to other noncommercial circumstances,
18 such as road or other governmental construction projects contiguous to, or otherwise
19 directly affecting the fuel sales of the qualified truck stop facility as determined by
20 the division, the facility shall continue to be authorized to place and operate the same

1 number of devices based upon the last average calculation of monthly fuel sales
 2 reports prior to the interruption in the fuel sales. Upon resolution of the reasons
 3 causing the reduction in fuel sales, the division shall use the next three months of
 4 monthly fuel sales reports to determine the number of devices authorized to be
 5 placed and operated at the facility.

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)]

Adams

HB No. 146

Abstract: Allows for continued operation of the same number of video draw poker devices when fuel sales cannot be achieved due to force majeure or noncommercial circumstances.

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 such facilities shall be based on the average monthly fuel sales as follows:

- (1) 100,000 gallons of fuel of which 40,000 gallons are diesel - not more than 50 devices.
- (2) 75,000 gallons of fuel of which 30,000 gallons are diesel - not more than 40 devices.
- (3) 50,000 gallons of fuel of which 10,000 gallons are diesel - not more than 35 devices.

Present law provides that if after 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 to permit the minimum number of devices to be operated at the facility, for reasons of force majeure or due to other noncommercial circumstances, the facility shall continue to operate the number of devices based upon the last average calculation of monthly fuel sales reports prior to the interruption in the fuel sales. Upon resolution of the reasons causing the reduction in fuel sales, the division shall use the next three months of monthly fuel sales reports to determine the number of devices authorized to be placed and operated at the facility.

Proposed law retains present law and further provides that the licensee can continue to operate the same number of video draw poker devices that they operated prior to the reduction in fuel sales if that reduction is caused by force majeure or noncommercial circumstances.

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