

# State of South Dakota

SEVENTY-FOURTH SESSION  
LEGISLATIVE ASSEMBLY, 1999

735C0512

## HOUSE BILL NO. 1149

Introduced by: Representatives Cutler, Hunt, and Konold and Senator Paisley

1 FOR AN ACT ENTITLED, An Act to increase the sales and use tax, to reduce the sales and use  
2 tax over a period of time, and to repeal the video lottery.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 10-45-2 be amended to read as follows:

5 10-45-2. There is hereby imposed a tax upon the privilege of engaging in business as a  
6 retailer, a tax of ~~four~~ five percent upon the gross receipts of all sales of tangible personal  
7 property consisting of goods, wares, or merchandise, except as taxed by § 10-45-3 and except  
8 as otherwise provided in this chapter, sold at retail in the State of South Dakota to consumers  
9 or users.

10 Section 2. That § 10-45-3 be amended to read as follows:

11 10-45-3. There is hereby imposed a tax of ~~three~~ four percent on the gross receipts from the  
12 sale or resale of farm machinery and attachment units other than replacement parts; or irrigation  
13 equipment used exclusively for agricultural purposes by licensed South Dakota retailers;  
14 provided, however, that whenever any trade-in or exchange of used farm machinery is involved  
15 in the transaction, the tax shall only be due and collected on the cash difference.

16 Section 3. That § 10-45-5 be amended to read as follows:

17 10-45-5. There is imposed a tax at the rate of ~~three~~ four percent upon the gross receipts of

1 any person from engaging in the business of leasing farm machinery or irrigation equipment used  
2 for agricultural purposes and ~~four~~ five percent upon the gross receipts of any person from  
3 engaging or continuing in any of the following businesses or services in this state: abstracters;  
4 accountants; architects; barbers; beauty shops; bill collection services; blacksmith shops; car  
5 washing; dry cleaning; dyeing; exterminators; garage and service stations; garment alteration;  
6 cleaning and pressing; janitorial services and supplies; specialty cleaners; laundry; linen and towel  
7 supply; membership or entrance fees for the use of a facility or for the right to purchase tangible  
8 personal property or services; photography; photo developing and enlarging; tire recapping;  
9 welding and all repair services; cable television; and rentals of tangible personal property except  
10 leases of tangible personal property between one telephone company and another telephone  
11 company, motor vehicles as defined by § 32-5-1 leased under a single contract for more than  
12 twenty-eight days and mobile homes provided, however, that the specific enumeration of  
13 businesses and professions made in this section does not, in any way, limit the scope and effect  
14 of § 10-45-4.

15 Section 4. That § 10-45-5.3 be amended to read as follows:

16 10-45-5.3. There is imposed, at the rate of ~~three~~ four percent, an excise tax on the gross  
17 receipts of any person engaging in oil and gas field services (group no. 138) as enumerated in  
18 the Standard Industrial Classification Manual, 1987, as prepared by the Statistical Policy Division  
19 of the Office of Management and Budget, Office of the President.

20 Section 5. That § 10-45-6 be amended to read as follows:

21 10-45-6. There is hereby imposed a tax of ~~four~~ five percent upon the gross receipts from  
22 sales, furnishing, or service of gas, electricity, and water, including the gross receipts from such  
23 sales by any municipal corporation furnishing gas, and electricity, to the public in its proprietary  
24 capacity, except as otherwise provided in this chapter, when sold at retail in the State of South  
25 Dakota to consumers or users.

1 Section 6. That § 10-45-6.1 be amended to read as follows:

2 10-45-6.1. There is hereby imposed on amounts paid for local telephone services, toll  
3 telephone services, and teletypewriter services, a tax of ~~four~~ five percent of the amount so paid.  
4 The taxes imposed by this section shall be paid by the person paying for the services. If a bill is  
5 rendered the taxpayer for local telephone service or toll telephone service, the amount on which  
6 the tax with respect to such services shall be based shall be the sum of all charges for such  
7 services included in the bill; except that if a person who renders the bill groups individual items  
8 for purposes of rendering the bill and computing the tax, then the amount on which the tax for  
9 each such group shall be based shall be the sum of all items within that group, and the tax on the  
10 remaining items not included in any such group shall be based on the charge for each item  
11 separately. If the tax imposed by this section with respect to toll telephone service is paid by  
12 inserting coins in coin operated telephones, the tax shall be computed to the nearest multiple of  
13 five cents, except that, where the tax is midway between multiples of five cents, the next higher  
14 multiple shall apply. The tax so paid shall be remitted at the same time as the sales tax imposed  
15 by this chapter.

16 Section 7. That § 10-45-8 be amended to read as follows:

17 10-45-8. There is imposed a tax of ~~four~~ five percent upon the gross receipts from all sales  
18 of tickets or admissions to places of amusement and athletic events, except as otherwise provided  
19 in this chapter.

20 Section 8. That § 10-45-70 be amended to read as follows:

21 10-45-70. There is imposed a tax of ~~four~~ five percent on the gross receipts from the  
22 transportation of tangible personal property. The tax imposed by this section shall apply to any  
23 transportation of tangible personal property if both the origin and destination of the tangible  
24 personal property are within this state.

25 Section 9. That § 10-45-71 be amended to read as follows:

1 10-45-71. There is imposed a tax of ~~four~~ five percent on the gross receipts from the  
2 transportation of passengers. The tax imposed by this section shall apply to any transportation  
3 of passengers if the passenger boards and exits the mode of transportation within this state.

4 Section 10. That § 10-46-2.1 be amended to read as follows:

5 10-46-2.1. For the privilege of using services in South Dakota, except those types of services  
6 exempted by § 10-46-17.3, there is imposed on the person using the service an excise tax equal  
7 to ~~four~~ five percent of the value of the services at the time they are rendered. However, this tax  
8 may not be imposed on any service rendered by a related corporation as defined in subdivision  
9 10-43-1(11) for use by a financial institution as defined in subdivision 10-43-1(4) or on any  
10 service rendered by a financial institution as defined in subdivision 10-43-1(4) for use by a related  
11 corporation as defined in subdivision 10-43-1(11). For the purposes of this section, the term,  
12 related corporation, includes a corporation which together with the financial institution is part  
13 of a controlled group of corporations as defined in 26 U.S.C. § 1563 as in effect on January 1,  
14 1989, except that the eighty percent ownership requirements set forth in 26 U.S.C.  
15 § 1563(a)(2)(A) for a brother-sister controlled group are reduced to fifty-one percent. For the  
16 purpose of this chapter, services rendered by an employee for the use of his employer are not  
17 taxable.

18 Section 11. That § 10-46-2.2 be amended to read as follows:

19 10-46-2.2. An excise tax is imposed upon the privilege of the use of rented tangible personal  
20 property in this state at the rate of ~~four~~ five percent of the rental payments upon the property.

21 Section 12. That § 10-46-57 be amended to read as follows:

22 10-46-57. There is imposed a tax of ~~four~~ five percent on the privilege of the use of any  
23 transportation of tangible personal property. The tax imposed by this section shall apply to any  
24 transportation of tangible personal property if both the origin and destination of the tangible  
25 personal property are within this state.

1 Section 13. That § 10-46-58 be amended to read as follows:

2 10-46-58. There is imposed a tax of ~~four~~ five percent on the privilege of the use of any  
3 transportation of passengers. The tax imposed by this section shall apply to any transportation  
4 of passengers if the passenger boards and exits the mode of transportation within this state.

5 Section 14. That chapter 10-45 be amended by adding thereto a NEW SECTION to read as  
6 follows:

7 There is imposed a tax of four percent upon the gross receipts from all sales of food, as  
8 defined by the Food Stamp Act of 1977 (P.L. 95-113), codified at 7 U.S.C. § 2012(g), as  
9 amended through January 1, 1999.

10 Section 15. That chapter 10-46 be amended by adding thereto a NEW SECTION to read as  
11 follows:

12 There is imposed a tax of four percent upon the gross receipts from all sales of food, as  
13 defined by the Food Stamp Act of 1977 (P.L. 95-113), codified at 7 U.S.C. § 2012(g), as  
14 amended through January 1, 1999.

15 Section 16. The rate of taxation imposed on the gross receipts pursuant to §§ 10-45-2, 10-  
16 45-5, 10-45-6, 10-45-6.1, 10-45-8, 10-45-70, 10-45-71, 10-46-2.1, 10-46-2.2, 10-46-57, and  
17 10-46-58 shall be reduced from five percent according to the following schedule:

18 (1) From July 1, 2001, to June 30, 2002, inclusive, four and ninety-three hundredths  
19 percent;

20 (2) From July 1, 2002, to June 30, 2003, inclusive, four and eighty-seven hundredths  
21 percent;

22 (3) From July 1, 2003, to June 30, 2004, inclusive, four and eighty hundredths percent;

23 (4) From July 1, 2004, to June 30, 2005, inclusive, four and seventy-three hundredths  
24 percent;

25 (5) From July 1, 2005, to June 30, 2006, inclusive, four and sixty-seven hundredths

- 1 percent;
- 2 (6) From July 1, 2006, to June 30, 2007, inclusive, four and sixty hundredths percent;
- 3 (7) From July 1, 2007, to June 30, 2008, inclusive, four and fifty-three hundredths
- 4 percent;
- 5 (8) From July 1, 2008, to June 30, 2009, inclusive, four and forty-seven hundredths
- 6 percent;
- 7 (9) From July 1, 2009, to June 30, 2010, inclusive, four and forty hundredths percent;
- 8 (10) From July 1, 2010, to June 30, 2011, inclusive, four and thirty-three hundredths
- 9 percent;
- 10 (11) From July 1, 2011, to June 30, 2012, inclusive, four and twenty-seven hundredths
- 11 percent;
- 12 (12) From July 1, 2012, to June 30, 2013, inclusive, four and twenty hundredths percent;
- 13 (13) From July 1, 2013, to June 30, 2014, inclusive, four and thirteen hundredths percent;
- 14 (14) From July 1, 2014, to June 30, 2015, inclusive, four and seven hundredths percent;
- 15 and
- 16 (15) From July 1, 2015, and thereafter, four percent.

17 Section 17. The rate of taxation imposed on the gross receipts pursuant to §§ 10-45-3, 10-  
18 45-5, and 10-45-5.3 shall be reduced from four percent according to the following schedule:

- 19 (1) From July 1, 2001, to June 30, 2002, inclusive, three and ninety-three hundredths
- 20 percent;
- 21 (2) From July 1, 2002, to June 30, 2003, inclusive, three and eighty-seven hundredths
- 22 percent;
- 23 (3) From July 1, 2003, to June 30, 2004, inclusive, three and eighty hundredths percent;
- 24 (4) From July 1, 2004, to June 30, 2005, inclusive, three and seventy-three hundredths
- 25 percent;

- 1 (5) From July 1, 2005, to June 30, 2006, inclusive, three and sixty-seven hundredths  
2 percent;
- 3 (6) From July 1, 2006, to June 30, 2007, inclusive, three and sixty hundredths percent;
- 4 (7) From July 1, 2007, to June 30, 2008, inclusive, three and fifty-three hundredths  
5 percent;
- 6 (8) From July 1, 2008, to June 30, 2009, inclusive, three and forty-seven hundredths  
7 percent;
- 8 (9) From July 1, 2009, to June 30, 2010, inclusive, three and forty hundredths percent;
- 9 (10) From July 1, 2010, to June 30, 2011, inclusive, three and thirty-three hundredths  
10 percent;
- 11 (11) From July 1, 2011, to June 30, 2012, inclusive, three and twenty-seven hundredths  
12 percent;
- 13 (12) From July 1, 2012, to June 30, 2013, inclusive, three and twenty hundredths percent;
- 14 (13) From July 1, 2013, to June 30, 2014, inclusive, three and thirteen hundredths percent;
- 15 (14) From July 1, 2014, to June 30, 2015, inclusive, three and seven hundredths percent;
- 16 and
- 17 (15) From July 1, 2015, and thereafter, three percent.

18 Section 18. If the amount of revenue received by the State of South Dakota from the tax  
19 imposed pursuant to chapters 10-45 and 10-46 does not increase by more than four percent or  
20 one percent over the rate of inflation whichever is greater from one fiscal year to the next fiscal  
21 year, the reduction in the rate of taxation listed in sections 16 and 17 of this Act shall be  
22 suspended for the following year and then the reduction in the rate of taxation shall be  
23 implemented again after the amount of revenue received by the state from the tax imposed  
24 pursuant to chapters 10-45 and 10-46 increases by more than three percent from one fiscal year  
25 to the next fiscal year. The rate of inflation shall be measured by the annual percentage change

1 in the consumer price index for urban wage earners and clerical workers as computed by the  
2 Bureau of Labor Statistics, United States Department of Labor.

3 Section 19. That § 42-7A-1 be amended to read as follows:

4 42-7A-1. Terms used in this chapter mean:

5 (1) ~~"Associated equipment," any proprietary device, machine or part used in the~~  
6 ~~manufacture or maintenance of a video lottery machine, including but not limited to~~  
7 ~~integrated circuit chips, printed wired assembly, printed wired boards, printing~~  
8 ~~mechanisms, video display monitors and metering devices;~~

9 (2) "Commission," the South Dakota Lottery Commission;

10 (3) ~~"Credit," five, ten or twenty-five cents;~~

11 (4) "Executive director," the executive director of the South Dakota Lottery;

12 (5) "Instant lottery," a game that offers preprinted tickets that indicate immediately or in  
13 a grand prize drawing whether the player has won a prize;

14 (6) ~~"Licensed establishment," a bar or lounge owned or managed by an individual,~~  
15 ~~partnership, corporation or association licensed to sell alcoholic beverages for~~  
16 ~~consumption upon the premises where sold;~~

17 (7) "Lottery" or "state lottery," any lottery operated pursuant to this chapter;

18 (8) "Lottery retailer," any person with whom the South Dakota Lottery has contracted  
19 to sell lottery tickets to the public;

20 (9) "Lottery vendor" or "vendor," any person who has entered into a major procurement  
21 contract with the South Dakota Lottery;

22 (10) "Major procurement," any contract with any vendor directly involved in providing  
23 facilities, equipment, tickets and services unique to the lottery, but not including  
24 materials, supplies, equipment and services common to the ordinary operations of  
25 state agencies;

- 1       (11) ~~"Net machine income," money put into a video lottery machine minus credits paid out~~  
2             ~~in cash;~~
- 3       (12) "On-line lottery," a game linked to a central computer via a telecommunications  
4             network in which the player selects a specified group of numbers or symbols out of  
5             a predetermined range of numbers or symbols as approved by the commission;
- 6       (13) "South Dakota Lottery," the state agency created by this chapter to operate a lottery  
7             pursuant to this chapter;
- 8       (14) "Ticket," any tangible evidence issued or authorized by the South Dakota Lottery to  
9             prove participation in an instant; or on-line ~~or video lottery~~ game;
- 10     ~~—(14A) "Video lottery," any video game of chance played on video lottery machines;~~
- 11     ~~—(15) "Video lottery machine distributor," any individual, partnership, corporation or~~  
12             ~~association that distributes or sells video lottery machines or associated equipment in~~  
13             ~~this state;~~
- 14     ~~—(16) "Video lottery machine manufacturer," any individual, partnership, corporation or~~  
15             ~~association that assembles or produces video lottery machines or associated~~  
16             ~~equipment for sale or use in this state;~~
- 17     ~~—(17) "Video lottery machine operator," any individual, partnership, corporation or~~  
18             ~~association that places video lottery machines or associated equipment for public use~~  
19             ~~in this state; and~~
- 20     ~~—(18) "Video lottery machines," or "machine," any electronic video game machine that,~~  
21             ~~upon insertion of cash, is available to play or simulate the play of a video game,~~  
22             ~~including but not limited to video poker, keno and blackjack, authorized by the~~  
23             ~~commission utilizing a video display and microprocessors in which, by chance, the~~  
24             ~~player may receive free games or credits that can be redeemed for cash. The term~~  
25             ~~does not include a machine that directly dispenses coins, cash or tokens.~~

1 Section 20. That § 42-7A-4 be amended to read as follows:

2 42-7A-4. The executive director may, subject to policy established by the commission:

3 (1) Supervise and administer the operation of the state lottery in accordance with the  
4 provisions of this chapter;

5 (2) Employ all other employees of the South Dakota lottery;

6 (3) Enter into contracts for promotional services; annuities or other methods deemed  
7 appropriate for the payment of prizes; data processing and other technical products,  
8 equipment and services; and facilities as needed to operate the South Dakota lottery  
9 including, without limitation, tickets and other services involved in major  
10 procurements;

11 (4) Contract with and license persons for the sale of lottery tickets ~~and the offering of~~  
12 ~~video lottery games~~ to the public, as provided by this chapter and rules adopted  
13 pursuant thereto;

14 (5) Make demographic studies of lottery players and studies of reactions of citizens to  
15 existing and potential features of the lottery;

16 (6) Require lottery retailers and persons licensed pursuant to this chapter to furnish proof  
17 of financial stability or furnish surety in an amount based upon the expected volume  
18 of sales of lottery tickets ~~or net machine income~~;

19 (7) Provide for secure facilities to house the South Dakota lottery;

20 (8) Provide for separate, distinct and secure data processing facilities to be used for the  
21 reliable operation of the state lottery;

22 (9) Examine, or cause to be examined by any agent or representative designated by the  
23 executive director, any books, papers, records or memoranda of any lottery retailer  
24 or person licensed pursuant to this chapter for the purpose of ascertaining compliance  
25 with any provision of this chapter or any rule adopted pursuant to this chapter;

- 1 (10) Issue subpoenas to compel access to or for the production of such books, papers,  
2 records or memoranda in the custody or control of any lottery retailer or person  
3 licensed pursuant to this chapter, or to compel the appearance of any of their  
4 employees, for the purpose of ascertaining compliance with any provision of this  
5 chapter or any rule adopted pursuant to this chapter;
- 6 (11) Administer oaths and take depositions to the same extent and subject to the same  
7 limitations as would apply if the deposition was in aid of a civil action in the circuit  
8 court;
- 9 ~~(11A) The lottery commission shall operate a video lottery undertaken pursuant to this  
10 chapter and may not contract or assign this responsibility to any other person;~~
- 11 (12) Impose civil fines not to exceed ten thousand dollars per violation and fifteen  
12 thousand dollars for any subsequent violation of any provision of this chapter or any  
13 rule adopted pursuant to this chapter; and
- 14 (13) Enter into written agreements or compacts with one or more other states for the  
15 operation, marketing and promotion of a joint lottery or joint lottery games.

16 Section 21. That § 42-7A-13 be amended to read as follows:

17 42-7A-13. To be selected as a lottery retailer ~~or video lottery machine operator~~, a natural  
18 person acting as a sole proprietor shall:

- 19 (1) Be at least eighteen years of age;
- 20 (2) Be of good character and reputation;
- 21 (3) Have sufficient financial resources to support the activities required to sell lottery  
22 tickets ~~or place and service video lottery machines~~; and
- 23 (4) Be current in payment of all taxes, interest and penalties owed to the State of South  
24 Dakota, excluding items under formal dispute or appeal pursuant to applicable  
25 statutes.

1 A lottery retailer ~~or video lottery machine operator~~ may not be a lottery vendor or an  
2 employee or agent of any lottery vendor doing business with the South Dakota Lottery.

3 Section 22. That § 42-7A-15 be amended to read as follows:

4 42-7A-15. For a partnership to be selected as a lottery retailer ~~or video lottery machine~~  
5 ~~operator~~, the partnership shall meet the requirements of subdivisions 42-7A-13 (3) and (4), and  
6 each partner thereof shall meet the requirements of subdivisions 42-7A-13 (1) and (2) and  
7 subdivisions 42-7A-14 (1) to (5), inclusive.

8 Section 23. That § 42-7A-16 be amended to read as follows:

9 42-7A-16. For an association or corporation to be selected as a lottery retailer ~~or video~~  
10 ~~lottery machine operator~~, the association or corporation shall meet the requirements of  
11 subdivisions 42-7A-13 (3) and (4), and each officer and director and each stockholder who owns  
12 five percent or more of the stock of such association or corporation shall meet the requirements  
13 of subdivisions 42-7A-13 (1) and (2) and subdivisions 42-7A-14 (1) to (5), inclusive.

14 Section 24. That § 42-7A-21 be amended to read as follows:

15 42-7A-21. The commission shall promulgate rules pursuant to chapter 1-26 governing the  
16 establishment and operation of a state lottery as necessary to carry out the purposes of this  
17 chapter. The commission shall promulgate rules concerning the following:

- 18 (1) The types of ticket lottery games to be conducted as authorized pursuant to this  
19 chapter;
- 20 (2) The manner of selecting the winning tickets. However, if a lottery game utilizes a  
21 drawing of winning numbers, a drawing among entries, or a drawing among finalists,  
22 such drawings shall always be open to the public and shall be recorded on both video  
23 and audio tape;
- 24 (3) The manner of payment of prizes to the holders of winning tickets;
- 25 (4) The frequency of the drawings or selections of winning tickets;

- 1 (5) The types of locations at which tickets may be sold;
- 2 (6) The methods to be used in selling tickets;
- 3 (7) Additional qualifications for the selection of lottery retailers, ~~video lottery machine~~
- 4 ~~manufacturers, distributors or operators~~ and the amount of application fees to be paid
- 5 by each;
- 6 (8) The amount and method of compensation to be paid to lottery retailers, including
- 7 special bonuses and incentives;
- 8 (9) Deadlines for claims for prizes by winners of each lottery game. However, in no
- 9 instance may such deadline be for more than one year;
- 10 ~~(10) The mechanical and electronic specifications for each video lottery machine. At a~~
- 11 ~~minimum, each video lottery machine shall meet the requirements of § 42-7A-37;~~
- 12 ~~(11) Machine security testing and inspection procedures;~~
- 13 ~~(12) Liability for machine malfunction;~~
- 14 ~~(13) Machine maintenance and repair;~~
- 15 ~~(14) Financial responsibility of persons licensed under this chapter;~~
- 16 ~~(15) Accounting procedures for net machine income;~~
- 17 ~~(16) Licensing procedures under this chapter; and~~
- 18 (17) Such other matters necessary or desirable for the efficient or economical operation of
- 19 the lottery or for the convenience of the public.

20 Section 25. That § 42-7A-24 be amended to read as follows:

21 42-7A-24. Net proceeds from the sale of instant lottery tickets shall be transferred to the

22 state general fund on an annual basis after July first each year. The commission shall maximize

23 the net proceeds to the state from the sale of instant and on-line lottery tickets. In no event may

24 yearly lottery expenses for the sale of lottery tickets, excluding expenditures from retained

25 earnings, exceed the amount of combined net proceeds transferred to the state general fund, the

1 state corrections facility construction fund, and the state capital construction fund. ~~Net machine~~  
2 ~~income from video lottery games shall be directly deposited in the state property tax reduction~~  
3 ~~fund upon receipt.~~ Net proceeds are funds in the lottery operating fund which are not needed for  
4 the payment of prizes, lottery expenses, and total retained earnings up to one and one-half million  
5 dollars cash deemed necessary by the executive director and commission for replacement,  
6 maintenance and upgrade of business systems, product development, legal and operating  
7 contingencies of the lottery.

8 Beginning in fiscal year 1997 and each year thereafter, the commission shall transfer the first  
9 one million four hundred thousand dollars from the net proceeds from the sale of on-line ~~video~~  
10 lottery tickets collected pursuant to § 42-7A-24 to the general fund. The commission shall then  
11 transfer an amount equal to the remaining net proceeds from the sale of on-line lottery tickets  
12 collected pursuant to § 42-7A-24 to the state capital construction fund created in § 5-27-1.

13 Section 26. That § 42-7A-36 be amended to read as follows:

14 42-7A-36. No person may have in ~~his~~ possession, custody, or under ~~his~~ the person's control  
15 or permit to be kept in any place under ~~his~~ the person's possession or control, any device that  
16 awards credits and contains a circuit, meter or switch capable of removing and recording the  
17 removal of credits when the award of credits is dependent upon chance. A violation of this  
18 section is a Class 6 felony. All devices described in this section are hereby declared to be public  
19 nuisances. ~~The provisions of this section do not apply to devices or electronic video game~~  
20 ~~machines licensed pursuant to this chapter.~~

21 Section 27. That § 42-7A-56 be amended to read as follows:

22 42-7A-56. The Legislature hereby finds, and declares to be the public policy of this state that:

- 23 (1) The success of the South Dakota Lottery is dependent upon public confidence and  
24 trust that it is conducted honestly and free from criminal and corruptive elements;
- 25 (2) Public confidence and trust can only be maintained by strict regulation of all persons,

1 locations, practices, associations and activities related to the sale of lottery products  
2 ~~and the operation, manufacturing and distribution of video lottery games and~~  
3 ~~equipment; and~~

4 (3) No applicant for a license or other affirmative commission action has any right to a  
5 license or to the granting of the approval sought. Any license issued or other  
6 commission approval granted pursuant to the provisions of this chapter is a revocable  
7 privilege, and no holder acquires any vested interest or property right therein or  
8 thereunder.

9 Section 28. That § 35-4-103, §§ 42-7A-37 to 42-7A-48, inclusive, § 42-7A-57, § 42-7A-58,  
10 § 42-7A-59, and §§ 42-7A-61 to 42-7A-65, inclusive, be repealed.

11 Section 29. The effective date of this Act is July 1, 2000.