

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

465J0603

SENATE BILL NO. 180

Introduced by: Senators Knudson, de Hueck, Duenwald, Kleven, Kooistra, Koskan, and Symens and Representatives Adelstein, Christensen, Craddock, Cutler, Kraus, Lange, Novstrup, Rave, Thompson, Van Etten, Weems, and Wick

1 FOR AN ACT ENTITLED, An Act to repeal the video lottery and to replace the revenue with
2 an increase in the sales and use tax.

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

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

5 42-7A-1. Terms used in this chapter mean:

- 6 (1) ~~"Associated equipment," any proprietary device, machine, or part used in the~~
7 ~~manufacture or maintenance of a video lottery machine, including but not limited to~~
8 ~~integrated circuit chips, printed wired assembly, printed wired boards, printing~~
9 ~~mechanisms, video display monitors, and metering devices;~~
- 10 (2) "Commission," the South Dakota Lottery Commission;
- 11 (3) ~~"Credit," five, ten, or twenty-five cents;~~
- 12 (4) "Executive director," the executive director of the South Dakota Lottery;
- 13 (5) "Instant lottery," a game that offers preprinted tickets that indicate immediately or in
14 a grand prize drawing whether the player has won a prize;
- 15 (6) ~~"Licensed establishment," a bar or lounge owned or managed by an individual,~~



1 ~~partnership, corporation, or association licensed to sell alcoholic beverages for~~
2 ~~consumption upon the premises where sold;~~

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

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

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

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

12 (11) ~~"Net machine income," money put into a video lottery machine minus credits paid~~
13 ~~out in cash;~~

14 (12) "On-line lottery," a game linked to a central computer via a telecommunications
15 network in which the player selects a specified group of numbers or symbols out of
16 a predetermined range of numbers or symbols as approved by the commission;

17 (13) "South Dakota Lottery," the state agency created by this chapter to operate a lottery
18 pursuant to this chapter;

19 (14) "Ticket," any tangible evidence issued or authorized by the South Dakota Lottery to
20 prove participation in an instant; or on-line; ~~or video lottery game;~~

21 ~~—(14A) "Video lottery," any video game of chance played on video lottery machines;~~

22 ~~—(15) "Video lottery machine distributor," any individual, partnership, corporation, or~~
23 ~~association that distributes or sells video lottery machines or associated equipment~~
24 ~~in this state;~~

1 ~~(16) "Video lottery machine manufacturer," any individual, partnership, corporation, or~~
2 ~~association that assembles or produces video lottery machines or associated~~
3 ~~equipment for sale or use in this state;~~

4 ~~(17) "Video lottery machine operator," any individual, partnership, corporation, or~~
5 ~~association that places video lottery machines or associated equipment for public use~~
6 ~~in this state; and~~

7 ~~(18) "Video lottery machines," or "machine," any electronic video game machine that,~~
8 ~~upon insertion of cash, is available to play or simulate the play of a video game,~~
9 ~~including but not limited to video poker, keno, and blackjack, authorized by the~~
10 ~~commission utilizing a video display and microprocessors in which, by chance, the~~
11 ~~player may receive free games or credits that can be redeemed for cash. The term~~
12 ~~does not include a machine that directly dispenses coins, cash, or tokens.~~

13 Section 2. That § 42-7A-4 be amended to read as follows:

14 42-7A-4. The executive director may, subject to policy established by the commission:

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

17 (2) Employ all other employees of the South Dakota Lottery;

18 (3) Enter into contracts for promotional services; annuities or other methods deemed
19 appropriate for the payment of prizes; data processing and other technical products,
20 equipment and services; and facilities as needed to operate the South Dakota Lottery
21 including, without limitation, tickets and other services involved in major
22 procurements;

23 (4) Contract with and license persons for the sale of lottery tickets ~~and the offering of~~
24 ~~video lottery games~~ to the public, as provided by this chapter and rules adopted

- 1 pursuant thereto;
- 2 (5) Make demographic studies of lottery players and studies of reactions of citizens to
- 3 existing and potential features of the lottery;
- 4 (6) Require lottery retailers and persons licensed pursuant to this chapter to furnish proof
- 5 of financial stability or furnish surety in an amount based upon the expected volume
- 6 of sales of lottery tickets ~~or net machine income~~;
- 7 (7) Provide for secure facilities to house the South Dakota Lottery;
- 8 (8) Provide for separate, distinct, and secure data processing facilities to be used for the
- 9 reliable operation of the state lottery;
- 10 (9) Examine, or cause to be examined by any agent or representative designated by the
- 11 executive director, any books, papers, records, or memoranda of any lottery retailer
- 12 or person licensed pursuant to this chapter for the purpose of ascertaining compliance
- 13 with any provision of this chapter or any rule adopted pursuant to this chapter;
- 14 (10) Issue subpoenas to compel access to or for the production of such books, papers,
- 15 records, or memoranda in the custody or control of any lottery retailer or person
- 16 licensed pursuant to this chapter, or to compel the appearance of any of their
- 17 employees, for the purpose of ascertaining compliance with any provision of this
- 18 chapter or any rule adopted pursuant to this chapter;
- 19 (11) Administer oaths and take depositions to the same extent and subject to the same
- 20 limitations as would apply if the deposition was in aid of a civil action in the circuit
- 21 court;
- 22 (11A) ~~The lottery commission shall operate a video lottery undertaken pursuant to this~~
- 23 ~~chapter and may not contract or assign this responsibility to any other person;~~
- 24 (12) Impose civil fines not to exceed ten thousand dollars per violation and fifteen

1 thousand dollars for any subsequent violation of any provision of this chapter or any
2 rule adopted pursuant to this chapter; and

3 (13) Enter into written agreements or compacts with one or more other states for the
4 operation, marketing and promotion of a joint lottery or joint lottery games.

5 Section 3. That § 42-7A-13 be amended to read as follows:

6 42-7A-13. To be selected as a lottery retailer ~~or video lottery machine operator~~, a natural
7 person acting as a sole proprietor shall:

8 (1) Be at least eighteen years of age;

9 (2) Be of good character and reputation;

10 (3) Have sufficient financial resources to support the activities required to sell lottery
11 tickets ~~or place and service video lottery machines~~; and

12 (4) Be current in payment of all taxes, interest, and penalties owed to the State of South
13 Dakota, excluding items under formal dispute or appeal pursuant to applicable
14 statutes.

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

17 Section 4. That § 42-7A-15 be amended to read as follows:

18 42-7A-15. For a partnership to be selected as a lottery retailer ~~or video lottery machine~~
19 ~~operator~~, the partnership shall meet the requirements of subdivisions 42-7A-13(3) and (4), and
20 each partner thereof shall meet the requirements of subdivisions 42-7A-13(1) and (2) and
21 subdivisions 42-7A-14(1) to (5), inclusive.

22 Section 5. That § 42-7A-16 be amended to read as follows:

23 42-7A-16. For an association or corporation to be selected as a lottery retailer ~~or video~~
24 ~~lottery machine operator~~, the association or corporation shall meet the requirements of

1 subdivisions 42-7A-13(3) and (4), and each officer and director and each stockholder who owns
2 five percent or more of the stock of such association or corporation shall meet the requirements
3 of subdivisions 42-7A-13(1) and (2) and subdivisions 42-7A-14(1) to (5), inclusive.

4 Section 6. That § 42-7A-21 be amended to read as follows:

5 42-7A-21. The commission shall promulgate rules pursuant to chapter 1-26 governing the
6 establishment and operation of a state lottery as necessary to carry out the purposes of this
7 chapter. The commission shall promulgate rules concerning the following:

- 8 (1) The types of ticket lottery games to be conducted as authorized pursuant to this
9 chapter;
- 10 (2) The manner of selecting the winning tickets. However, if a lottery game utilizes a
11 drawing of winning numbers, a drawing among entries, or a drawing among finalists,
12 such drawings shall always be open to the public and shall be recorded on both video
13 and audio tape;
- 14 (3) The manner of payment of prizes to the holders of winning tickets;
- 15 (4) The frequency of the drawings or selections of winning tickets;
- 16 (5) The types of locations at which tickets may be sold;
- 17 (6) The methods to be used in selling tickets;
- 18 (7) Additional qualifications for the selection of lottery retailers, ~~video lottery machine~~
19 ~~manufacturers, distributors, or operators~~ and the amount of application fees to be paid
20 by each;
- 21 (8) The amount and method of compensation to be paid to lottery retailers, including
22 special bonuses and incentives;
- 23 (9) Deadlines for claims for prizes by winners of each lottery game. However, in no
24 instance may such deadline be for more than one year;

- 1 ~~— (10) The mechanical and electronic specifications for each video lottery machine. At a~~
- 2 ~~minimum, each video lottery machine shall meet the requirements of § 42-7A-37;~~
- 3 ~~— (11) Machine security testing and inspection procedures;~~
- 4 ~~— (12) Liability for machine malfunction;~~
- 5 ~~— (13) Machine maintenance and repair;~~
- 6 ~~— (14) Financial responsibility of persons licensed under this chapter;~~
- 7 ~~— (15) Accounting procedures for net machine income;~~
- 8 ~~— (16) Licensing procedures under this chapter; and~~
- 9 (17) Such other matters necessary or desirable for the efficient or economical operation
- 10 of the lottery or for the convenience of the public.

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

12 42-7A-24. Net proceeds from the sale of instant lottery tickets shall be transferred to the

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

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

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

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

17 state corrections facility construction fund, and the state capital construction fund. ~~Net machine~~

18 ~~income from video lottery games shall be directly deposited in the state property tax reduction~~

19 ~~fund upon receipt.~~ Net proceeds are funds in the lottery operating fund which are not needed for

20 the payment of prizes, lottery expenses, and total retained earnings up to one and one-half

21 million dollars cash deemed necessary by the executive director and commission for

22 replacement, maintenance, and upgrade of business systems, product development, legal and

23 operating contingencies of the lottery.

24 Beginning in fiscal year 1997 and each year thereafter, the commission shall transfer the first

1 one million four hundred thousand dollars from the net proceeds from the sale of on-line ~~video~~
2 lottery tickets collected pursuant to § 42-7A-24 to the general fund. The commission shall then
3 transfer an amount equal to the remaining net proceeds from the sale of on-line lottery tickets
4 collected pursuant to § 42-7A-24 to the state capital construction fund created in § 5-27-1.

5 Section 8. That § 42-7A-36 be amended to read as follows:

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

13 Section 9. That § 42-7A-56 be amended to read as follows:

14 42-7A-56. The Legislature hereby finds, and declares to be the public policy of this state
15 that:

- 16 (1) The success of the South Dakota Lottery is dependent upon public confidence and
17 trust that it is conducted honestly and free from criminal and corruptive elements;
- 18 (2) Public confidence and trust can only be maintained by strict regulation of all persons,
19 locations, practices, associations, and activities related to the sale of lottery products
20 ~~and the operation, manufacturing, and distribution of video lottery games and~~
21 ~~equipment;~~ and
- 22 (3) No applicant for a license or other affirmative commission action has any right to a
23 license or to the granting of the approval sought. Any license issued or other
24 commission approval granted pursuant to the provisions of this chapter is a revocable

1 privilege, and no holder acquires any vested interest or property right therein or
2 thereunder.

3 Section 10. That § 22-36-2 be amended to read as follows:

4 22-36-2. No person may smoke tobacco or carry any lighted tobacco product in any public
5 place or place of employment. This section does not apply to any sleeping room in a lodging
6 establishment as defined in § 34-18-1, to any on-sale licensee pursuant to chapter 35-4, ~~to any~~
7 ~~video lottery licensed establishment pursuant to chapter 42-7A~~, to any licensee pursuant to
8 chapter 42-7B, or to any tobacco or packaged liquor store if the store is primarily used for the
9 sale of tobacco or alcoholic beverages, or both, and the sale of other products is merely
10 incidental.

11 A violation of this section is a petty offense.

12 Section 11. That §§ 10-58-11, 35-4-103, 42-7A-37 to 42-7A-48, inclusive, 42-7A-57, 42-
13 7A-58, 42-7A-59, and 42-7A-61 to 42-7A-65, inclusive, be repealed.

14 Section 12. That § 10-45-2 be amended to read as follows:

15 10-45-2. There is hereby imposed a tax upon the privilege of engaging in business as a
16 retailer, a tax of ~~four~~ four and eighty-five hundredths percent upon the gross receipts of all sales
17 of tangible personal property consisting of goods, wares, or merchandise, except as taxed by
18 § 10-45-3 and except as otherwise provided in this chapter, sold at retail in the State of South
19 Dakota to consumers or users.

20 Section 13. That § 10-45-3 be amended to read as follows:

21 10-45-3. There is hereby imposed a tax of ~~three~~ three and eighty-five hundredths percent on
22 the gross receipts from the sale or resale of farm machinery and attachment units other than
23 replacement parts; or irrigation equipment used exclusively for agricultural purposes by licensed
24 South Dakota retailers; provided, however, that whenever any trade-in or exchange of used farm

1 machinery is involved in the transaction, the tax shall only be due and collected on the cash
2 difference.

3 Section 14. That section 18 of chapter 64 of the 2002 Session Laws be amended to read as
4 follows:

5 There is hereby imposed a tax of ~~four~~ four and eighty-five hundredths percent on the gross
6 receipts from the sale or resale of farm machinery and attachment units other than replacement
7 parts; or irrigation equipment used exclusively for agricultural purposes by licensed South
8 Dakota retailers. However, any trade-in or exchange of used farm machinery is involved in the
9 transaction, the tax is only due and shall be collected only on the cash difference.

10 Section 15. That § 10-45-5 be amended to read as follows:

11 10-45-5. There is imposed a tax at the rate of ~~three~~ three and eighty-five hundredths percent
12 upon the gross receipts of any person from engaging in the business of leasing farm machinery
13 or irrigation equipment used for agricultural purposes and ~~four~~ four and eighty-five hundredths
14 percent upon the gross receipts of any person from engaging or continuing in any of the
15 following businesses or services in this state: abstracters; accountants; architects; barbers;
16 beauty shops; bill collection services; blacksmith shops; car washing; dry cleaning; dyeing;
17 exterminators; garage and service stations; garment alteration; cleaning and pressing; janitorial
18 services and supplies; specialty cleaners; laundry; linen and towel supply; membership or
19 entrance fees for the use of a facility or for the right to purchase tangible personal property or
20 services; photography; photo developing and enlarging; tire recapping; welding and all repair
21 services; cable television; and rentals of tangible personal property except leases of tangible
22 personal property between one telephone company and another telephone company, motor
23 vehicles as defined by § 32-5-1 leased under a single contract for more than twenty-eight days
24 and mobile homes provided, however, that the specific enumeration of businesses and

1 professions made in this section does not, in any way, limit the scope and effect of § 10-45-4.

2 Section 16. That section 20 of chapter 64 of the 2002 Session Laws be amended to read as
3 follows:

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

19 Section 17. That § 10-45-5.3 be amended to read as follows:

20 10-45-5.3. There is imposed, at the rate of ~~three~~ three and eighty-five hundredths percent,
21 an excise tax on the gross receipts of any person engaging in oil and gas field services (group
22 no. 138) as enumerated in the Standard Industrial Classification Manual, 1987, as prepared by
23 the Statistical Policy Division of the Office of Management and Budget, Office of the President.

24 Section 18. That section 21 of chapter 64 of the 2002 Session Laws be amended to read as

1 follows:

2 There is imposed, at the rate of ~~four~~ four and eighty-five hundredths percent, an excise tax
3 on the gross receipts of any person engaging in oil and gas field services (group no. 138) as
4 enumerated in the Standard Industrial Classification Manual, 1987, as prepared by the Statistical
5 Policy Division of the Office of Management and Budget, Office of the President.

6 Section 19. That § 10-45-6 be amended to read as follows:

7 10-45-6. There is hereby imposed a tax of ~~four~~ four and eighty-five hundredths percent upon
8 the gross receipts from sales, furnishing, or service of gas, electricity, and water, including the
9 gross receipts from such sales by any municipal corporation furnishing gas, and electricity, to
10 the public in its proprietary capacity, except as otherwise provided in this chapter, when sold
11 at retail in the State of South Dakota to consumers or users.

12 Section 20. That § 10-45-6.1 be amended to read as follows:

13 10-45-6.1. Except as provided in § 10-45-6.2, there is hereby imposed a tax of ~~four~~ four and
14 eighty-five hundredths percent upon the gross receipts from providing any telecommunication
15 service that originates or terminates in this state and that is billed or charged to a service address
16 in this state, or that both originates and terminates in this state. However, the tax imposed by
17 this section does not apply to:

- 18 (1) Any eight hundred or eight hundred type service unless the service both originates
19 and terminates in this state;
- 20 (2) Any sale of a telecommunication service to a provider of telecommunication
21 services, including access service, for use in providing any telecommunication
22 service; or
- 23 (3) Any sale of interstate telecommunication service provided to a call center that has
24 been certified by the secretary of revenue to meet the criterion established in

1 § 10-45-6.3 and the call center has provided to the telecommunications service
2 provider an exemption certificate issued by the secretary indicating that it meets the
3 criterion.

4 If a call center uses an exemption certificate to purchase services not meeting the criterion
5 established in § 10-45-6.3, the call center is liable for the applicable tax, penalty, and interest.

6 For the purposes of this section, the term, telecommunication service, is the transmission
7 of signs, signals, writings, images, sounds, messages, data, or other information of any nature
8 by wire, radio, lightwaves, electromagnetic means.

9 Section 21. That § 10-45-6.2 be amended to read as follows:

10 10-45-6.2. There is hereby imposed a tax of ~~four~~ four and eighty-five hundredths percent
11 upon the gross receipts of mobile telecommunications services, as defined in 4 U.S.C. § 124(7)
12 as of January 1, 2002, that originate and terminate in the same state and are billed to a customer
13 with a place of primary use in this state or are deemed to have originated or been received in this
14 state and to be billed or charged to a service address in this state if the customer's place of
15 primary use is located in this state regardless of where the service actually originates or
16 terminates. Notwithstanding any other provision of this chapter and for purposes of the tax
17 imposed by this section, the tax imposed upon mobile telecommunication services shall be
18 administered in accordance with 4 U.S.C. §§ 116-126 as in effect on July 28, 2000.

19 Section 22. That § 10-45-8 be amended to read as follows:

20 10-45-8. There is imposed a tax of ~~four~~ four and eighty-five hundredths percent upon the
21 gross receipts from all sales of tickets or admissions to places of amusement and athletic
22 contests or events, except as otherwise provided in this chapter.

23 Section 23. That § 10-45-70 be amended to read as follows:

24 10-45-70. There is imposed a tax of ~~four~~ four and eighty-five hundredths percent on the

1 gross receipts from the transportation of tangible personal property. The tax imposed by this
2 section shall apply to any transportation of tangible personal property if both the origin and
3 destination of the tangible personal property are within this state.

4 Section 24. That § 10-45-71 be amended to read as follows:

5 10-45-71. There is imposed a tax of ~~four~~ four and eighty-five hundredths percent on the
6 gross receipts from the transportation of passengers. The tax imposed by this section shall apply
7 to any transportation of passengers if the passenger boards and exits the mode of transportation
8 within this state.

9 Section 25. That § 10-46-2.1 be amended to read as follows:

10 10-46-2.1. For the privilege of using services in South Dakota, except those types of services
11 exempted by § 10-46-17.3, there is imposed on the person using the service an excise tax equal
12 to ~~four~~ four and eighty-five hundredths percent of the value of the services at the time they are
13 rendered. However, this tax may not be imposed on any service rendered by a related
14 corporation as defined in subdivision 10-43-1(11) for use by a financial institution as defined
15 in subdivision 10-43-1(4) or on any service rendered by a financial institution as defined in
16 subdivision 10-43-1(4) for use by a related corporation as defined in subdivision 10-43-1(11).
17 For the purposes of this section, the term, related corporation, includes a corporation which
18 together with the financial institution is part of a controlled group of corporations as defined in
19 26 U.S.C. § 1563 as in effect on January 1, 1989, except that the eighty percent ownership
20 requirements set forth in 26 U.S.C. § 563(a)(2)(A) for a brother-sister controlled group are
21 reduced to fifty-one percent. For the purpose of this chapter, services rendered by an employee
22 for the use of his or her employer are not taxable.

23 Section 26. That § 10-46-2.2 be amended to read as follows:

24 10-46-2.2. An excise tax is imposed upon the privilege of the use of rented tangible personal

1 property in this state at the rate of ~~four~~ four and eighty-five hundredths percent of the rental
2 payments upon the property.

3 Section 27. That § 10-46-57 be amended to read as follows:

4 10-46-57. There is imposed a tax of ~~four~~ four and eighty-five hundredths percent on the
5 privilege of the use of any transportation of tangible personal property. The tax imposed by this
6 section shall apply to any transportation of tangible personal property if both the origin and
7 destination of the tangible personal property are within this state.

8 Section 28. That § 10-46-58 be amended to read as follows:

9 10-46-58. There is imposed a tax of ~~four~~ four and eighty-five hundredths percent on the
10 privilege of the use of any transportation of passengers. The tax imposed by this section shall
11 apply to any transportation of passengers if the passenger boards and exits the mode of
12 transportation within this state.

13 Section 29. That § 10-46-69 be amended to read as follows:

14 10-46-69. There is hereby imposed a tax of ~~four~~ four and eighty-five hundredths percent
15 upon the privilege of the use of mobile telecommunications services, as defined in 4 U.S.C.
16 § 124(7) as of January 1, 2002, that originate and terminate in the same state and are billed to
17 a customer with a place of primary use in this state. Notwithstanding any other provision of this
18 chapter and for purposes of the tax imposed by this section, the tax imposed upon mobile
19 telecommunication services shall be administered in accordance with 4 U.S.C. §§ 116-126 as
20 in effect on July 28, 2000.

21 Section 30. That § 10-58-1 be amended to read as follows:

22 10-58-1. There is imposed upon owners and operators a special amusement excise tax of
23 ~~four~~ four and eighty-five hundredths percent of the gross receipts from the operation of any
24 mechanical or electronic amusement device.