

1 SENATE BILL NO. 133  
2 INTRODUCED BY T. MCGILLVRAY  
3  
4 A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO FANTASY SPORTS  
5 LEAGUES AND GAMBLING CONDUCTED BY THE BOARD OF HORSERACING; REMOVING THE BOARD  
6 OF HORSERACING'S AUTHORITY OVER PARIMUTUEL FANTASY SPORTS GAMBLING; REVISING  
7 DEFINITIONS; AND AMENDING SECTIONS 23-4-101, 23-4-104, 23-4-105, 23-4-201, 23-4-202, 23-4-301, 23-  
8 4-302, 23-4-304, 23-5-801, 23-5-802, AND 23-5-805, MCA."

9  
10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11  
12 **Section 1.** Section 23-4-101, MCA, is amended to read:

13 **"23-4-101. Definitions.** Unless the context requires otherwise, in this chapter the following definitions  
14 apply:

15 (1) "Advance deposit wagering" means a form of parimutuel wagering in which a person deposits  
16 money in an account with an advance deposit wagering hub operator licensed by the board to conduct advance  
17 deposit wagering. The money is used to pay for parimutuel wagers made in person, by telephone, or through a  
18 communication by other electronic means on horse or greyhound races held in or outside this state.

19 (2) "Advance deposit wagering hub operator" means a simulcast and interactive wagering hub  
20 business licensed by the board that, through a subscriber-based service located in this or another state,  
21 conducts parimutuel wagering on the races that it simulcasts and on other races that it carries in its wagering  
22 menu and that uses a computer that registers bets and divides the total amount bet among those who won.

23 (3) "Board" means the board of horseracing provided for in 2-15-1809.

24 (4) "Board of stewards" means a board composed of three stewards who supervise race meets.

25 (5) "Department" means the department of commerce provided for in Title 2, chapter 15, part 18.

26 ~~(6) "Fantasy sports league" has the meaning provided in 23-5- 801.~~

27 ~~(7)~~(6) "Immediate family" means the spouse, parents, children, grandchildren, brothers, or sisters of

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1 or another horseracing jurisdiction;

2 (11) setting license fees commensurate with the cost of issuing a license;

3 (12) the time, conduct, and supervision of simulcast races ~~and fantasy sports leagues~~ and

4 parimutuel betting on simulcast races ~~and fantasy sports leagues~~;

5 (13) licensing, approval, and regulation of simulcast facilities; and

6 (14) licensing, approval, and regulation of match bronc rides and wild horse rides."

7

8 **Section 3.** Section 23-4-105, MCA, is amended to read:

9 **"23-4-105. Authority of board.** (1) The board shall license and regulate racing, match bronc rides,  
10 and wild horse rides and review race meets held in this state under this chapter. All percentages withheld from  
11 amounts wagered, amounts set aside pursuant to 23-4-202(4)(d), percentages collected pursuant to 23-4-  
12 204(3), percentages collected pursuant to 23-4-302(3) ~~and (5)(b)~~, money collected pursuant to 23-4-304(1)(a)  
13 and (1)(b), and money received from the state lottery and sports wagering commission pursuant to 23-7-314  
14 must be deposited in a state special revenue account and are statutorily appropriated to the board as provided  
15 in 17-7-502. The board shall then distribute all funds collected under 23-4-202(4)(d), 23-4-204(3), 23-4-302(3)  
16 ~~and (5)(b)~~, and 23-4-304(1)(a) and (1)(b) to live race purses or for other purposes for the good of the existing  
17 horseracing industry. If the board decides to authorize new forms of racing, including new forms of simulcast  
18 racing, not currently authorized in Montana, the board shall do so after holding public hearings to determine the  
19 effects of these forms of racing on the existing saddle racing program in Montana. The board shall consider  
20 both the economic and safety impacts on the existing racing and breeding industry. The board is not authorized  
21 to allow players to place bets on replays of past horse races.

22 (2) Funds retained by the board in a state special revenue fund pursuant to 23-4-302(1) and (4)  
23 are statutorily appropriated to the board as provided in 17-7-502 for the operation of a simulcast parimutuel  
24 network and for other purposes that the board considers appropriate for the good of the existing horseracing  
25 industry."

26

27 **Section 4.** Section 23-4-201, MCA, is amended to read:

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1           (2)     Prior to the beginning of the live racing season, funds collected under 23-4-202(4)(d) must be  
2 distributed by the department, after first passing through a state special revenue account, to be used for race  
3 purses that are distributed to each live race meet by the board or for other purposes that the board considers  
4 appropriate for the good of the horseracing industry."  
5

6           **Section 9.** Section 23-5-801, MCA, is amended to read:

7           **"23-5-801. Fantasy sports leagues defined.** As used in this part, a "fantasy sports league" means a  
8 gambling activity conducted in the following manner:

9           (1)     A fantasy sports league consists of a limited number of persons or groups of persons who pay  
10 an entrance fee for membership in the league. The entrance fee may include an administrative fee.

11           (2)     Each league member creates a fictitious team composed of athletes from a given professional  
12 sport, such as baseball, basketball, or football. Player selection is conducted through random drawings, a  
13 bidding process, or by selection from a roster prepared by the parimutuel network coordinator.

14           (3)     ~~Except for fantasy sports leagues operated under Title 23, chapter 4, after~~ After the initial  
15 teams are selected, interim replacement of players may occur by trade or purchase. A specific fee, which may  
16 not exceed the total entrance fee, is charged for each transaction.

17           (4)     A method, as defined by league rules, is devised to permit each team to compete against other  
18 teams in the league. Points are awarded to a team according to the performance of individual players or teams  
19 or both during a designated time period.

20           (5)     A league member may be eligible to receive a payout based on the number of points  
21 accumulated. Payouts, which may be in the form of cash or prizes, are awarded according to league rules.

22           (6)     ~~The roster of eligible participants prepared by the parimutuel network must be provided to each~~  
23 ~~league member.~~

24           (7) ~~—~~Rules governing the conduct of the fantasy sports league must be provided in writing to each  
25 league member."  
26

27           **Section 10.** Section 23-5-802, MCA, is amended to read:

