

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
28 an official or licensee regulated by this chapter who have a permanent or continuous residence in the

1 bidding process, or by selection from a roster prepared by the parimutuel network coordinator.

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

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

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

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

12 (7) ~~Rules governing the conduct of the fantasy sports league must be provided in writing to each~~
13 ~~league member."~~

14

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

16 **"23-5-802. Fantasy sports leagues authorized.** It is lawful to conduct or participate in a fantasy
17 sports league, including a fantasy sports league that is operated under a parimutuel system of wagering
18 regulated under Title 23, chapter 4. ~~It is unlawful to wager on a fantasy sports league by telephone or by the~~
19 ~~internet.~~ It is unlawful to wager on a fantasy sports league by telephone or by the internet."

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21 **Section 11.** Section 23-5-805, MCA, is amended to read:

22 **"23-5-805. Payouts -- administrative fees charged by commercial establishments.** (1) ~~Except as~~
23 ~~provided in subsection (2)(b), the~~ The total value of payouts to all league members must equal the amount
24 collected for entrance, administrative, and transactions fees, minus payment for administrative expenses.

25 (2) (a) ~~Except as provided in subsection (2)(b), if~~ If a commercial establishment charges an
26 administrative fee for conducting a fantasy sports league, the fee for each participant may not be more than
27 15% of the amount charged as a participant's entrance fee.

28 (b) ~~The parimutuel network, as defined in 23-4-101, shall distribute all funds wagered on fantasy~~