

HOUSE BILL NO. 433

INTRODUCED BY ELLIS, BURNETT, STRIZICH, YELLOWTAIL,
DRISCOLL, SIMON, NATHE, STOVALL, D. BROWN, SIMPKINS

IN THE HOUSE

| | |
|-------------------|---|
| FEBRUARY 2, 1993 | INTRODUCED AND REFERRED TO COMMITTEE ON JUDICIARY. |
| | FIRST READING. |
| FEBRUARY 17, 1993 | COMMITTEE RECOMMEND BILL DO PASS AS AMENDED. REPORT ADOPTED. |
| FEBRUARY 18, 1993 | PRINTING REPORT. |
| FEBRUARY 20, 1993 | SECOND READING, DO PASS. |
| FEBRUARY 22, 1993 | ENGROSSING REPORT. |
| FEBRUARY 23, 1993 | THIRD READING, PASSED. AYES, 57; NOES, 43. |
| FEBRUARY 24, 1993 | TRANSMITTED TO SENATE. |

IN THE SENATE

| | |
|----------------|---|
| MARCH 1, 1993 | INTRODUCED AND REFERRED TO COMMITTEE ON BUSINESS & INDUSTRY. |
| | FIRST READING. |
| MARCH 22, 1993 | COMMITTEE RECOMMEND BILL BE NOT CONCURRED IN AS AMENDED. REPORT ADOPTED. |
| MARCH 23, 1993 | ON MOTION, ADOPTION OF ADVERSE COMMITTEE REPORT RECONSIDERED AND BILL PLACED ON SECOND READING. |
| MARCH 25, 1993 | SECOND READING, CONCURRED IN AS AMENDED. |
| MARCH 26, 1993 | ON MOTION, BILL RETURNED TO SECOND READING. |
| MARCH 27, 1993 | SECOND READING, CONCURRED IN AS AMENDED. |
| MARCH 29, 1993 | THIRD READING, CONCURRED IN. |

AYES, 29; NOES, 18.

RETURNED TO HOUSE WITH AMENDMENTS.

IN THE HOUSE

APRIL 1, 1993

ON MOTION, CONSIDERATION PASSED
FOR THE DAY.

APRIL 2, 1993

SECOND READING, AMENDMENTS
CONCURRED IN.

APRIL 5, 1993

THIRD READING, AMENDMENTS
CONCURRED IN.

SENT TO ENROLLING.

REPORTED CORRECTLY ENROLLED.

1 House BILL NO. 433
 2 INTRODUCED BY Sen. Burnett Sen. Hallowell
 3 Daniel Simon NATH Storrall Dave Brown
 4 A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE LAWS
 5 Related TO HORSERACING BY LIMITING TO REGISTERED HORSES AND
 6 MULES THE ANIMALS ALLOWED TO RACE; AMENDING SECTION
 7 23-4-301, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."
 8

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

10 **Section 1.** Section 23-4-301, MCA, is amended to read:

11 "23-4-301. Parimutuel betting -- other betting illegal.

12 (1) It is unlawful to make, report, record, or register a
 13 bet or wager on the result of a contest of speed, skill, or
 14 endurance of an--animal one or more registered horses or
 15 mules, whether the contest is held within or outside of this
 16 state, except under this chapter.

17 (2) A licensee conducting a race meet under this
 18 chapter may provide a place in the race meet grounds or
 19 enclosure where the licensee may conduct or supervise the
 20 use of the parimutuel system by patrons on the result of the
 21 races conducted under this chapter and the rules of the
 22 board.

23 (3) A person licensed under this chapter to hold a race
 24 meet may simulcast live races at a place in the race meet
 25 grounds or simulcast facility where the licensee may conduct

1 or supervise the use of the parimutuel system by patrons on
 2 the results of simulcast races approved by the board.

3 (4) It is unlawful to conduct pool selling or
 4 bookmaking or to circulate handbooks or to bet or wager on a
 5 race of a licensed race meet, other than by the parimutuel
 6 system and in the race meet grounds or enclosure where the
 7 race is held, or to permit a minor to use the parimutuel
 8 system.

9 (5) Each licensee conducting a parimutuel system for an
 10 intrastate simulcast race meet shall combine the parimutuel
 11 pools at a simulcast facility with those at the actual
 12 racing facility for the purpose of determining the odds and
 13 computing payoffs. The amount of the handle at the simulcast
 14 race meet must be combined with the amount of parimutuel
 15 handle at the live racing facility for the purposes of
 16 distribution of money derived from parimutuel betting under
 17 23-4-302 and 23-4-304.

18 (6) Negotiated purse money from intrastate and
 19 interstate simulcast parimutuel handles at racing
 20 associations that do not conduct live racing will be pooled
 21 and distributed to all tracks conducting live racing, all
 22 moneys to be distributed on a percent, based on each track's
 23 percent, of total annual on-track parimutuel handle."

24 **NEW SECTION. Section 2.** Coordination instruction. If
 25 ____ Bill No. ____ [LC 742] is passed and approved and if it

LC 1144/01

1 includes a section amending the definition of "sports pool"
2 in 23-5-501 to delete the words "or animals" at the end of
3 the definition, then the portion of that section of ____
4 Bill No. ____ [LC 742] that deletes the words "or animals"
5 is void.

6 NEW SECTION. **Section 3.** Effective date. [This act] is
7 effective on passage and approval.

-End-

APPROVED BY COMMITTEE
ON JUDICIARY

HOUSE BILL NO. 433

INTRODUCED BY ELLIS, BURNETT, STRIZICH, YELLOWTAIL,
DRISCOLL, SIMON, NATHE, STOVALL, D. BROWN, SIMPKINS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A BAR
MAY CONDUCT A RACE BETWEEN PIGS, GERBILS, OR HAMSTERS AND
CONDUCT ONE OR MORE SPORTS POOLS ON THE RACE; CLARIFYING THE
LAWS RELATED TO HORSERACING BY LIMITING TO REGISTERED HORSES
AND MULES THE ANIMALS ALLOWED TO RACE; AMENDING SECTION
SECTIONS 23-4-301 AND 23-5-502, MCA; AND PROVIDING AN
IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 23-4-301, MCA, is amended to read:

"23-4-301. Parimutuel betting -- other betting illegal.

(1) It is unlawful to make, report, record, or register a
bet or wager on the result of a contest of speed, skill, or
endurance of ~~an--animal~~ one or more registered horses or
mules, whether the contest is held within or outside of this
state, except under this chapter.

(2) A licensee conducting a race meet under this
chapter may provide a place in the race meet grounds or
enclosure where the licensee may conduct or supervise the
use of the parimutuel system by patrons on the result of the
races conducted under this chapter and the rules of the

board.

(3) A person licensed under this chapter to hold a race
meet may simulcast live races at a place in the race meet
grounds or simulcast facility where the licensee may conduct
or supervise the use of the parimutuel system by patrons on
the results of simulcast races approved by the board.

(4) It is unlawful to conduct pool selling or
bookmaking or to circulate handbooks or to bet or wager on a
race of a licensed race meet, other than by the parimutuel
system and in the race meet grounds or enclosure where the
race is held, or to permit a minor to use the parimutuel
system.

(5) Each licensee conducting a parimutuel system for an
intrastate simulcast race meet shall combine the parimutuel
pools at a simulcast facility with those at the actual
racing facility for the purpose of determining the odds and
computing payoffs. The amount of the handle at the simulcast
race meet must be combined with the amount of parimutuel
handle at the live racing facility for the purposes of
distribution of money derived from parimutuel betting under
23-4-302 and 23-4-304.

(6) Negotiated purse money from intrastate and
interstate simulcast parimutuel handles at racing
associations that do not conduct live racing will be pooled
and distributed to all tracks conducting live racing, all

1 moneys to be distributed on a percent, based on each track's
2 percent, of total annual on-track parimutuel handle."

3 **SECTION 2. SECTION 23-5-502, MCA, IS AMENDED TO READ:**

4 "23-5-502. Sports pools and sports tab games authorized
5 -- tax. (1) Conducting or participating in sports pools and
6 sports tab games as defined and governed in this part is
7 lawful, except that;

8 (a) sports tab games may only be conducted on premises
9 licensed to sell alcoholic beverages for consumption on the
10 premises; and

11 (b) only a licensee of premises that are located in an
12 incorporated city or town with a population of less than 100
13 or located outside the boundaries of an incorporated city or
14 town and that are licensed to sell alcoholic beverages for
15 consumption on the premises may conduct a race between
16 animals and conduct one or more sports pools on the race.
17 The race may be conducted only if it is between pigs,
18 gerbils, or hamsters and is conducted on the premises.

19 (2) A manufacturer licensed under 23-5-115 who sells
20 sports tabs to a licensed operator for use in a sports tab
21 game shall collect from the operator, at the time of sale, a
22 tax of \$1 for each 100 sports tabs sold and, within 15 days
23 after the end of each calendar quarter, submit to the
24 department any forms required by the department and the
25 proceeds of the collected tax. The manufacturer shall keep a

1 record of taxes collected as required by department rule.
2 The records must be made available for inspection by the
3 department upon request of the department. The department
4 shall retain the proceeds of the tax to administer this
5 part."

6 **NEW SECTION. Section 3. Coordination instruction.** If
7 House Bill No. 411 is passed and approved and if it includes
8 a section amending the definition of "sports pool" in
9 23-5-501 to delete the words "or animals" at the end of the
10 definition, then the portion of that section of House Bill
11 No. 411 that deletes the words "or animals" is void.

12 **NEW SECTION. Section 4. Effective date.** [This act] is
13 effective on passage and approval.

-End-

1 HOUSE BILL NO. 433

2 INTRODUCED BY ELLIS, BURNETT, STRIZICH, YELLOWTAIL,
3 DRISCOLL, SIMON, NATHE, STOVALL, D. BROWN, SIMPKINS
4

5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A BAR
6 MAY CONDUCT A RACE BETWEEN PIGS, GERBILS, OR HAMSTERS AND
7 CONDUCT ONE OR MORE SPORTS POOLS ON THE RACE; CLARIFYING THE
8 LAWS RELATED TO HORSERACING BY LIMITING TO REGISTERED HORSES
9 AND MULES THE ANIMALS ALLOWED TO RACE; AMENDING SECTION
10 SECTIONS 23-4-301 AND 23-5-502, MCA; AND PROVIDING AN
11 IMMEDIATE EFFECTIVE DATE."
12

13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 23-4-301, MCA, is amended to read:

15 "23-4-301. Parimutuel betting -- other betting illegal.

16 (1) It is unlawful to make, report, record, or register a
17 bet or wager on the result of a contest of speed, skill, or
18 endurance of an--animal one or more registered horses or
19 mules, whether the contest is held within or outside of this
20 state, except under this chapter.

21 (2) A licensee conducting a race meet under this
22 chapter may provide a place in the race meet grounds or
23 enclosure where the licensee may conduct or supervise the
24 use of the parimutuel system by patrons on the result of the
25 races conducted under this chapter and the rules of the

1 board.

2 (3) A person licensed under this chapter to hold a race
3 meet may simulcast live races at a place in the race meet
4 grounds or simulcast facility where the licensee may conduct
5 or supervise the use of the parimutuel system by patrons on
6 the results of simulcast races approved by the board.

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8 bookmaking or to circulate handbooks or to bet or wager on a
9 race of a licensed race meet, other than by the parimutuel
10 system and in the race meet grounds or enclosure where the
11 race is held, or to permit a minor to use the parimutuel
12 system.

13 (5) Each licensee conducting a parimutuel system for an
14 intrastate simulcast race meet shall combine the parimutuel
15 pools at a simulcast facility with those at the actual
16 racing facility for the purpose of determining the odds and
17 computing payoffs. The amount of the handle at the simulcast
18 race meet must be combined with the amount of parimutuel
19 handle at the live racing facility for the purposes of
20 distribution of money derived from parimutuel betting under
21 23-4-302 and 23-4-304.

22 (6) Negotiated purse money from intrastate and
23 interstate simulcast parimutuel handles at racing
24 associations that do not conduct live racing will be pooled
25 and distributed to all tracks conducting live racing, all

1 moneys to be distributed on a percent, based on each track's
2 percent, of total annual on-track parimutuel handle."

3 **SECTION 2. SECTION 23-5-502, MCA, IS AMENDED TO READ:**

4 "23-5-502. Sports pools and sports tab games authorized
5 -- tax. (1) Conducting or participating in sports pools and
6 sports tab games as defined and governed in this part is
7 lawful, except that:

8 (a) sports tab games may only be conducted on premises
9 licensed to sell alcoholic beverages for consumption on the
10 premises; and

11 (b) only a licensee of premises that are located in an
12 incorporated city or town with a population of less than 100
13 or located outside the boundaries of an incorporated city or
14 town and that are licensed to sell alcoholic beverages for
15 consumption on the premises may conduct a race between
16 animals and conduct one or more sports pools on the race.
17 The race may be conducted only if it is between pigs,
18 gerbils, or hamsters and is conducted on the premises.

19 (2) A manufacturer licensed under 23-5-115 who sells
20 sports tabs to a licensed operator for use in a sports tab
21 game shall collect from the operator, at the time of sale, a
22 tax of \$1 for each 100 sports tabs sold and, within 15 days
23 after the end of each calendar quarter, submit to the
24 department any forms required by the department and the
25 proceeds of the collected tax. The manufacturer shall keep a

1 record of taxes collected as required by department rule.
2 The records must be made available for inspection by the
3 department upon request of the department. The department
4 shall retain the proceeds of the tax to administer this
5 part."

6 **NEW SECTION. Section 3. Coordination instruction.** If
7 House Bill No. 411 is passed and approved and if it includes
8 a section amending the definition of "sports pool" in
9 23-5-501 to delete the words "or animals" at the end of the
10 definition, then the portion of that section of House Bill
11 No. 411 that deletes the words "or animals" is void.

12 **NEW SECTION. Section 4. Effective date.** [This act] is
13 effective on passage and approval.

-End-

ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 19, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 433 (first reading copy -- blue), respectfully report that House Bill No. 433 be amended as follows and as so amended be not concurred in.

Signed: *J.D. Lynch*
Senator John "J.D." Lynch, Chair

That such amendments read:

1. Title, line 9.

Following: "AND"

Insert: "TO"

Following: "MULES"

Insert: "AND DOGS"

2. Page 1, lines 18 and 19.

Following: "horses or" on line 18

Insert: "of"

Following: "mules" on line 19

Insert: "or dogs"

3. Page 3, line 18.

Following: "premises"

Insert: "but outside of interior areas of the establishment where
food and beverages are usually stored, prepared, or served"

-END-

SENATE

M- Amd. Coord.
SN Sec. of Senate

Harding
Senator Carrying Bill

HB 433
621740SC.Sma

SENATE COMMITTEE OF THE WHOLE AMENDMENT

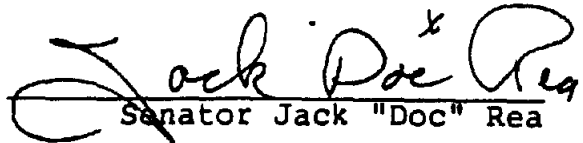
March 25, 1993 1:19 pm

Mr. Chairman: I move to amend House Bill No. 433 (second reading copy -- blue).

ADOPT

REJECT

Signed:


Senator Jack "Doc" Rea

That such amendments read:

1. Title, line 10.
Following: "SECTIONS"
Insert: "23-4-101,"
Following: "23-4-301"
Insert: ", "

2. Page 4, line 6.

Following: line 5

Insert: "Section 3. Section 23-4-101, MCA, is amended to read:

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

(1) "Board" means the board of horseracing provided for in 2-15-1881.

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

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

(4) "Immediate family" means the spouse, parents, children, grandchildren, brothers, or sisters of an official or licensee regulated by this chapter and all other persons who have a permanent or continuous residence in the household of the official or licensee.

(5) "Minor" means a person under 18 years of age.

(6) "Persons" means individuals, firms, corporations, fair boards, and associations.


(7) "Race meet" means racing of registered horses or mules where the parimutuel system of wagering is used. The term includes simulcast races.

(8) "Simulcast" means a live broadcast of an actual ~~horserace~~ horse, mule, or dog race at the time it is run. The term includes races of local or national prominence.

(9) "Simulcast facility" means a facility at which ~~horseraces~~ horse, mule, or dog races are simulcast and wagering on the outcome is permitted under the parimutuel system.

(10) "Steward" means an official hired by the department and by persons sponsoring a race meet to regulate and control the day-to-day conduct and operation of a sanctioned meet."

Renumber: subsequent sections

 Amd. Coord.

SENATE

HB 433
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ADVERSE

SENATE STANDING COMMITTEE REPORT

Page 1 of 1
March 19, 1993

MR. PRESIDENT:

We, your committee on Business and Industry having had under consideration House Bill No. 433 (first reading copy -- blue), respectfully report that House Bill No. 433 be amended as follows and as so amended be not concurred in.

Signed: J.D. Lynch
Senator John "J.D." Lynch, Chair

That such amendments read:

1. Title, line 9.
Following: "AND"
Insert: "TO"
Following: "MULES"
Insert: "AND DOGS"

2. Page 1, lines 18 and 19.
Following: "horses or" on line 18
Insert: "of"
Following: "mules" on line 19
Insert: "or dogs"

3. Page 3, line 18.
Following: "premises"
Insert: "but outside of interior areas of the establishment where food and beverages are usually stored, prepared, or served"

-END-

SENATE COMMITTEE OF THE WHOLE AMENDMENT

March 25, 1993 1:19 pm

Mr. Chairman: I move to amend House Bill No. 433 (second reading copy -- blue).

ADOPT

REJECT

Signed: Jack Doe
Senator Jack "Doc" Rea

That such amendments read:

1. Title, line 10.
Following: "SECTIONS"
Insert: "23-4-101,"
Following: "23-4-301"
Insert: ","

2. Page 4, line 6.
Following: line 5
Insert: "Section 3. Section 23-4-101, MCA, is amended to read:
"23-4-101. Definitions. Unless the context requires
otherwise, in this chapter, the following definitions apply:

(1) "Board" means the board of horseracing provided for in 2-15-1881.

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

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

(4) "Immediate family" means the spouse, parents, children, grandchildren, brothers, or sisters of an official or licensee regulated by this chapter and all other persons who have a permanent or continuous residence in the household of the official or licensee.

(5) "Minor" means a person under 18 years of age.

(6) "Persons" means individuals, firms, corporations, fair boards, and associations.

(7) "Race meet" means racing of registered horses or mules where the parimutuel system of wagering is used. The term includes simulcast races.

(8) "Simulcast" means a live broadcast of an actual horserace horse, mule, or dog race at the time it is run. The term includes races of local or national prominence.

(9) "Simulcast facility" means a facility at which horseraces horse, mule, or dog races are simulcast and wagering on the outcome is permitted under the parimutuel system.

(10) "Steward" means an official hired by the department and by persons sponsoring a race meet to regulate and control the day-to-day conduct and operation of a sanctioned meet."

Renumber: subsequent sections

SENATE

HB 433

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M- Amd. Coord.
Sec. of Senate

Chairman
Senator Carrying Bill

SENATE

HB 433

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AM Amd. Coord.

SENATE COMMITTEE OF THE WHOLE AMENDMENT


March 26, 1993 4:24 pm

Mr. Chairman: I move to amend House Bill No. 433 (reference copy
-- salmon).

ADOPT

REJECT

Signed:


Senator Robert "Bob" Brown

That such amendments read:

1. Title, lines 7 through 9.

Strike: "CLARIFYING" on line 7 through "RACE;" on line 9

2. Title, line 10.

Strike: "23-4-101,"

Following: "23-4-301"

Strike: "1"

3. Page 1, lines 18 and 19.

Strike: "one" on line 18 through "DOGS" on line 19

Insert: "an animal"

4. Page 1, line 20.

Following: "under"

Insert: "23-5-502 or"

5. Page 4, line 8 through line 13 of page 5.

Strike: section 3 in its entirety

Renumber: subsequent sections

-END-

SENATE

HB 433

1 HOUSE BILL NO. 433

2 INTRODUCED BY ELLIS, BURNETT, STRIZICH, YELLOWTAIL,
3 DRISCOLL, SIMON, NATHE, STOVALL, D. BROWN, SIMPKINS

4
5 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A BAR
6 MAY CONDUCT A RACE BETWEEN PIGS, GERBILS, OR HAMSTERS AND
7 CONDUCT ONE OR MORE SPORTS POOLS ON THE RACE; CLARIFYING THE
8 LAWS RELATED TO HORSERACING BY LIMITING TO REGISTERED HORSES
9 AND TO MULES AND DOGS THE ANIMALS ALLOWED TO RACE; AMENDING
10 ~~SECTION~~ SECTIONS 23-4-101, 23-4-301, AND 23-5-502, MCA; AND
11 PROVIDING AN IMMEDIATE EFFECTIVE DATE."

12
13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

14 Section 1. Section 23-4-301, MCA, is amended to read:

15 "23-4-301. Parimutuel betting -- other betting illegal.

16 (1) It is unlawful to make, report, record, or register a
17 bet or wager on the result of a contest of speed, skill, or
18 endurance of ~~an animal~~ one or more registered horses or OF
19 mules OR DOGS, whether the contest is held within or outside
20 of this state, except under this chapter.

21 (2) A licensee conducting a race meet under this
22 chapter may provide a place in the race meet grounds or
23 enclosure where the licensee may conduct or supervise the
24 use of the parimutuel system by patrons on the result of the
25 races conducted under this chapter and the rules of the

1 board.

2 (3) A person licensed under this chapter to hold a race
3 meet may simulcast live races at a place in the race meet
4 grounds or simulcast facility where the licensee may conduct
5 or supervise the use of the parimutuel system by patrons on
6 the results of simulcast races approved by the board.

7 (4) It is unlawful to conduct pool selling or
8 bookmaking or to circulate handbooks or to bet or wager on a
9 race of a licensed race meet, other than by the parimutuel
10 system and in the race meet grounds or enclosure where the
11 race is held, or to permit a minor to use the parimutuel
12 system.

13 (5) Each licensee conducting a parimutuel system for an
14 intrastate simulcast race meet shall combine the parimutuel
15 pools at a simulcast facility with those at the actual
16 racing facility for the purpose of determining the odds and
17 computing payoffs. The amount of the handle at the simulcast
18 race meet must be combined with the amount of parimutuel
19 handle at the live racing facility for the purposes of
20 distribution of money derived from parimutuel betting under
21 23-4-302 and 23-4-304.

22 (6) Negotiated purse money from intrastate and
23 interstate simulcast parimutuel handles at racing
24 associations that do not conduct live racing will be pooled
25 and distributed to all tracks conducting live racing, all

1 moneys to be distributed on a percent, based on each track's
2 percent, of total annual on-track parimutuel handle."

3 **SECTION 2. SECTION 23-5-502, MCA, IS AMENDED TO READ:**

4 "23-5-502. Sports pools and sports tab games authorized
5 -- tax. (1) Conducting or participating in sports pools and
6 sports tab games as defined and governed in this part is
7 lawful, except that:

8 (a) sports tab games may only be conducted on premises
9 licensed to sell alcoholic beverages for consumption on the
10 premises; and

11 (b) only a licensee of premises that are located in an
12 incorporated city or town with a population of less than 100
13 or located outside the boundaries of an incorporated city or
14 town and that are licensed to sell alcoholic beverages for
15 consumption on the premises may conduct a race between
16 animals and conduct one or more sports pools on the race.
17 The race may be conducted only if it is between pigs,
18 gerbils, or hamsters and is conducted on the premises BUT
19 OUTSIDE OF INTERIOR AREAS OF THE ESTABLISHMENT WHERE FOOD
20 AND BEVERAGES ARE USUALLY STORED, PREPARED, OR SERVED.

21 (2) A manufacturer licensed under 23-5-115 who sells
22 sports tabs to a licensed operator for use in a sports tab
23 game shall collect from the operator, at the time of sale, a
24 tax of \$1 for each 100 sports tabs sold and, within 15 days
25 after the end of each calendar quarter, submit to the

1 department any forms required by the department and the
2 proceeds of the collected tax. The manufacturer shall keep a
3 record of taxes collected as required by department rule.
4 The records must be made available for inspection by the
5 department upon request of the department. The department
6 shall retain the proceeds of the tax to administer this
7 part."

8 **SECTION 3. SECTION 23-4-101, MCA, IS AMENDED TO READ:**

9 "23-4-101. Definitions. Unless the context requires
10 otherwise, in this chapter, the following definitions apply:

11 (1) "Board" means the board of horseracing provided for
12 in 2-15-1881.

13 (2) "Board of stewards" means a board composed of three
14 stewards who supervise race meets.

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

17 (4) "Immediate family" means the spouse, parents,
18 children, grandchildren, brothers, or sisters of an official
19 or licensee regulated by this chapter and all other persons
20 who have a permanent or continuous residence in the
21 household of the official or licensee.

22 (5) "Minor" means a person under 18 years of age.

23 (6) "Persons" means individuals, firms, corporations,
24 fair boards, and associations.

25 (7) "Race meet" means racing of registered horses or

1 mules where the parimutuel system of wagering is used. The
2 term includes simulcast races.

3 (8) "Simulcast" means a live broadcast of an actual
4 horserace horse, mule, or dog race at the time it is run.
5 The term includes races of local or national prominence.

6 (9) "Simulcast facility" means a facility at which
7 horseraces horse, mule, or dog races are simulcast and
8 wagering on the outcome is permitted under the parimutuel
9 system.

10 (10) "Steward" means an official hired by the department
11 and by persons sponsoring a race meet to regulate and
12 control the day-to-day conduct and operation of a sanctioned
13 meet."

14 NEW SECTION. Section 4. Coordination instruction. If
15 House Bill No. 411 is passed and approved and if it includes
16 a section amending the definition of "sports pool" in
17 23-5-501 to delete the words "or animals" at the end of the
18 definition, then the portion of that section of House Bill
19 No. 411 that deletes the words "or animals" is void.

20 NEW SECTION. Section 5. Effective date. [This act] is
21 effective on passage and approval.

-End-

HOUSE BILL NO. 433

INTRODUCED BY ELLIS, BURNETT, STRIZICH, YELLOWTAIL,
DRISCOLL, SIMON, NATHE, STOVALL, D. BROWN, SIMPKINS

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT A BAR
MAY CONDUCT A RACE BETWEEN PIGS, GERBILS, OR HAMSTERS AND
CONDUCT ONE OR MORE SPORTS POOLS ON THE RACE; CLARIFYING THE
LAWS-RELATED-TO-HORSERACING-BY-LIMITING-TO-REGISTERED-HORSES
AND TO MULES AND-DOGS THE-ANIMALS-ALLOWED-TO-RACE; AMENDING
SECTION SECTIONS 23-4-101, 23-4-301, AND 23-5-502, MCA; AND
PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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

Section 1. Section 23-4-301, MCA, is amended to read:

"23-4-301. Parimutuel betting -- other betting illegal.

(1) It is unlawful to make, report, record, or register a
bet or wager on the result of a contest of speed, skill, or
endurance of an-animal one-or-more-registered-horses--or of
mules OR-DOGS AN ANIMAL, whether the contest is held within
or outside of this state, except under 23-5-502 OR this
chapter.

(2) A licensee conducting a race meet under this
chapter may provide a place in the race meet grounds or
enclosure where the licensee may conduct or supervise the
use of the parimutuel system by patrons on the result of the

races conducted under this chapter and the rules of the
board.

(3) A person licensed under this chapter to hold a race
meet may simulcast live races at a place in the race meet
grounds or simulcast facility where the licensee may conduct
or supervise the use of the parimutuel system by patrons on
the results of simulcast races approved by the board.

(4) It is unlawful to conduct pool selling or
bookmaking or to circulate handbooks or to bet or wager on a
race of a licensed race meet, other than by the parimutuel
system and in the race meet grounds or enclosure where the
race is held, or to permit a minor to use the parimutuel
system.

(5) Each licensee conducting a parimutuel system for an
intrastate simulcast race meet shall combine the parimutuel
pools at a simulcast facility with those at the actual
racing facility for the purpose of determining the odds and
computing payoffs. The amount of the handle at the simulcast
race meet must be combined with the amount of parimutuel
handle at the live racing facility for the purposes of
distribution of money derived from parimutuel betting under
23-4-302 and 23-4-304.

(6) Negotiated purse money from intrastate and
interstate simulcast parimutuel handles at racing
associations that do not conduct live racing will be pooled

and distributed to all tracks conducting live racing, all moneys to be distributed on a percent, based on each track's percent, of total annual on-track parimutuel handle."

SECTION 2. SECTION 23-5-502, MCA, IS AMENDED TO READ:

"23-5-502. Sports pools and sports tab games authorized -- tax. (1) Conducting or participating in sports pools and sports tab games as defined and governed in this part is lawful, except that:

(a) sports tab games may only be conducted on premises licensed to sell alcoholic beverages for consumption on the premises; and

(b) only a licensee of premises that are located in an incorporated city or town with a population of less than 100 or located outside the boundaries of an incorporated city or town and that are licensed to sell alcoholic beverages for consumption on the premises may conduct a race between animals and conduct one or more sports pools on the race. The race may be conducted only if it is between pigs, gerbils, or hamsters and is conducted on the premises BUT OUTSIDE OF INTERIOR AREAS OF THE ESTABLISHMENT WHERE FOOD AND BEVERAGES ARE USUALLY STORED, PREPARED, OR SERVED.

(2) A manufacturer licensed under 23-5-115 who sells sports tabs to a licensed operator for use in a sports tab game shall collect from the operator, at the time of sale, a tax of \$1 for each 100 sports tabs sold and, within 15 days

after the end of each calendar quarter, submit to the department any forms required by the department and the proceeds of the collected tax. The manufacturer shall keep a record of taxes collected as required by department rule. The records must be made available for inspection by the department upon request of the department. The department shall retain the proceeds of the tax to administer this part."

~~**SECTION 3. SECTION 23-4-101, MCA, IS AMENDED TO READ:**~~

~~"23-4-101--Definitions--Unless--the--context--requires otherwise, in this chapter, the following definitions apply:~~

~~(1)--"Board"--means--the--board--of--horseracing--provided--for in--2--15--1881--~~

~~(2)--"Board--of--stewards"--means--a--board--composed--of--three stewards--who--supervise--race--meets--~~

~~(3)--"Department"--means--the--department--of--commerce provided--for--in--Title--27--chapter--15--part--18--~~

~~(4)--"Immediate--family"--means--the--spouse,--parents, children, grandchildren, brothers, or sisters of an official or licensee regulated by this chapter and all other persons who have a permanent or continuous residence in the household of the official or licensee--~~

~~(5)--"Minor"--means--a--person--under--18--years--of--age--~~

~~(6)--"Persons"--means--individuals,--firms,--corporations, fair boards, and associations--~~

1 {7}--"Race--meet"--means--racing-of-registered-horses-or
 2 mules-where-the-parimutuel-system-of-wagering-is--used--The
 3 term-includes-simulcast-races-

4 {8}--"Simulcast"--means--a--live--broadcast-of-an-actual
 5 horserace horse, mule, or dog race at-the-time--it--is--run-
 6 The-term-includes-races-of-local-or-national-prominence-

7 {9}--"Simulcast--facility"--means--a--facility--at-which
 8 horseraces horse, mule, or dog races are--simulcast--and
 9 wagering--on--the--outcome-is-permitted-under-the-parimutuel
 10 system-

11 {10}--"Steward"--means-an-official-hired-by-the-department
 12 and-by-persons--sponsoring--a--race--meet--to--regulate--and
 13 control-the-day-to-day-conduct-and-operation-of-a-sanctioned
 14 meet-

15 NEW SECTION. **Section 3.** Coordination instruction. If
 16 House Bill No. 411 is passed and approved and if it includes
 17 a section amending the definition of "sports pool" in
 18 23-5-501 to delete the words "or animals" at the end of the
 19 definition, then the portion of that section of House Bill
 20 No. 411 that deletes the words "or animals" is void.

21 NEW SECTION. **Section 4.** Effective date. [This act] is
 22 effective on passage and approval.

-End-