SENATE BILL NO. 53

INTRODUCED BY DEVLIN

IN THE SENATE

JANUARY 5, 1991   INTRODUCED AND REFERRED TO COMMITTEE
                         ON JUDICIARY.

JANUARY 7, 1991   FIRST READING.

FEBRUARY 23, 1991   COMMITTEE RECOMMEND BILL
                         DO PASS AS AMENDED. REPORT ADOPTED.

FEBRUARY 25, 1991   PRINTING REPORT.

                         SECOND READING, DO PASS AS AMENDED.

FEBRUARY 26, 1991   ENGROSSING REPORT.

                         THIRD READING, PASSED.
                         AYES, 44; NOES, 5.

                         TRANSMITTED TO HOUSE.

IN THE HOUSE

MARCH 4, 1991   INTRODUCED AND REFERRED TO COMMITTEE
                         ON BUSINESS & ECONOMIC DEVELOPMENT.

                         FIRST READING.

MARCH 22, 1991   COMMITTEE RECOMMEND BILL BE
                         CONCURRED IN AS AMENDED. REPORT
                         ADOPTED.

APRIL 5, 1991   SECOND READING, CONCURRED IN.

APRIL 6, 1991   THIRD READING, CONCURRED IN.
                         AYES, 75; NOES, 22.

                         RETURNED TO SENATE WITH AMENDMENTS.

IN THE SENATE

APRIL 9, 1991   ON MOTION, CONSIDERATION PASSED
                         UNTIL THE 76TH LEGISLATIVE DAY.

APRIL 17, 1991   RECEIVED FROM HOUSE.

                         SECOND READING, AMENDMENTS

CONCURRED IN.

APRIL 18, 1991   THIRD READING, AMENDMENTS
                        CONCURRED IN.

APRIL 19, 1991   SENT TO ENROLLING.

                        REPORTED CORRECTLY ENROLLED.

1   SENATE BILL NO. 53

2   INTRODUCED BY DEVLIN

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT LEGALIZING THE SHAKING

5   OR CHOOSING OF ONE OR MORE DICE FOR A DRINK OR FOR THE

6   PLAYING OF A JUKEBOX; LEGALIZING THE DICE GAME COMMONLY

7   KNOWN AS SHAKE-A-DAY; AND PROVIDING THAT TITLE 23, CHAPTER

8   5, PARTS 1 THROUGH 6, MCA, DO NOT APPLY TO THESE GAMES."

9

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

11   NEW SECTION. **Section 1.** Shaking dice for a drink or

12   music or in a shake-a-day game. (1) It is legal for a

13   customer in an establishment licensed for the sale of

14   alcoholic beverages to be consumed on the premises to:

15   (a) shake or choose one or more dice, alone or with an

16   owner or employee of the establishment, to determine whether

17   the customer or the establishment shall pay for the

18   customer's drink or to determine whether the customer or the

19   establishment shall put a predetermined amount of money in a

20   jukebox; or

21   (b) play the dice game commonly known as shake-a-day,

22   in which a customer may once each day pay an amount of money

23   predetermined by the establishment, but not more than 50

24   cents, and shake a number of dice predetermined by the

25   establishment in an attempt to roll a certain poker hand

1   predetermined by the establishment and, if the hand is

2   rolled, win all money paid to play the game since the last

3   winning hand was rolled. The establishment may, before a

4   game begins, limit the amount that will be won and use the

5   remaining money played on that game to start the pot for the

6   next game, thus enhancing the incentive to play the next

7   game in the early stages of the next game. All money paid to

8   play games must be paid out as winnings.

9   (2) The provisions of parts 1 through 6 of this chapter

10   do not apply to the games allowed by subsection (1).

11   NEW SECTION. **Section 2.** Codification instruction.

12   [Section 1] is intended to be codified as an integral part

13   of Title 23, chapter 5, part 1. The provisions of Title 23,

14   chapter 5, parts 1 through 6, do not apply to [section 1].

-End-

INTRODUCED BILL
SB 53

1   SENATE BILL NO. 53

2   INTRODUCED BY DEVLIN

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT LEGALIZING THE SHAKING

5   OR CHOOSING OF ONE OR MORE DICE FOR A DRINK OR FOR THE

6   PLAYING OF A JUKEBOX₇---ᴸᴱᴳᴬᴸᴵᴬᴵᴺᴳ--ᵀᴴᴱ--ᴰᴵᴄᴱ--ᴳᴬᴹᴱ--ᴄᴼᴹᴹᴼᴺᴸᵞ

7   ᴷᴺᴼᵂᴺ--ᴬˢ--ˢᴴᴬᴷᴱ-ᴬ-ᴰᴬᵞ₇-ᴬᴺᴰ-ᴾᴿᴼᵛᴵᴰᴵᴺᴳ-ᵀᴴᴬᵀ-ᵀᴵᵀᴸᴱ-²³₇-ᴄᴴᴬᴾᵀᴱᴿ

8   ⁵₇-ᴾᴬᴿᵀˢ-¹-ᵀᴴᴿᴼᵁᴳᴴ-⁶₇-ᴹᴱᴬ₇-ᴰᴼ-ᴺᴼᵀ-ᴬᴾᴾᴸᵞ-ᵀᴼ-ᵀᴴᴱˢᴱ-ᴳᴬᴹᴱˢ."

9

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

11   NEW SECTION. **Section 1.** Shaking dice for a drink or

12 music or--ᴵᴺ--ᴬ--ˢʰᵃᵏᵉ-ᵃ-ᵈᵃʸ--game. (1) It is legal for a

13 customer in an establishment licensed for the sale of

14 alcoholic beverages to be consumed on the premises to₇

15   ₍ₐ₎ shake or choose one or more dice, alone or with an

16 owner or employee of the establishment, to determine whether

17 the customer or the establishment shall pay for the

18 customer's drink or to determine whether the customer or the

19 establishment shall IMMEDIATELY put a predetermined amount

20 of money, NOT TO EXCEED $2, in a jukebox₇--ᵒʳ IN THE

21 ESTABLISHMENT.

22   ₍ᵇ₎--ᵖˡᵃʸ--ᵗʰᵉ--ᵈᶦᶜᵉ-ᵍᵃᵐᵉ-ᶜᵒᵐᵐᵒⁿˡʸ-ᵏⁿᵒʷⁿ-ᵃˢ-ˢʰᵃᵏᵉ-ᵃ-ᵈᵃʸ₇

23 ᶦⁿ-ʷʰᶦᶜʰ-ᵃ-ᶜᵘˢᵗᵒᵐᵉʳ-ᵐᵃʸ-ᵒⁿᶜᵉ-ᵉᵃᶜʰ-ᵈᵃʸ-ᵖᵃʸ-ᵃⁿ-ᵃᵐᵒᵘⁿᵗ-ᵒᶠ-ᵐᵒⁿᵉʸ

24 ᵖʳᵉᵈᵉᵗᵉʳᵐᶦⁿᵉᵈ-ᵇʸ-ᵗʰᵉ-ᵉˢᵗᵃᵇˡᶦˢʰᵐᵉⁿᵗ₇-ᵇᵘᵗ--ⁿᵒᵗ--ᵐᵒʳᵉ--ᵗʰᵃⁿ--⁵⁰

25 ᶜᵉⁿᵗˢ₇--ᵃⁿᵈ--ˢʰᵃᵏᵉ--ᵃ--ⁿᵘᵐᵇᵉʳ--ᵒᶠ--ᵈᶦᶜᵉ-ᵖʳᵉᵈᵉᵗᵉʳᵐᶦⁿᵉᵈ-ᵇʸ-ᵗʰᵉ

1   ᵉˢᵗᵃᵇˡᶦˢʰᵐᵉⁿᵗ-ᶦⁿ-ᵃⁿ-ᵃᵗᵗᵉᵐᵖᵗ-ᵗᵒ-ʳᵒˡˡ--ᵃ--ᶜᵉʳᵗᵃᶦⁿ--ᵖᵒᵏᵉʳ--ʰᵃⁿᵈ

2   ᵖʳᵉᵈᵉᵗᵉʳᵐᶦⁿᵉᵈ--ᵇʸ--ᵗʰᵉ--ᵉˢᵗᵃᵇˡᶦˢʰᵐᵉⁿᵗ--ᵃⁿᵈ₇--ᶦᶠ--ᵗʰᵉ--ʰᵃⁿᵈ-ᶦˢ

3   ʳᵒˡˡᵉᵈ₇-ʷᶦⁿ-ᵃˡˡ-ᵐᵒⁿᵉʸ-ᵖᵃᶦᵈ-ᵗᵒ-ᵖˡᵃʸ-ᵗʰᵉ-ᵍᵃᵐᵉ-ˢᶦⁿᶜᵉ--ᵗʰᵉ--ˡᵃˢᵗ

4   ʷᶦⁿⁿᶦⁿᵍ--ʰᵃⁿᵈ--ʷᵃˢ--ʳᵒˡˡᵉᵈ.---ᵀʰᵉ-ᵉˢᵗᵃᵇˡᶦˢʰᵐᵉⁿᵗ-ᵐᵃʸ₇-ᵇᵉᶠᵒʳᵉ-ᵃ

5   ᵍᵃᵐᵉ-ᵇᵉᵍᶦⁿˢ₇-ˡᶦᵐᶦᵗ-ᵗʰᵉ-ᵃᵐᵒᵘⁿᵗ-ᵗʰᵃᵗ-ʷᶦˡˡ-ᵇᵉ-ʷᵒⁿ-ᵃⁿᵈ--ᵘˢᵉ--ᵗʰᵉ

6   ʳᵉᵐᵃᶦⁿᶦⁿᵍ-ᵐᵒⁿᵉʸ-ᵖˡᵃʸᵉᵈ-ᵒⁿ-ᵗʰᵃᵗ-ᵍᵃᵐᵉ-ᵗᵒ-ˢᵗᵃʳᵗ-ᵗʰᵉ-ᵖᵒᵗ-ᶠᵒʳ-ᵗʰᵉ

7   ⁿᵉˣᵗ--ᵍᵃᵐᵉ₇--ᵗʰᵘˢ--ᵉⁿʰᵃⁿᶜᶦⁿᵍ--ᵗʰᵉ-ᶦⁿᶜᵉⁿᵗᶦᵛᵉ-ᵗᵒ-ᵖˡᵃʸ-ᵗʰᵉ-ⁿᵉˣᵗ

8   ᵍᵃᵐᵉ-ᶦⁿ-ᵗʰᵉ-ᵉᵃʳˡʸ-ˢᵗᵃᵍᵉˢ-ᵒᶠ-ᵗʰᵉ-ⁿᵉˣᵗ-ᵍᵃᵐᵉ.-ᴬˡˡ-ᵐᵒⁿᵉʸ-ᵖᵃᶦᵈ-ᵗᵒ

9   ᵖˡᵃʸ-ᵍᵃᵐᵉˢ-ᵐᵘˢᵗ-ᵇᵉ-ᵖᵃᶦᵈ-ᵒᵘᵗ-ᵃˢ-ʷᶦⁿⁿᶦⁿᵍˢ.

10   ₍²₎--ᵀʰᵉ-ᵖʳᵒᵛᶦˢᶦᵒⁿˢ-ᵒᶠ-ᵖᵃʳᵗˢ-¹-ᵗʰʳᵒᵘᵍʰ-⁶-ᵒᶠ-ᵗʰᶦˢ-ᶜʰᵃᵖᵗᵉʳ

11 ᵈᵒ-ⁿᵒᵗ-ᵃᵖᵖˡʸ-ᵗᵒ-ᵗʰᵉ-ᵍᵃᵐᵉˢ-ᵃˡˡᵒʷᵉᵈ-ᵇʸ-ˢᵘᵇˢᵉᶜᵗᶦᵒⁿ-₍¹₎.

12   (2) NOTHING IN THIS SECTION AUTHORIZES THE DICE GAME OF

13 CRAPS OR ANY OTHER DICE GAME NOT SPECIFICALLY DESCRIBED IN

14 THIS SECTION.

15   NEW SECTION. **Section 2.** Codification instruction.

16 [Section 1] is intended to be codified as an integral part

17 of Title 23, chapter 5, part 1₇-ᵀʰᵉ, AND THE provisions of

18 Title 23, chapter 5, parts 1 through 6, ᵈᵒ-ⁿᵒᵗ apply to

19 [section 1].

-End-

SECOND READING

1   SENATE BILL NO. 53

2   INTRODUCED BY DEVLIN

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT LEGALIZING THE SHAKING

5   OR CHOOSING OF ONE OR MORE DICE FOR A DRINK OR FOR THE

6   PLAYING OF A JUKEBOX~--bEGAbIZING--THE--DICE--GAME--COMMONbY

7   KNOWN--AS--SHAKE-A-DAY~-ANB-PROVIBING-THAT-TITbE-23~-CHAPTER

8   5~-PARTS-1-THROUGH-6~-MCA~-BO-NOT-APPbY-TO-THESE-GAMES."

9

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

11   NEW SECTION. **Section 1.** Shaking dice for a drink or

12   music or--in--a--shake-a-day--game. (1) It is legal for a

13   customer in an establishment licensed for the sale of

14   alcoholic beverages to be consumed on the premises to~

15   ta+ shake or choose one or more dice, alone or with an

16   owner or employee of the establishment, to determine whether

17   the customer or the establishment shall pay for the

18   customer's drink or to determine whether the customer or the

19   establishment shall IMMEDIATELY put PAY a predetermined

20   amount of money, NOT TO EXCEED $2, in FOR MUSIC FROM a

21   jukebox~-or IN THE ESTABLISHMENT.

22   tb+--play--the--dice-game-commonly-known-as-shake-a-day~

23   in-which-a-customer-may-once-each-day-pay-an-amount-of-money

24   predetermined-by-the-establishment~-but--not--more--than--50

25   cents~--and--shake--a--number--of--dice-predetermined-by-the

1   establishment-in-an-attempt-to-roll--a--certain--poker--hand

2   predetermined--by--the--establishment--and~--if--the-hand-is

3   rolled~-win-all-money-paid-to-play-the-game-since--the--last

4   winning--hand--was--rolled~--The-establishment-may~-before-a

5   game-begins~-limit-the-amount-that-will-be-won-and--use--the

6   remaining-money-played-on-that-game-to-start-the-pot-for-the

7   next--game~--thus--enhancing--the-incentive-to-play-the-next

8   game-in-the-early-stages-of-the-next-game~-All-money-paid-to

9   play-games-must-be-paid-out-as-winnings~

10   t2+--The-provisions-of-parts-1-through-6-of-this-chapter

11   do-not-apply-to-the-games-allowed-by-subsection-t1+~

12   (2) NOTHING IN THIS SECTION AUTHORIZES THE DICE GAME OF

13   CRAPS OR ANY OTHER DICE GAME NOT SPECIFICALLY DESCRIBED IN

14   THIS SECTION.

15   NEW SECTION. **Section 2.** Codification   instruction.

16   [Section 1] is intended to be codified as an integral part

17   of Title 23, chapter 5, part 1~-The, AND THE provisions of

18   Title 23, chapter 5, parts 1 through 6, do-not apply to

19   [section 1].

-End-

THIRD READING

Mr. Speaker: We, the committee on Business and Economic

Development report that Senate Bill 53   (third reading copy --

blue) be concurred in as amended .

Signed: _____
                    Bob Bachini, Chairman

CARRIED BY: Rep. Pavcovich

And, that such amendments read:
1. Title, line 8.
Following: "GAMES"
Insert: "; AND LEGALIZING THE DICE GAME COMMONLY KNOWN AS SHAKE-
     A-DAY"

2. Page 1, line 12.
Following: "game"
Insert: "or in a shake-a-day game"

3. Page 1, line 14.
Following: "-"
Insert: ":"

4. Page 1, line 15.
Following: "(a)"
Insert: "(a)"

5. Page 1, line 21.
Strike: "."
Insert: "; or"

6. Page 2, line 12.
Following: line 11
Insert: "(b) play the dice game commonly known as shake-a-day, in
     which a customer may once each day pay an amount of money
     predetermined by the establishment, but not more than 50
     cents, and shake a number of dice predetermined by the
     establishment in an attempt to roll a certain combination
     simulating a poker hand predetermined by the establishment
     and, if the combination is rolled, win all money paid to
     play the game since the last winning combination was rolled.
     The establishment may, before a game begins, limit the
     amount that will be won and use the remaining money played
     on that game to start the pot for the next game, thus

enhancing the incentive to play the next game in the early
stages of the next game. All money paid to play games must
be paid out as winnings."

SB 53

HOUSE

1   SENATE BILL NO. 53

2   INTRODUCED BY DEVLIN

3

4   A BILL FOR AN ACT ENTITLED: "AN ACT LEGALIZING THE SHAKING

5   OR CHOOSING OF ONE OR MORE DICE FOR A DRINK OR FOR THE

6   PLAYING OF A JUKEBOX~--~E6A~IₛIN6--¥HE--B~EE--6AME--EOMMON~Y

7   KNOWN--Aₛ--SHAKE-A-BAY~-ANB-PROVIBING-¥HA¥-¥I¥~E-23~-EHAP¥ER

8   5~-PAR¥ₛ-1-¥HROⱯGH-6~-MEA~-BO-NO¥-APP~Y-¥O-¥HEₛE-6AMEₛ; AND

9   LEGALIZING THE DICE GAME COMMONLY KNOWN AS SHAKE-A-DAY."

10

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

12   NEW SECTION. **Section 1.** Shaking dice for a drink or

13   music o₇-iη-a-shake-a-day-game OR IN A SHAKE-A-DAY GAME. (1)

14   It is legal for a customer in an establishment licensed for

15   the sale of alcoholic beverages to be consumed on the

16   premises to₇:

17   ₜa₎(A) shake or choose one or more dice, alone or with

18   an owner or employee of the establishment, to determine

19   whether the customer or the establishment shall pay for the

20   customer's drink or to determine whether the customer or the

21   establishment shall IMMEDIATELY put PAY a predetermined

22   amount of money, NOT TO EXCEED $2, iη FOR MUSIC FROM a

23   jukebox₇-or IN THE ESTABLISHMENT₇; OR

24   ₜb₎--p~ay--the--dice-game-commoη~y-kηowη-as-shake-a-day₇

25   iη-which-a-customer-may-oηce-each-day-pay-aη-amouηt-of-moηey

1   predetermiηed-by-the-estab~ishmeηt₇-but--ηot--more--thaη--50

2   ceηts₇--aηd--shake--a--ηumber--of--dice-predetermiηed-by-the

3   estab~ishmeηt-iη-aη-attempt-to-ro~~--a--certaiη--poker--haηd

4   predetermiηed--by--the--estab~ishmeηt--aηd₇--if--the-haηd-is

5   ro~~ed₇-wiη-a~~-moηey-paid-to-p~ay-the-game-siηce--the--~ast

6   wiηηiηg--haηd--was--ro~~ed₇---The-estab~ishmeηt-may₇-before-a

7   game-begiηs₇-~imit-the-amouηt-that-wi~~-be-woη-aηd--use--the

8   remaiηiηg-moηey-p~ayed-oη-that-game-to-start-the-pot-for-the

9   ηext--game₇--thus--eηhaηciηg--the-iηceηtive-to-p~ay-the-ηext

10   game-iη-the-ear~y-stages-of-the-ηext-game₇-A~~-moηey-paid-to

11   p~ay-games-must-be-paid-out-as-wiηηiηgs₇

12   (B) PLAY THE DICE GAME COMMONLY KNOWN AS SHAKE-A-DAY,

13   IN WHICH A CUSTOMER MAY ONCE EACH DAY PAY AN AMOUNT OF MONEY

14   PREDETERMINED BY THE ESTABLISHMENT, BUT NOT MORE THAN 50

15   CENTS, AND SHAKE A NUMBER OF DICE PREDETERMINED BY THE

16   ESTABLISHMENT IN AN ATTEMPT TO ROLL A CERTAIN COMBINATION

17   SIMULATING A POKER HAND PREDETERMINED BY THE ESTABLISHMENT

18   AND, IF THE COMBINATION IS ROLLED, WIN ALL MONEY PAID TO

19   PLAY THE GAME SINCE THE LAST WINNING COMBINATION WAS ROLLED.

20   THE ESTABLISHMENT MAY, BEFORE A GAME BEGINS, LIMIT THE

21   AMOUNT THAT WILL BE WON AND USE THE REMAINING MONEY PLAYED

22   ON THAT GAME TO START THE POT FOR THE NEXT GAME, THUS

23   ENHANCING THE INCENTIVE TO PLAY THE NEXT GAME IN THE EARLY

24   STAGES OF THE NEXT GAME. ALL MONEY PAID TO PLAY GAMES MUST

25   BE PAID OUT AS WINNINGS.

Montana Legislative Council

REFERENCE BILL

AS AMENDED

1   (2)--The-provisions-of-parts-1-through-6-of-this-chapter

2   do-not-apply-to-the-games-allowed-by-subsection-(1).

3   (2) NOTHING IN THIS SECTION AUTHORIZES THE DICE GAME OF

4   CRAPS OR ANY OTHER DICE GAME NOT SPECIFICALLY DESCRIBED IN

5   THIS SECTION.

6   NEW SECTION. **Section 2.** Codification   instruction.

7   [Section 1] is intended to be codified as an   integral   part

8   of Title 23, chapter 5, part 1,-The, AND THE provisions of

9   Title 23, chapter 5, parts 1 through 6, do--not apply to

10   [section 1].

-End-