

BEFORE THE MONTANA LOTTERY COMMISSION
DEPARTMENT OF ADMINISTRATION
OF THE STATE OF MONTANA

In the matter of the amendment of ARM) NOTICE OF PROPOSED
2.63.1201 pertaining to prizes) AMENDMENT
)
) NO PUBLIC HEARING
) CONTEMPLATED

TO: All Concerned Persons

1. On May 26, 2017, the State Lottery Commission proposes to amend the above-stated rule.

2. The State Lottery Commission will make reasonable accommodations for persons with disabilities who wish to participate in this rulemaking process or need an alternative accessible format of this notice. If you require an accommodation, please contact the State Lottery Commission no later than 5:00 p.m. on May 5, 2017, to advise us of the nature of the accommodation that you need. Please contact Denise Blankenship, State Lottery, 2525 North Montana Avenue, P.O. Box 200544, Helena, Montana 59601; telephone (406) 444-5801; fax (406) 444-5830; TDD/Montana Relay Service (406) 444-9642; or by e-mail at dblankenship@mt.gov.

3. The rule proposed to be amended provides as follows, new matter underlined, deleted matter interlined:

2.63.1201 PRIZES (1) Winning tickets will be redeemed:

(a) by any retailer for tickets ~~valued up to~~ less than \$600; or

(b) if the ticket value is ~~greater than~~ \$600 or more, by presenting the ticket, ~~and a claim form, and valid, unexpired photo identification~~ to the lottery, either by mail or in person. Playslip and sales receipt may not be used to claim a prize.

Acceptable types of identification include an original or copy of:

(i) driver license;

(ii) government-issued identification card;

(iii) military identification card;

(iv) passport;

(v) permanent resident card;

(vi) Department of Veterans Affairs medical benefits card; and

(vii) tribal government-issued identification card.

(2) through (14) remain the same.

~~(15) A valid, unexpired photo identification is required to claim Montana lottery prizes. Acceptable types of identification include:~~

~~(a) driver license;~~

~~(b) government-issued identification card;~~

~~(c) military identification card;~~

~~(d) passport;~~

- ~~(e) permanent resident card;~~
- ~~(f) Department of Veterans Affairs medical benefits card; and~~
- ~~(g) tribal government issued identification card.~~

AUTH: 23-7-202, MCA

IMP: 23-7-202, 23-7-211, MCA

STATEMENT OF REASONABLE NECESSITY: The amendment to (1) clarifies when a photo identification is required from the public. The current rule can be interpreted as all winners must provide a photo identification to collect any prize regardless of the amount. The proposed change clarifies that a photo identification is only required for prizes that are valued at \$600 or more. This change is in line with the best practices of the industry in the United States. No financial impact to business owners in Montana will result from these changes.

4. Concerned persons may present their data, views, or arguments concerning the proposed action to Bryan Costigan, Security Director for the Montana Lottery, at 2525 North Montana Avenue, Helena, Montana 59601; telephone number (406) 444-5804; fax (406) 444-5830; or by e-mail to BCostigan@mt.gov; and must be received no later than 5:00 p.m. on May 12, 2017.

5. If persons who are directly affected by the proposed action wish to express their data, views, or arguments orally or in writing at a public hearing, they must make written request for a hearing and submit this request along with any written comments to Bryan Costigan at the above address no later than 5:00 p.m. on May 12, 2017.

6. If the commission receives requests for a public hearing on the proposed action from either 10 percent or 25, whichever is less, of the persons directly affected by the proposed actions; from the appropriate administrative rule review committee of the Legislature; from a governmental subdivision or agency; or from an association having not less than 25 members who will be directly affected, a hearing will be held at a later date. Notice of the hearing will be published in the Montana Administrative Register. Ten percent of those directly affected has been determined to be 95 persons based on the 950 licensed lottery retailers in the state.

7. The State Lottery Commission maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request that includes the name, e-mail address, and mailing address of the person to receive notices and specifies that the person wishes to receive notices regarding commission rulemaking actions. Notices will be sent by e-mail unless a mailing preference is noted in the request. Such written request may be mailed or delivered to the contact person in 4 above or may be made by completing a request form at any rules hearing held by the commission.

8. An electronic copy of this proposal notice is available through the Department of Administration's web site at <http://doa.mt.gov/administrativerules.mcpX>. The department strives to make the electronic copy of the notice conform to the official version of the notice, as printed in the Montana Administrative Register, but advises all concerned persons that if a discrepancy exists between the official printed text of the notice and the electronic version of the notice, only the official printed text will be considered. In addition, although the department works to keep its web site accessible at all times, concerned persons should be aware that the web site may be unavailable during some periods, due to system maintenance or technical problems.

9. The bill sponsor contact requirements of 2-4-302, MCA, do not apply.

10. With regard to the requirements of 2-4-111, MCA, the commission has determined the proposed rule amendment will not significantly and directly impact small businesses.

By: /s/ Wilbur Rehmann
Wilbur Rehmann, Chair
Montana Lottery Commission

By: /s/ Michael P. Manion
Michael P. Manion, Rule Reviewer
Department of Administration

Certified to the Secretary of State April 3, 2017.