

BEFORE THE DEPARTMENT OF JUSTICE
OF THE STATE OF MONTANA

In the matter of the amendment of) NOTICE OF AMENDMENT
ARM 23.16.117, 23.16.403,)
23.16.509, 23.16.1802, 23.16.1811,)
23.16.1823, 23.16.1826, 23.16.1827,)
23.16.1907A, and 23.16.1924)
pertaining to gambling licenses and)
video gambling machines)

TO: All Concerned Persons

1. On January 12, 2024, the Department of Justice published MAR Notice No. 23-16-282 pertaining to the proposed amendment of the above-stated rules at page 26 of the 2024 Montana Administrative Register, Issue Number 1.

2. The department has amended the above-stated rules as proposed.

3. The department has thoroughly considered the comments and testimony received. A summary of the comments received and the department's response is as follows:

COMMENT #1: The department received comments from the Gaming Industry Association of Montana, Inc. (GIA), and Montana Coin Machine Operators Association. Both organizations supported the overall rule amendments except they objected to the new definition for "Entertainment display" and the corresponding changes to ARM 23.16.1907A. The two organizations felt the additional language about entertainment displays would allow these types of displays and the displays would cause confusion among consumers. GIA also had concerns about proper random number generators, but the gambling rules do not in any way affect what is allowed for this topic.

RESPONSE #1: The department believes entertainment displays, although not mentioned, would be allowed under existing law and rules. It is the responsibility of the department to provide some guidelines for these displays. Section 23-5-621, MCA, requires the department to adopt rules that describe these displays, including images and the minimum area of the screen that depicts the game. By including entertainment displays in these rule amendments, the department is proactively taking action to describe these displays. The department believes that by including this information in the rule amendments any concerns about consumers being misled or confused about these kinds of displays is alleviated.

/s/ DAVID M. ORTLEY
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Rule Reviewer

/s/ AUSTIN KNUDSEN
Austin Knudsen
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Certified to the Secretary of State February 27, 2024.