

RULES AND REGULATIONS

Title 49—PROFESSIONAL AND VOCATIONAL STANDARDS

STATE REAL ESTATE COMMISSION [49 PA. CODE CH. 35] Examination Fees

The State Real Estate Commission (Commission) amends § 35.203 (relating to fees) to read as set forth in the following Annex A.

Under section 812.1 of The Administrative Code of 1929 (71 P. S. § 279.3a) and section 403 of the Real Estate Licensing and Registration Act (act) (63 P. S. § 455.403), examinations for licensure must be prepared and administered by a professional testing organization under contract to the Commission.

Commencing July 1, 1998, the Commission will begin utilizing the professional testing services of National Assessment Institute Block (NAI Block) for the development, preparation, administration and grading of licensing examinations for brokers, cemetery brokers, salespersons, builder-owner salespersons and rental listing referral agents. NAI Block will offer computer-based examinations to eligible candidates, 5 to 6 days a week, at Sylvan Technology Centers located in Allentown, Clarks Summit, Erie, Harrisburg, Lancaster, York, Philadelphia, King of Prussia, Plymouth Meeting, North Wales, Pittsburgh, North Hills, Scranton and State College, Pennsylvania. Under the terms of the new contract with NAI Block, candidate costs for the examinations will decrease from \$49.50 to \$45 per candidate.

The amendment to § 35.203 establishes reduced examination fees which represent the actual charges of NAI Block to schedule a candidate to take the examination. The new fees will apply to the term of the contract from July 1, 1998, to June 30, 2003.

Public notice of intention to amend the regulation under the procedures specified in sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) (CDL) has been omitted as authorized under section 204(3) of the CDL (45 P. S. § 1204(3)), because the Commission finds that these procedures are, under the circumstances, unnecessary. Public comment is unnecessary because section 812.1 of The Administrative Code of 1929 requires that candidate fees cover the cost of the examination. All persons affected by the amendment, however, have been given actual notice of the Commission's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

Compliance with Executive Order 1996-1

The Commission reviewed this rulemaking and considered its purpose and likely impact upon the public and the regulated population under the directives of Executive Order 1996-1, Regulatory Review and Promulgation. The final/proposed omitted regulation addresses a compelling public interest as described in this Preamble and otherwise complies with Executive Order 1996-1.

Statutory Authority

This amendment is proposed under section 812.1 of The Administrative Code of 1929 and sections 403 and 407(a) of the act (63 P. S. §§ 455.403 and 455.407(a)).

Fiscal Impact and Paperwork Requirements

The amendment will have no fiscal impact on the Commonwealth or its political subdivisions. Candidates for licensure by examination will be required to pay a reduced fee to cover contract costs for the required examinations. Examination application forms will require amendments to reflect new examination fees. This service is provided by NAI Block as part of its contractual obligation to the Commission.

Regulatory Review

Under section 5(c) of the Regulatory Review Act (71 P. S. § 745.5(c)), on July 9, 1998, a copy of the amendment was submitted to the Independent Regulatory Review Commission (IRRC) and the Chairpersons of the Senate Committee on Consumer Protection and Professional Licensure and the House Committee on Professional Licensure. In addition, at the same time, the amendment was submitted to the Office of Attorney General for review and comment under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

Under section 5.1(d) of the Regulatory Review Act (71 P. S. § 745.5a(c)), the amendment was deemed approved by the House and Senate Committees on July 29, 1998. IRRC met on July 30, 1998, and approved the amendment under section 5.1(e) of the Regulatory Review Act.

Additional Information

Individuals who desire information are invited to submit inquiries to Jackie Wiest Lutz, Counsel, State Real Estate Commission, P. O. Box 2649, Harrisburg, PA 17105-2649, (717) 783-7200.

Findings

The State Real Estate Commission finds that:

(1) Public notice of intention to amend the regulation as adopted by this order under the procedures specified in sections 201 and 202 of the CDL has been omitted under the authority contained in section 204(3) of the CDL, because the Commission has, for good cause, found that the procedures specified in sections 201 and 202 of the CDL are in this circumstance, unnecessary, because section 812.1 of The Administrative Code requires that candidate fees cover the costs of examinations.

(2) All persons affected by the amendment adopted by this order have been given actual notice of the Commission's intention to amend the regulation in advance of final rulemaking under section 204(2) of the CDL.

(3) The amendment of the regulation of the Commission in the manner provided in this order is necessary and appropriate for the administration of the Commission's authorizing statute.

Order

The Commission, acting under its authorizing statute, orders that:

(a) The regulations of the Commission, 49 Pa. Code Chapter 35, are amended by amending § 35.203 to read as set forth in Annex A, with ellipses referring to the existing text of the regulation.

(b) The Chairperson of the Commission shall submit this order and Annex A to the Office of General Counsel and the Office of Attorney General for approval as to legality as required by law.

(c) The Chairperson of the Commission shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall be effective immediately and apply retroactively to July 1, 1998.

HARVEY M. LEVIN,
Chairperson

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 4007 (August 15, 1998).)

Fiscal Note: 16A-563. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 49. PROFESSIONAL AND VOCATIONAL STANDARDS

PART I. DEPARTMENT OF STATE

Subpart A. PROFESSIONAL AND OCCUPATIONAL AFFAIRS

CHAPTER 35. STATE REAL ESTATE COMMISSION

Subchapter B. GENERAL PROVISIONS

§ 35.203. Fees.

The following fees are charged by the Commission:

Licensing examination for broker, cemetery broker, salesperson, builder-owner salesperson or rental listing referral agent..... \$45

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[Pa.B. Doc. No. 98-1311. Filed for public inspection August 14, 1998, 9:00 a.m.]

Title 55—PUBLIC WELFARE

DEPARTMENT OF PUBLIC WELFARE

[55 PA. CODE CHS. 141, 175, 177 AND 183]

General Eligibility; Allowances and Benefits; Resources; Income

The Department of Public Welfare (Department), by this order, adopts amendments to read as set forth in Annex A, under the authority of sections 201(2) and 403(b) of the Public Welfare Code (62 P. S. §§ 201(2) and 403(b)). Changes to policy are based on the act of June 30, 1995 (P. L. 129, No. 20) (Act 1995-20) which added 62 P. S. § 432(10); the act of May 16, 1996 (P. L. 175, No. 35) (Act 1996-35) which amended 62 P. S. § 432(10); and the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) which added 42 U.S.C.A. § 408(a)(5) relating to minor parents.

Notice of proposed rulemaking is omitted in accordance with section 204(1)(iv) of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. § 1204(1)(iv)) (CDL) and 1 Pa. Code § 7.4(1)(iv) because the regulations relate to Commonwealth grants and benefits.

In addition, in accordance with section 204(3) of the CDL, the Department finds that proposed rulemaking

under sections 201 and 202 of the CDL (45 P. S. §§ 1201 and 1202) is unnecessary and contrary to public interest.

Proposed rulemaking is unnecessary because 62 P. S. § 432(10) and 42 U.S.C.A. § 408(a)(5) mandate that to receive cash assistance, a minor parent must reside with certain adults. These regulations clarify the procedures necessary to carry out this mandate, set forth exceptions to the mandate and explain what documentation is required to verify an exception to the mandate. Proposed rulemaking is contrary to public interest because it is in the public interest to strengthen families, promote parental responsibility and prevent difficulties for minors who have good cause to seek exceptions to the requirement that they live with a parent or other adult.

Background

Current Aid to Families with Dependent Children (AFDC) regulations permit a minor parent, including a pregnant minor, to apply for and receive AFDC as a specified relative to dependent children whether the minor parent lives with a parent or a legal guardian or has established a separate home. Current General Assistance (GA) regulations permit a minor aged 16 or over, including a pregnant minor, to apply for and receive State-funded benefits if the minor has left the parental household and establishes himself as a separate entity, free to act independent of parental control.

Section 5 of Act 1995-20, enacted on June 30, 1995, amended section 432 of the Public Welfare Code by adding paragraph (10) which requires a minor parent to live with a parent, a guardian or other adult to be eligible for AFDC or GA-eligible persons.

Section 9 of Act 1996-35, enacted on May 16, 1996, further amends section 432(10) by expanding the terms and provisions regarding the living arrangements to where the minor parent could reside if the minor parent does not meet one of several exceptions. The term "other adult" was revised to "other adult relative," the term "guardian" was revised to "legal guardian" and the term "in an adult-supervised supportive living arrangement" was added. Act 1996-35 also added a grant provision whereby if the minor parent does not meet one of several exceptions and the parent or legal guardian lives in another location, the minor parent and the dependent child may be given a special allowance to move when it is confirmed that the minor parent has permission to reside in the parent's, legal guardian's or other adult relative's home. When the minor parent and the dependent child are residing with the minor parent's parent, legal guardian or other adult relative, the benefits on behalf of the minor parent and the dependent child shall be paid to that adult, whenever possible.

Title I of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Pub. L. No. 104-193) eliminated the AFDC program under Part A of Title IV of the Social Security Act and established the Temporary Assistance for Needy Families (TANF) program (42 U.S.C.A. §§ 601—619). From this point forward, any reference to applicants and recipients will be assumed to be applicants and recipients of TANF, even where AFDC is referenced.

Section 103 of Title I—(The Temporary Assistance for Needy Families Act hereinafter referred to as TANF) enacted August 22, 1996, added 42 U.S.C.A. § 408(a)(5) relating to minor parents. TANF mandates that to receive cash assistance, an individual who is under 18 years of age, is not married and has a minor child in his care, shall reside in a place of residence maintained by a

parent, legal guardian, other adult relative of the minor parent or other appropriate adult-supervised supportive living arrangement unless one of several exceptions is met. The term "second-chance home" was added as a type of adult-supervised living arrangement. If the minor parent cannot return to the home of a parent, legal guardian or other adult relative, the Department, in consultation with county children and youth agencies, will provide assistance to the minor parent in locating a second-chance home, maternity home, or other appropriate adult-supervised supportive living arrangement unless the agency determines that the minor parent's living situation is appropriate.

Purpose of the amendments

The purpose of these amendments is to add a new condition of eligibility for TANF and GA. The new eligibility condition requires that, to receive cash assistance, any minor parent who is an applicant or recipient, including a pregnant minor, and a dependent child in the minor parent's care, shall reside in the home of a parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement unless one of several exceptions is met. When a minor parent and the dependent child are required to live with the minor parent's parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement, cash benefits on behalf of the minor parent and dependent child shall be paid to the parent, legal guardian, other adult relative or a representative in the adult-supervised supportive living arrangement.

When the minor parent does not meet one of the several exceptions listed under § 141.21(q) (relating to policy) and the parent or legal guardian lives at another location within the State or in another state, the minor parent and the dependent child may be given a special allowance to move when it is confirmed that the minor parent has permission to reside in the parent's, legal guardian's or other adult relative's home.

The Department also promulgates these amendments to comply with 62 P. S. § 403(b), which mandates the Department to establish regulations for GA which are consistent with Federal law, and which provide no greater benefit to GA recipients than are provided to recipients of Federally-funded benefits.

The amendments support the Department's concept of strengthening families, promoting parental responsibility and preventing pregnancy in minors. This revision will also save State and Federal funds.

Minor (teenage) pregnancy and parenthood often lead to an interrupted or abandoned education which, in turn, results in a failure to acquire skills necessary to parent effectively and to participate in the job market. With this revision, the Department intends to encourage minor parents to remain within their families and to gain the necessary strengths and skills to give them eventual independence from the welfare system.

Summary of Requirements

Section 141.21(m) is reorganized and a paragraph is added to include policy regarding needed documentation and cooperation by the minor parent to establish whether the minor parent is exempt from the requirement in § 141.21(p). Section 141.21(p) sets forth the condition of eligibility for TANF or GA cash assistance, that any minor parent applicant or recipient, as defined in § 141.42, shall reside in the home of the minor parent's parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement.

Additionally, the term "handicap" is replaced by the term "disability" as used in section 432(3)(i)(C) of the Public Welfare Code as amended by Act 1994-49. A revision is made to clarify cooperation when documentation must be secured from a third party which will verify the disability. Use of the term "disability" is also in compliance with the Americans with Disabilities Act.

Section 141.21(p) is added which provides that a minor, unmarried parent including a pregnant minor who is applying for TANF or GA, and the dependent child in the minor parent's care shall reside in the common residence of a parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement for the minor parent to receive cash assistance. When a minor parent and dependent child are required to live with the minor parent's parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement, cash benefits on behalf of the minor parent and dependent child shall be paid to the parent, legal guardian, other adult relative or to an adult in an adult-supervised supportive living arrangement.

Section 141.21(q) is added which includes several exceptions to the requirement that a pregnant minor or minor parent reside with a parent, a legal guardian, other adult relative or in an adult-supervised supportive living arrangement as follows:

- Subsection (q)(1)—The minor parent can document that the parent, legal guardian or other adult relative is unable to retain or assume parental control over the minor parent because of a physical, emotional, mental, financial or other limitation.
- Subsection (q)(2)—The minor parent has no living parent, legal guardian or other adult relative or the whereabouts of these persons are unknown.
- Subsection (q)(3)—The parent, legal guardian or other adult relative of the minor parent will not allow the minor parent to live in the common residence.
- Subsection (q)(4)—The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided in the same residence with the minor parent's parent, legal guardian or other adult relative or the threat to physical or emotional health or safety comes from another individual residing in or visiting the residence.
- Subsection (q)(5)—(10)—There is otherwise good cause for the minor parent and dependent child or the pregnant minor to receive assistance while living apart from the minor parent's parent, legal guardian, other adult relative or in an adult-supervised supportive living arrangement.

Under Chapter 175 (relating to allowances and benefits), a revision was made regarding authorization of a special allowance. When the minor parent does not meet one of the exceptions listed under § 141.21(q) and the parent, legal guardian or other adult relative lives in another location, the minor parent and the dependent child may be given a special allowance for transportation expenses to move when it is confirmed that the minor parent has permission to reside in the parent's, legal guardian's or other adult relative's home.

Conforming amendments are made to various other sections as a result of the addition of § 141.21(q). In § 141.42 (relating to definitions), two definitions are added: "adult-supervised supportive living arrangement" and "minor parent." Corresponding changes are made to definitions in §§ 177.2 and 183.2 (relating to definitions).

Affected Individuals and Organizations

The primary effect of the final-form regulations will be on minor parents including pregnant minors who are applicants or recipients of TANF or GA, because the new requirement restricts payments to households headed by minor parents. The regulations mandate that to receive cash assistance, an individual who is under 18 years of age, has never been married and has a minor child in his care, shall reside in a place of residence maintained by a parent, legal guardian or other adult relative of the minor parent or other appropriate adult-supervised supportive living arrangement unless one of several exceptions is met. In most cases, this amendment transfers total responsibility for the minor parent's basic living needs to the parental household. In some instances when the parental household is also receiving cash assistance, the overall cost is less than if the minor resided independently.

Fiscal Impact

Commonwealth—The estimated savings to the Commonwealth for SFY 96 is \$41,000; for SFY 97, \$478,000; and after SFY 97, \$498,000. There are no costs to the Commonwealth.

Public Sector—There will be no costs or savings incurred by the public sector.

Private Sector—There will be no costs or savings incurred by the private sector.

Paperwork Requirements

These amendments require no additional forms or reports.

Cross References

Act No. 1995-20 (P. L. 129, No. 20)

Act No. 1996-35 (P. L. 175, No. 35)

Temporary Assistance for Needy Families (TANF) Pub.L. No. 104-193

Effective Date

The final-form regulations requiring that a minor parent live with a parent, legal guardian, other adult relative or in an appropriate adult-supervised supportive living arrangement are effective immediately and apply retroactively to March 3, 1997, because the provisions were implemented under the NORC issued at 27 Pa.B. 1089 (March 1, 1997)—14-NRC-069—effective March 3, 1997.

Sunset Date

There is no sunset date. The Department continuously reviews the TANF Program and regulations through the Federally-monitored Quality Control and Corrective Action review process to ensure compliance with Federal law. The Department also conducts reviews of the GA Program in accordance with section 403(e) of the Public Welfare Code.

Public Comment Period

Public comments to these final-form regulations from interested persons are invited by submitting written comments, suggestions or objections regarding the final-form regulations to the Department of Public Welfare, Edward J. Zogby, Acting Director, Bureau of Policy, Room 431, Health and Welfare Building, Harrisburg, PA 17120, (717) 787-4081.

Persons with a disability may use the AT&T Relay Service by calling (800) 654-5984 (TDD users) or (800) 564-5988 (Voice users).

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P. S. § 745.5a(c)), on July 6, 1998, the Department submitted a copy of these final-form regulations with proposed rulemaking omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Health and Human Services and the Senate Committee on Public Health and Welfare. On the same date, the final-form regulations were submitted to the Office of the Attorney General for review and approval under the Commonwealth Attorneys Act (71 P. S. §§ 732-101—732-506).

In accordance with section 5.1(d) and (e) of the Regulatory Review Act, these final-form regulations were deemed approved by the Committees on July 26, 1998, and were approved by IRRC on July 30, 1998.

Findings

The Department finds that:

(1) Public notice of intention to adopt the administrative regulations by this order is unnecessary and contrary to public interest under section 204(1)(iv) of the CDL and the regulation thereunder, 1 Pa. Code § 7.4(1)(iv).

(2) The adoption of these final-form regulations in the manner provided in this order is necessary and appropriate for the administration and enforcement of the Public Welfare Code.

Order

The Department, acting under the Public Welfare Code, orders that:

(a) The regulations of the Department, 55 Pa. Code Chapters 141, 175, 177 and 183, are amended by amending §§ 141.21, 141.42, 175.23, 177.2 and 183.2 to read as set forth in Annex A, with ellipses referring to the existing text of the regulations.

(b) The Secretary of the Department shall submit this order and Annex A to the Office of Attorney General and the Office of General Counsel for approval as to legality and form as required by law.

(c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect immediately and apply retroactively to March 3, 1997.

FEATHER O. HOUSTOUN,
Secretary

(Editor's Note: For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 4007 (August 15, 1998).)

Fiscal Note: 14-444. No fiscal impact; (8) recommends adoption.

Annex A

TITLE 55. PUBLIC WELFARE

PART II. PUBLIC ASSISTANCE MANUAL

Subpart C. ELIGIBILITY REQUIREMENTS

CHAPTER 141. GENERAL ELIGIBILITY PROVISIONS

ELIGIBILITY PROVISIONS FOR TANF/GA

§ 141.21. Policy.

* * * * *

(m) Furnish required verification as directed by the CAO of eligibility factors in accordance with Chapter 125

(relating to the application process) prior to application interview.

(1) If the applicant has cooperated and can document cooperation in the verification attempt, the initial authorization of assistance may not be delayed for more than 15 days for verification purposes following the date of application.

(2) For purposes of determining eligibility under § 141.61(d)(1)(iii), an individual will be considered as cooperating in the attempt to verify the claimed disability if the individual has done everything necessary and reasonable to secure documentation that will verify the disability.

(3) For purposes of determining eligibility under subsections (p) and (q), the minor parent shall present evidence to qualify for the exceptions. Because documentary evidence establishing an exception may not exist or may be difficult to obtain, the minor parent will be considered as cooperating in an attempt to verify the alleged exception if the minor parent can document that she made a good faith effort to obtain the necessary documentation. The CAO shall make an administrative determination based on available documentation. In the absence of evidence of fraud, verification from the minor parent, social worker or other person familiar with the allegation shall be sufficient when other documentary evidence is difficult to obtain. Action which is necessary to produce the verification shall be taken in accordance with Chapters 125 and 133 (relating to the application process; and the redetermination process).

* * * * *

(p) As a requirement of eligibility for TANF or GA, an applicant or recipient minor parent, as defined in § 141.42 (relating to definitions), shall reside in the home of the minor parent's parent, legal guardian or other adult relative who is at least 18 years of age or in an adult-supervised supportive living arrangement unless otherwise exempt by one of the conditions of subsection (q). If the CAO determines that at least one of the conditions in subsection (q) is satisfied and no other adult-supervised supportive living arrangement is available, a minor parent may be exempt from this requirement. The following conditions may apply to the eligibility determination of a living arrangement regarding a minor parent:

(1) While a minor parent resides with a supervising adult, as specified, the supervising adult may be the payment name of the cash benefits paid on behalf of the minor parent and the minor parent's dependent child. The supervising adult shall ensure that the minor parent and dependent child receive the benefit of the payment.

(2) If the minor parent does not meet any of the exceptions listed in subsection (q) and the parent, legal guardian or other adult relative lives at another location, the minor parent and dependent child may be given a special allowance, as provided for in § 175.23(e) (relating to special allowances), to return to the home of the minor parent's parent, legal guardian or other adult relative. The Department will not authorize a special allowance payment until the minor parent verifies she has permission to return to the home of the parent, legal guardian or other adult relative.

(3) If the minor parent cannot return to the home of a parent, legal guardian or other adult relative, the CAO in consultation with a county children and youth agency will provide assistance to the minor parent to locate a second-chance home, maternity home or other appropriate adult-

supervised supportive living arrangement unless the CAO determines the minor parent's current living situation to be appropriate.

(q) A minor parent who claims exception to the requirement of living with a parent, legal guardian or other adult relative shall present documentation, in accordance with subsection (m), that all other potential living arrangements have been explored, and at least one of the following conditions applies:

(1) The minor parent can document that neither a parent, legal guardian nor other adult relative is able to retain or assume parental control over the minor parent because of a physical, emotional, mental, financial or other limitation.

(2) The minor parent does not have a living parent, legal guardian or other adult relative or the whereabouts of the parent, legal guardian or other adult relative are not known.

(3) Neither a parent, legal guardian nor other adult relative of the minor parent will allow the minor parent to live in the common residence.

(4) The physical or emotional health or safety of the minor parent or dependent child would be jeopardized if they resided with the minor parent's parent, legal guardian or other adult relative, or, the threat to physical or emotional health or to safety comes from another individual residing in or visiting the residence. Eligibility under this paragraph shall be based on the following:

(i) The present physical or emotional health or safety of the minor parent or dependent child obtained from sources including health records, collateral contacts or worker observation.

(ii) The physical or emotional health or safety history of the minor parent or dependent child obtained from sources including health facility records or collateral contacts with school counselors, health professionals, social service agency personnel, police or courts.

(iii) The intensity and probable duration of the physical or emotional harm previously caused to the minor parent or dependent child from residing in the home of the minor parent's parent, legal guardian or other adult relative obtained from sources including health facility records or collateral contacts with school counselors, health professionals, social service agency personnel, police or courts.

(5) The minor parent's parent, legal guardian or other adult relative has exhibited neglect of the minor parent or minor parent's child. Eligibility shall be based on the documentation listed in subsection (q)(4).

(6) The minor parent's child, including an unborn child, was conceived as a result of rape or incest committed by someone still residing in or visiting with other individuals residing in the residence.

(7) The minor parent and dependent child no longer reside in the home of the parent, legal guardian or other adult relative because of physical or sexual abuse or the threat of physical or sexual abuse to the minor parent, minor parent's child or any other child in the household.

(8) The parent, legal guardian or other adult relative lives in another area of the State, in another state or out of the country, and the minor parent has not resided with the parent, legal guardian or other adult relative for 12 months or more and the minor parent is already enrolled in a vocational school, other educational program, job training, or substance abuse treatment program, or is employed.

(9) The parent, legal guardian or other adult relative has spent the minor parent's assistance in an improper manner.

(10) Additional exceptions under this subsection may be granted by the Department if the Department determines that the exception is necessary to protect the health and safety of the minor parent and dependent child.

ELIGIBILITY PROVISIONS FOR TANF

§ 141.42. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Adult-supervised supportive living arrangement—A private family setting providing a supportive and supervised living arrangement or other living arrangement, including a private institution, such as a maternity home or a second-chance home, in accordance with § 161.23 (relating to requirements), that:

(i) If subject to approval, is approved in one of two ways:

(A) If a private family setting, the living arrangement has been evaluated and approved by the CAO as conducive to providing a supportive and supervised living arrangement for the minor parent.

(B) If a private institutional setting, the institution is subject to approval by a State agency for health, safety or licensing requirements.

(ii) Is maintained as a supportive family setting and supervised living arrangement as evidenced by:

(A) The assumption of responsibility for the care and control of the minor parent and dependent child by a unrelated adult 21 years of age or older

(B) In addition to food and shelter, the provision of supportive services, such as counseling, guidance or education including parenting skills, child development, family budgeting, health and nutrition and other skills to promote long-term economic independence and the well-being of the minor parent and dependent child.

Minor parent—A TANF-eligible person under 18 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person 16 or 17 years of age who has never been married and is the natural parent of a dependent child living with the minor parent or is pregnant.

Strike—Includes any strike or other concerted stoppage of work by employes—including a stoppage by reason of the expiration of a collective-bargaining agreement—and a concerted slow down or other concerted interruption of operations by employes. See section 501 of the Labor Management Relations Act (29 U.S.C.A. § 142(2)).

(i) Participating in a strike includes failing to report for duty, the willful absence from one's position, the stoppage of work, slow down or the abstinence in whole or in part from the full, faithful and proper performance of the duties of employment.

(ii) Willful absence includes absences from one's position unless good cause exists.

(iii) Good cause exists when personal injury or damage to property or applicant's/recipient's life is threatened. Good cause may be corroborated by court, medical, criminal, psychological or law enforcement records. These

corroborating records shall specifically relate to the injury or damage which is asserted as good cause. The applicant or recipient has the burden of proving the existence of his good cause claim and shall provide the corroborative evidence required to support the claim prior to approval for Assistance Benefits.

Subpart D. DETERMINATION OF NEED AND AMOUNT OF ASSISTANCE

CHAPTER 175. ALLOWANCES AND BENEFITS

§ 175.23. Requirements.

* * * * *

(d) *Grants to relocate minor parents.* A grant to relocate the minor parent and the dependent child may be provided if the following requirements are met:

(1) The minor parent does not meet an exception under § 141.21(q) (relating to policy).

(2) The parent, legal guardian or other adult relative lives at another location within the State or in another state.

(3) The minor parent and dependent child are not being forced to return to living conditions that are not in their best interest. Payment will not be authorized until the minor parent verifies she has permission to reside in the parent's, legal guardians' or other adult relative's home.

(4) The allowance for transportation is for the most economical and practical means of travel required to meet the minor parent's and dependent child's needs.

(5) Another allowance for transportation has not been issued within the last 12-month period.

CHAPTER 177. RESOURCES

GENERAL RESOURCE PROVISIONS FOR TANF/GA

§ 177.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Automobile—A passenger car, truck, motorcycle or other motor vehicle that can be used to transport persons or goods, and is of a type permitted to travel on public roads.

Budget group—One or more individuals living in the household whose needs are met through a monthly assistance payment issued under one category of assistance.

Burial reserve—Funds or other resources held in trust or under contract with a financial institution or a funeral director, and designated for burial expenses. The term may also be known as funeral reserves, funeral agreements, prepaid funeral agreements, burial funds, burial agreements, and the like.

Burial space—A conventional grave site, crypt, burial drawer, mausoleum, urn and another repository used to deposit the remains of deceased persons.

CWEP—The Community Work Experience Program under Chapter 166 (relating to employment and community work experience program).

Equity value—The fair market value, less encumbrances.

Fair market value—The price which property would sell for on the open market in the geographic area in which it is located.

Good faith effort to sell real property—Listing the real property with a licensed real estate broker or advertising the real property for sale in the local newspaper within 10 working days following an applicant's authorization of assistance or a recipient's reapplication, and accepting an offer of purchase which represents the fair market value or more for the real property.

LRR—legally responsible relative—A spouse, or the natural or adoptive parent of a TANF dependent child, of a GA unemancipated child 18 years of age or younger, or of a minor parent. The term does not include a putative father.

Legally available resource—Real or personal property or interest property which a person has, or can make available for his use. The term includes partial interest in property which a person has the right, authority and power to liquidate, and partial interest in property if the co-owners consent to disposition or liquidation.

Minor parent—A TANF-eligible person under 18 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person 16 or 17 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant.

Nonresident property—A house, mobile home, building, burial plot or land which is not used as resident property by the applicant/recipient, the applicant or recipient's spouse or minor or incompetent adult children.

Personal property—A privately owned possession which is not real property. The term may include cash, bank accounts, stocks, bonds, mortgages, life insurance policies, household furnishings, personal effects, boats and Federal, State and local tax refunds.

Real property—Land, buildings, mobile homes and improvements thereto.

Rebuttable presumption—A rule of evidence which permits the Department to assume that when certain facts are true, other facts are true, without having proof of those other facts. The presumption is automatic, and may be disproved or rebutted only by the client presenting evidence at a prehearing conference or a fair hearing. If the client presents no evidence at a prehearing conference to disprove the presumption, the presumption remains un rebutted and stands.

Resident property—A house, mobile home or building, including the land on which it sits, which is lived in by the client, the client's spouse or minor or incompetent adult children.

Resource—Real or personal property.

CHAPTER 183. INCOME

INCOME PROVISIONS FOR TANF/GA

§ 183.2. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

AFDC minor parent—A minor 17 years of age or younger, whose own natural or adoptive child is eligible for AFDC as a dependent child.

Actual income—Income which is received in the budget month.

Budget group—One or more individuals living in the household whose needs are met through a monthly assistance payment issued under one category of assistance.

Budget month—The calendar month from which actual income and circumstances are used to determine eligibility and the amount of the monthly assistance payment. The term is referred to as the reporting period on the Monthly Reporting Form.

Deemed income—Income which is considered available regardless of whether actually received.

Earned income—Cash or income-in-kind received by the client in return for services rendered.

Full-time employment—Employment which averages at least 30 hours per week in a calendar month.

Gross income—Total earned income, excluding earned income tax credit (EITC), before allowable deductions such as work and personal expenses, and total unearned income before allowable deductions.

LRR—Legally Responsible Relative—A spouse, or the natural or adoptive parent of a TANF dependent child, of a GA unemancipated child 18 years of age or younger or of a GA minor parent. The term does not include a putative father.

Life threatening emergency—A natural disaster, such as a flood, tornado, earthquake or an occurrence, such as a home or apartment fire, a serious illness or injury of a member of the budget group, a utility shut-off, eviction or other unforeseen events which cause a major loss of resources needed to sustain life or health.

Minor parent—A TANF-eligible person under 18 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant or a GA-eligible person 16 or 17 years of age who has never been married and is the natural parent of a dependent child living with the minor parent, or is pregnant.

Monthly assistance payment—The amount of money issued monthly that is based on the family size allowance plus, if applicable, a special need allowance, reduced by the net income of the budget group.

Nonrecurring income—Income that the client receives, usually in a single payment, that is not expected to continue. The term includes lump sum income.

Parent—The natural or adoptive father or mother of one of the following:

- (i) A TANF dependent child.
- (ii) A TANF minor parent.

(iii) An unemancipated child 18 years of age or younger who is eligible for GA, including a minor parent subject to § 141.21(p) and (q) (relating to policy).

Part-time employment—Employment which averages less than 30 hours per week in a calendar month.

Payment month—The fiscal month for which the assistance payment is made.

Prospective budgeting—The computation of the monthly assistance payment based on the best estimate of income and circumstances which will exist in the calendar month in which the monthly assistance payment is made.

Prospective determination—The determination of eligibility based on the best estimate of income and circumstances which will exist in the calendar month in which the assistance payment is made.

Recurring income—Income that is expected to continue, regardless of whether this income is received on a regular or irregular basis.

Reporting period—The calendar month for which the client reports income and other circumstances.

Retrospective budgeting—The computation of the amount of the assistance payment issued in the payment month based on actual income and circumstances which existed in the budget month. The budget month precedes the payment month by approximately 2 months.

Sponsor—An individual who, or an organization which, executed an affidavit of support on behalf of an alien as a condition of the alien's entry into the United States.

Spouse—A person who is married to another by legal ceremony or by common-law.

Stepparent—A person who is married by legal ceremony or by common-law to the parent of a child.

Unearned income—Cash or contributions received by an individual for which the individual does not render a service.

[Pa.B. Doc. No. 98-1312. Filed for public inspection August 14, 1998, 9:00 a.m.]

Title 61—REVENUE

DEPARTMENT OF REVENUE

[61 PA. CODE CH. 870]

Super 6 Lotto

The Secretary of Revenue (Secretary), under the authority set forth in section 303 of the State Lottery Law (72 P.S. § 3761-303), by this notice of proposed rule-making omitted, adds Chapter 870 (relating to Super 6 Lotto).

Because of time constraints associated with the establishment, operation and administration of lottery games, the Department of Revenue (Department), under section 204 of the act of July 31, 1968 (P.L. 769, No. 240) (CDL) (45 P.S. § 1204) and the regulation thereunder, 1 Pa. Code § 7.4, finds that notice of proposed rulemaking is under the circumstances impracticable and, therefore, may be omitted.

The Department's justification for utilizing the proposed rulemaking omitted process is based upon the time constraints associated with the establishment, operation and administration of lottery games. The efficient and successful operation of the Lottery requires that the Lottery implement the latest innovations and trends in the lottery industry. The inability to adapt marketing strategies quickly may lead to a reduction in lottery revenues. The necessity of the Lottery to react quickly to market forces has been recognized in the past as an appropriate justification for utilizing the proposed rule-making omitted process as evidenced by the approval of these types of regulations in the past.

Chapter 870 establishes and details the procedures that will be followed in operating and administering the Super 6 Lotto game. The Super 6 Lotto game will replace the current Wild Card Lotto and Keystone Jackpot games. The Wild Card Lotto and Keystone Jackpot regulations will remain in place to allow for winning tickets to be validated and prize claims to be paid after the suspension of the two games.

The object of the Super 6 Lotto game is for a player to select in a single play on a ticket six numbers that match the six winning numbers drawn for the game in which

the ticket is participating. For the purchase of \$1, individuals will be given three individual game plays, one of which, at the owner's option can be the numbers selected by the player, the remaining two numbers plays are quick pick selections. On the specified drawing date, the Lottery will draw at random six numbers from a set of balls numbered from 1 through 69 with the aid of mechanical drawing equipment.

A first prize of at least \$3 million will be awarded to the group of players selecting the same 6 numbers drawn by the Lottery. There will be three additional prize categories as follows: (i) five winning numbers; (ii) four winning numbers; and (iii) three winning numbers.

Fiscal Impact

The Department has determined that the regulations will have no significant adverse fiscal impact on the Commonwealth and that the game described by the regulations will produce an undetermined net revenue.

Paperwork

The regulations will not generate substantial paperwork for the public or the Commonwealth.

Effectiveness/Sunset Date

The regulations will become effective upon publication in the *Pennsylvania Bulletin*. These regulations are scheduled for review within 5 years of publication. No sunset date has been assigned.

Contact Person

The contact person for an explanation of the regulations is Anita M. Doucette, Office of Chief Counsel, PA Department of Revenue, Dept. 281061, Harrisburg, PA 17128-1061.

Statutory Authority

The regulations are promulgated under section 303 of the State Lottery Law. Section 303 of the Law specifically provides the Secretary with the power and duty to promulgate rules and regulations governing the establishment and operation of the lottery.

Regulatory Review

Under section 5.1(c) of the Regulatory Review Act (71 P.S. § 745.5a(c)), on July 9, 1998, the Department submitted a copy of the regulations with proposed rule-making omitted to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House Committee on Finance and the Senate Committee on Finance. On the same date, the regulations were submitted to the Office of Attorney General for review and approval under the Commonwealth Attorneys Act (71 P.S. §§ 732-101—732-506). In accordance with section 5.1(d) of the Regulatory Review Act, the final-form regulations were deemed approved by the House and Senate Committees on July 14, 1998. IRRC met on July 30, 1998, and approved the final-form regulations, under section 5.1(e) of the Regulatory Review Act.

Findings

The Department finds that the regulations are necessary and appropriate for the administration and enforcement of the authorizing statute. Under section 204 of the CDL, the Department also finds that the proposed rule-making procedures in sections 201 and 202 of the CDL (45 P.S. §§ 1201 and 1202) are impracticable because of the time constraints associated with the establishment, operation and administration of lottery games.

Order

The Department, acting under the authorizing statute, orders that:

(a) The regulations of the Department, 61 Pa. Code, are amended by adding §§ 870.1—870.17 to read as set forth in Annex A.

(b) The Secretary shall submit this order and Annex A to the Office of General Counsel and Office of Attorney General for approval as to form and legality as required by law.

(c) The Secretary shall certify this order and Annex A and deposit them with the Legislative Reference Bureau as required by law.

(d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

ROBERT A. JUDGE, Sr.,
Secretary

(*Editor's Note:* For the text of the order of the Independent Regulatory Review Commission relating to this document, see 28 Pa.B. 4007 (August 15, 1998).)

Fiscal Note: 15-404. No fiscal impact; (8) recommends adoption.

Annex A**TITLE 61. REVENUE****PART V. STATE LOTTERIES****CHAPTER 870. SUPER 6 LOTTO**

Sec.	
870.1.	Creation.
870.2.	Purpose.
870.3.	Definitions.
870.4.	Ticket sales retailers.
870.5.	Ticket price.
870.6.	Super 6 Lotto bet slip and ticket characteristics and restrictions.
870.7.	Time, place and manner of conducting drawing.
870.8.	Determination of prize winners.
870.9.	Ticket responsibility.
870.10.	Ticket validation requirements.
870.11.	Procedures for claiming and payment of prizes.
870.12.	Pari-mutuel prize pool.
870.13.	Unclaimed prize money.
870.14.	Withholding.
870.15.	Purchase and prize restrictions.
870.16.	Governing law.
870.17.	Probability of winning.

§ 870.1. Creation.

Under the act and this part, there is created a numbers game, called Super 6 Lotto, which will commence at the discretion of the Secretary, and will continue until the Secretary publicly announces a suspension or termination date.

§ 870.2. Purpose.

(a) The purpose of the Super 6 Lotto Game is to determine winners from ticket holders matching six numbers from 1 through 69, or a designated combination thereof, within a single play, with the six winning numbers to be randomly drawn. Drawings will be conducted twice a week or as determined and publicly announced by the Secretary.

(b) The object of the game is for a player to select in a single play on a ticket six numbers that match the six winning numbers drawn for the game in which the ticket is participating. Correctly matching the six winning numbers drawn, or a designated combination thereof, and meeting other validation criteria, entitles the ticket holder to a prize identified in § 870.8 (relating to determination of prize winners).

§ 870.3. Definitions.

The following words and terms, when used in this chapter, have the following meanings, unless the context clearly indicates otherwise:

Apparent winning ticket—A ticket bearing winning numbers which has not been validated by the Lottery.

Cash option—A method of payment that the player selects at the time of purchase of a Super 6 Lotto ticket to receive a pari-mutuel share of the prize money allocated to the first prize category as a cash payment, if the player is a holder of a winning ticket for that category.

Drawing—The process of selecting winning numbers that determine the number of winners for each prize category of the game.

Game section—The area of the Super 6 Lotto bet slip that contains five sections of 69 squares each numbered 1 through 69. Each section is lettered either A, D, G, J or M, and when used to purchase a ticket, corresponds to the numbers selected and the numbers that are quick picked and printed on the ticket.

On-line retailer or retailer—A person who is properly authorized by the Lottery to sell tickets.

Quick pick—The random selection through a Lottery terminal of six different numbers from 1 through 69 that appear on a ticket and are played by a player in the Super 6 Lotto Game.

Super 6 Lotto bet slip—A card having a game section used by a player to play the game.

Ticket—A Super 6 Lotto ticket, produced by a licensed retailer in an authorized manner, containing a letter prefix followed by six selected numbers from 1 through 69 and followed by 2 additional sets of six numbers from 1 through 69 each preceded by a letter prefix quick picked as bonus selections, a drawing date, the amount bet, cash option selection, if applicable, and validation number data. Each set of six numbers constitutes a play of which there may be three or more plays in multiples of three up to fifteen on a ticket.

Winning numbers—Six numbers, from 1 through 69, selected at a Super 6 Lotto drawing and which have been subsequently validated by the Lottery, which shall be used to determine the winning Super 6 Lotto plays on tickets.

Winnings pool—The amount allocated from Super 6 Lotto gross sales for a particular Super 6 Lotto Game drawing for the purpose of paying prizes in a particular Super 6 Lotto drawing. Money brought forward is allocated to the first prize category as provided in § 870.8(f) (relating to determination of prize winners).

§ 870.4. Ticket sales retailers.

(a) Super 6 Lotto Game ticket sales may only be made through licensed retailers the Director will appoint and contract with as provided in § 815.42 (relating to ticket sales agents).

(b) The Lottery may terminate sales by a retailer without prior notice to the retailer if the retailer becomes delinquent in payment of proceeds due the Lottery, or fails to handle Lottery funds in the prescribed manner, or if the retailer fails to follow the contract or an addendum thereof, this part or procedures established governing the sale of tickets or if the Lottery deems it to be in the best interest of the Commonwealth.

§ 870.5. Ticket price.

Tickets may be purchased for \$1 per ticket, which ticket shall consist of three individual game plays, one of which, at the owner's option can be the numbers selected by the player, the remaining two number plays are quick pick selections. Additional tickets may, at the discretion of the player, be purchased in increments of three individual game plays per \$1 wagered.

§ 870.6. Super 6 Lotto bet slip and ticket characteristics and restrictions.

(a) The player shall select, or request selection by computer, six numbered squares, in one or more of the game sections on a Super 6 Lotto bet slip. Super 6 Lotto bet slips shall be available at no cost to the player. The minimum entry is \$1. For \$1, play game A; for \$2, play games A and D; for \$3, play games A, D and G; for \$4, play games A, D, G and J; for \$5, play games A, D, G, J and M. Game sections shall be selected in alphabetical order in accordance with the instructions printed on the Super 6 Lotto bet slip. A Super 6 Lotto bet slip has no pecuniary or prize value and does not constitute evidence of the purchase of a ticket or the numbers selected.

(b) To purchase a ticket, players shall, in addition to the purchase price, submit the completed Super 6 Lotto bet slip, or request number selection, either by quick pick or manual terminal entry, to an on-line retailer to have issued a ticket. The ticket shall contain three six number selections, two of which will be quick pick selections, in each game section, (for each \$1 wagered) identified by a letter, the drawing date, amount bet, cash option selection if applicable, and validation number data. This ticket shall be the only valid proof of the bet placed, and the only valid receipt for claiming a prize. The ticket shall only be valid for the drawing date printed on the ticket.

(c) If Super 6 Lotto bet slips are unavailable, number selections may be given to an on-line retailer in groups of six number selections one for each game section for each \$1 wagered. The selections shall be manually entered into the computer terminal by the retailer.

(d) A ticket may only be canceled by a player if he produces the ticket, returns the ticket to the selling agent, and the retailer cancels the ticket within the time limits established by the Lottery prior to the drawing and if no drawing applicable to the ticket has previously been held.

(e) It is the sole responsibility of the ticket holder to verify the accuracy and condition of data printed on the ticket. The sole remedy of the purchaser or holder is cancellation as described in subsection (d).

§ 870.7. Time, place and manner of conducting drawing.

(a) *Time of drawing.* A Super 6 Lotto drawing will be held twice a week or as determined and publicly announced by the Secretary.

(b) *Place of drawing.* A Super 6 Lotto drawing will be conducted in the Harrisburg area unless the Secretary directs that a drawing or part of the drawing procedure be conducted at some other location.

(c) *Manner of conducting drawings.* The Lottery will draw at random, six numbers from a set of balls numbered from 1 through 69, with the aid of mechanical drawing equipment. The validity of a drawing will be solely determined by the Lottery.

§ 870.8. Determination of prize winners.

(a) The pari-mutuel prize to be awarded to an owner of an apparent winning ticket will be determined as follows:

<i>Tickets Containing the Following, In One Single Lettered Game Play</i>	<i>Prize Category</i>	<i>Percent (%) of Winnings Pool Allocated to Prize Category</i>
All Six Winning Numbers	1st	76.0%
Five Winning Numbers	2nd	8.0%
Four Winning Numbers	3rd	7.5%
Three Winning Numbers	4th	8.5%

(b) Prize money allocated to the first prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a first prize.

(c) Prize money allocated to the second prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a second prize.

(d) Prize money allocated to the third prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a third prize.

(e) Prize money allocated to the fourth prize category will be paid on a pari-mutuel basis, divided equally by the number of plays on tickets determined by the Lottery to be entitled to claim a fourth prize.

(f) If, in a Super 6 Lotto drawing, there are no plays on tickets which qualify for a particular prize category, the pari-mutuel prize money allocated to the particular prize category will be reallocated and added to the amount allocated for the first prize category money in the next Super 6 Lotto drawing.

(g) Super 6 Lotto prizes will be paid as follows:

(1) Individual ticket prize payments will be paid entirely in cash with the exception of the first prize category.

(2) Prizes payable to the first prize category winners will be paid either by an initial cash payment plus equal annual payments over a specified term of 25 years or a one time cash payment if the owner selected the cash option at the time of purchase.

(3) If more than one winning first prize play is determined, each, upon meeting the requirements of §§ 870.10 and 870.11 (relating to ticket validation requirements; and procedures for claiming and payment of prizes), is entitled to a prorated payment share of the total first prize category.

(4) For first prize category payments, the total of initial cash payments and annual payments over the term for the first prize category will be at least \$3 million, or, if the cash option is selected at the time of purchase, a one time cash payment in an amount equal to the funds that would be necessary, as determined by the Lottery, to purchase an annuity of at least \$3 million if the annuity were to be paid in an initial cash payment plus equal annual payments over a specified term of 25 years. If more than one winning play is determined, each is entitled to a prorated share of the total first prize category as provided in paragraph (3).

(5) For first prize category payments, the Secretary may elect to make payment entirely as a one time cash payment, if public notice is given in accordance with subsection (j). This one time cash payment shall be the

amount equal to the funds that would be necessary, as determined by the Lottery, to purchase an annuity of at least \$3 million if the annuity were to be paid in an initial cash payment plus equal annual payments over a specified term of 25 years.

(6) The prize pool will be increased as necessary from funds authorized for the payment of prizes, to meet the minimum payment obligations in paragraph (4).

(h) A winning Super 6 Lotto play is entitled only to the highest prize won by those numbers.

(i) For purpose of calculating a Super 6 Lotto prize, the amount to be paid will be rounded down to the nearest 50¢.

(j) The number of prize categories, the allocation of prize money among the prize categories and the annuity term may be changed at the discretion of the Secretary and the change will be announced by public notice. The changes will only apply prospectively to Super 6 Lotto drawings as of the date specified in the public notice.

(k) Retailer incentive and marketing promotion programs, including the use of unfunded free tickets, may be implemented at the discretion of the Secretary. Funds for the programs, if needed, will be drawn from the Lottery fund.

(l) If, at the suspension of the Wild Card Lotto drawings, prior to the start of the Super 6 Lotto, there are no plays on Wild Card Lotto standard game tickets which qualify for a particular prize category as set forth in §§ 817.111—817.127 (relating to Wild Card Lotto), the prize money allocated to the particular Wild Card Lotto prize category will be reallocated and added to the amount allocated to the Super 6 Lotto first prize category and that amount shall be divided in accordance with subsection (b). If, at the suspension of the Keystone Jackpot Game drawings, prior to the start of the Super 6 Lotto Game, there are no plays on Keystone Jackpot standard game tickets which qualify for a particular prize category as set forth in Chapter 868 (relating to Keystone Jackpot), the prize money allocated to the particular Keystone Jackpot prize category will be reallocated and added to the amount allocated to the Super 6 Lotto first prize category and that amount will be divided in accordance with subsection (b).

§ 870.9. Ticket responsibility.

(a) A ticket is a bearer document deemed to be owned by the person holding the ticket, except that if a name is contained on the ticket, the person so named will, for all purposes, be considered the owner of the ticket.

(b) The Commonwealth will not be responsible for lost or stolen tickets.

(c) The purchaser of the ticket has the sole responsibility for checking the accuracy and condition of the data printed on the ticket.

(d) The Commonwealth will not be responsible for tickets redeemed in error by a player from an on-line retailer.

§ 870.10. Ticket validation requirements.

(a) *Valid tickets.* To be a valid ticket, the following conditions shall be met:

(1) The ticket validation number shall be present in its entirety and shall correspond, using the computer validation file, to the selected numbers printed on the ticket for the date printed on the ticket.

(2) The ticket shall be intact.

(3) The ticket may not be mutilated, altered, reconstituted or tampered with.

(4) The ticket may not be counterfeit or an exact duplicate of a winning ticket.

(5) The ticket shall have been issued by the Lottery through a licensed retailer.

(6) The ticket may not have been stolen or canceled.

(7) The ticket shall be validated in accordance with § 870.11 (relating to procedures for claiming and payment of prizes).

(8) The player-selected or computer-selected numbers on the ticket shall be in individual groups of six numbers each associated with a single letter, A, B, C, D, E, F, G, H, I, J, K, L, M, N or O and the six numbers, and the associated letter shall constitute a single game play.

(9) The ticket data shall have been recorded on the Lottery's central computer system prior to the drawing and the ticket data shall match this computer record in every respect and may not have been canceled.

(10) The player selected or computer selected numbers, cash option selection, if applicable, the validation number data and the drawing date of an apparent winning ticket shall appear on the official file of winning tickets; and a ticket with that exact data may not have been previously paid.

(11) The ticket may not be misregistered, defectively printed, or printed or produced in error to an extent that it cannot be processed by the Lottery.

(12) The ticket shall pass other confidential security checks of the Lottery.

(13) By submitting a ticket for validation, the player agrees to abide by this chapter as determined by the Secretary.

(14) There may not be another breach of this part in relation to the ticket which, in the opinion of the Secretary, justifies disqualification.

(b) *Invalid or defective tickets/disputes.* A ticket not passing the validation checks in subsection (a) will be considered invalid and will not be paid.

(1) In cases of doubt, the determination of the Secretary is final and binding. The Secretary may replace an invalid ticket with a ticket of equivalent sale price from a current Lottery game.

(2) If a defective ticket is purchased or if the Secretary determines to adjust an error, the sole and exclusive remedy will be the replacement of the defective or erroneous ticket with a ticket of equivalent sale price from a current Lottery game.

(3) If a ticket is not paid by the Lottery and a dispute occurs as to whether the ticket is a winning ticket, the Lottery may replace the ticket as provided in paragraph (2). This is the sole and exclusive remedy of the holder of the ticket.

§ 870.11. Procedures for claiming and payment of prizes.

(a) A prize shall be claimed only through a licensed on-line retailer beginning on the day following the drawing.

(b) An on-line retailer is authorized and required to make payment of a prize of \$2,500 or less, if the ticket is presented within a designated time period as announced

by the Secretary, on an individual winning ticket, if the retailer has sufficient funds available for payment.

(c) The holder of an apparent winning ticket containing a single lettered game play selection representing a prize of \$2,500 or less will be paid by participating on-line retailers as provided in subsection (b), if the ticket validation requirements in § 870.10 (relating to ticket validation requirements) have been met, a proper validation pay ticket has been issued by the retailer's computer terminal and other procedures have been complied with as outlined in the Retailer Operating Procedure for Pennsylvania Lottery Numbers Games and addendum's thereto.

(d) The holder of an apparent winning ticket containing a single game play selection representing a prize in excess of \$2,500, with the exception of the First Prize Category, shall first validate the apparent winning ticket at a participating on-line retailer to receive a validation ticket and then present the winning ticket and validation ticket to an authorized claim center—on-line retailer—under Chapter 811 (relating to prizes).

(e) The holder of an apparent winning ticket containing a single game play selection representing a First Prize Category prize shall first validate the apparent winning ticket at a participating on-line retailer to receive a validation ticket and then present, in person, the apparent winning ticket and validation ticket to Lottery Headquarters or a Lottery Area Office under Chapter 811.

(f) The payment of a prize to a person who dies before receiving any or all of a particular prize and to a person under 18 years of age will be paid under §§ 811.16 and 811.27 (relating to prizes payable after death of prize winner; and payment of prizes to persons under 18 years of age).

(g) The Commonwealth will be discharged of liability after payment of prizes as provided in § 811.26 (relating to discharge of State liability upon payment).

§ 870.12. Pari-mutuel prize pool.

(a) Fifty-two percent of Super 6 Lotto gross sales for a Super 6 Lotto drawing will be reserved for prizes and allocated to the winnings pool for payment of prizes as enumerated in § 870.8 (relating to determination of prize winners).

(b) If the Super 6 Lotto is terminated for any cause, prize monies remaining undistributed will be paid out of the State Lottery Fund and used for purposes otherwise provided for by law.

(c) If the prize pool for a drawing is not sufficient to fund an announced minimum first prize, the prize pool will be increased as necessary from funds authorized for the payment of prizes.

§ 870.13. Unclaimed prize money.

Prize money on a winning Super 6 Lotto play may be retained by the Secretary for payment to the person entitled to it. If within 1 year of the drawing date on the ticket, no claim is made on a winning play, as determined by the Secretary, the right to claim prize money terminates, and the prize money will be paid into the State Lottery Fund and used for purposes otherwise provided for by statute.

§ 870.14. Withholding.

Federal withholding taxes will be withheld by the Lottery for prize payments in amounts required in accordance with applicable provisions of law.

§ 870.15. Purchase and prize restrictions.

A ticket may not be purchased by, and a prize will not be paid to, an officer or employe of the Lottery professional services contractor or subcontractor, or to a spouse, child, brother, sister or parent residing in the same household of the contractor who is involved in the operation of the on-line lottery games system or its associated drawings.

§ 870.16. Governing law.

(a) In purchasing a ticket, the purchaser agrees to comply with and abide by applicable laws, this part, instructions, conditions and final decisions of the Secretary, and procedures established by the Director for the conduct of the Super 6 Lotto.

(b) Decisions made by the Director or the Secretary including the declaration of prizes and the payment thereof in interpretation of this part are final and binding on players and persons making a claim in respect thereof.

§ 870.17. Probability of winning.

<i>Prize Category</i>	<i>Number of Winning Numbers Selected by Player</i>	<i>Probability of Winnings Per Play</i>
1st	6 of 6	119,877,472
2nd	5 of 6	317,136
3rd	4 of 6	4,092
4th	3 of 6	151

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