

No. 1987-18

## AN ACT

SB 656

Amending the act of December 13, 1982 (P.L.1127, No.257), entitled "An act requiring every Commonwealth agency to award certain fees and expenses in certain agency actions and providing for appeals from decisions of an adjudication officer," further providing for the review of award determinations; and extending the statute for an additional ten-year period.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 3(e) and 6 of the act of December 13, 1982 (P.L.1127, No.257), referred to as the Commonwealth Agency Adjudicatory Expenses Award Law, are amended to read:

Section 3. Award of fees and expenses in certain agency actions.

\* \* \*

(e) A party dissatisfied with the fee determination made under subsection (a) may petition for leave to appeal such fee determination to the court having jurisdiction to review final orders of a Commonwealth agency under 42 Pa.C.S. (relating to judiciary and judicial procedure). If the court denies the petition for leave to appeal, no appeal may be taken from the denial. If the court grants the petition, **[it may modify the fee determination only if the court finds that the failure to make an award or the calculation of the amount was an abuse of discretion by the adjudicative officer]** ~~review of the fee determination shall be in accordance with the standards in 2 Pa.C.S. § 704 (relating to disposition of appeal).~~

\* \* \*

Section 6. Effective date.

(a) Except as provided in subsection (b), this act shall take effect July 1, 1983.

(b) Section 4 shall take effect immediately.

(c) This act shall expire **[July 1, 1987] July 1, 1997**, unless sooner reenacted or amended.

Section 2. This act shall apply to all fee determinations made on or after the effective date of this act.

Section 3. This act, insofar as it applies to section 6 of the act of December 13, 1982 (P.L.1127, No.257), referred to as the Commonwealth Agency Adjudicatory Expenses Award Law, shall be retroactive to July 1, 1987.

Section 4. This act shall take effect immediately.

APPROVED—The 30th day of June, A. D. 1987.

ROBERT P. CASEY