

president judge of the court of common pleas in compliance with standards and rules prescribed by the Supreme Court.

Reasonable costs and expenses incident to the establishment, maintenance and operation of offices of district justices as approved by the president judge of the court of common pleas and the county commissioners in compliance with standards and rules prescribed by the Supreme Court shall be paid by the county in which the offices are located.

Section 7. Costs; Disposition.—All costs collected by a district justice shall be paid monthly to the county in which his magisterial district is located, and such costs shall be retained by the county for its use.

Section 8. Effective Date.—This act shall take effect immediately.

APPROVED—The 2d day of December, A. D. 1968.

RAYMOND P. SHAFER.

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No. 353

AN ACT

SB 1751

Implementing the provisions of section 9 of Article V of the Constitution of the Commonwealth of Pennsylvania by providing for a right of appeal in all cases from adjudications of administrative agencies of political subdivisions; and providing for the practice and procedure before said agencies.

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

Section 1. Short Title.—This act shall be known and may be cited as the "Local Agency Law."

Section 2. Definitions.—As used in this act:

(1) "Adjudication" means any final order, decree, decision, determination or ruling by a local agency affecting personal or property rights, privileges, immunities or obligations of any or all of the parties to the proceeding in which the adjudication is made, but shall not mean any final order, decree, decision, determination or ruling based upon a proceeding before a court, or which involves the seizure or forfeiture of property, or which involves paroles or pardons.

(2) "Local agency" means any department, departmental board or commission, independent administrative board or commission, office or other agency of a political subdivision now in existence or hereafter created, empowered to determine or affect private rights, privileges, immunities or obligations by adjudication, but shall not include a court of record, a magistrate, alderman, justice of the peace, nor

an "agency" as defined in the act of June 4, 1945 (P. L. 1388), known as the "Administrative Agency Law."

(3) "Party" means any person who appears in a proceeding before a local agency who has a direct interest in the subject matter of such proceeding.

(4) "Person" means any individual or organized group of any character, including partnerships, corporations and other forms of association, as well as Federal, State or local instrumentalities, political subdivisions or officers thereof.

Section 3. Representation.—Any party may be represented before a local agency.

Section 4. Hearing and Record.—No adjudication shall be valid as to any party unless he shall have been afforded reasonable notice of a hearing and an opportunity to be heard. All testimony may be stenographically recorded and a full and complete record may be kept of the proceedings. In the event all testimony is not stenographically recorded and a full and complete record of the proceedings is not provided by the local agency, such testimony shall be stenographically recorded and a full and complete record of the proceedings shall be kept at the request of any party agreeing to pay the costs thereof.

Section 5. Evidence; Cross-examination.—Local agencies shall not be bound by technical rules of evidence at agency hearings, and all relevant evidence of reasonable probative value may be received. Reasonable examination and cross-examination shall be permitted.

Section 6. Adjudications; Service.—All adjudications shall be in writing, shall contain findings and the reasons for the adjudication, and shall be served upon all parties or their counsel personally, or by mail. If service is made by mail the date of mailing shall be the date of service.

Section 7. Appeals.—Any person aggrieved by a final adjudication who has a direct interest in such adjudication shall have the right to appeal therefrom. Such appeal, unless otherwise provided by a statute authorizing a particular appeal, shall be taken within thirty days to the court of common pleas of any judicial district in which the local agency has jurisdiction.

Section 8. Disposition of Appeal.—(a) In the event a full and complete record of the proceedings before the local agency was not made, the court may hear the appeal de novo, or may remand the proceedings to local agency for the purpose of making a full and complete record or for further disposition in accordance with the order of the court.

(b) In the event a full and complete record of the proceedings before the local agency was made, the court to which the appeal is taken shall hear the appeal without a jury on the record certified by the local agency. After hearing, the court shall affirm the adjudication unless it shall find that the same is in violation of the constitutional rights of the appellant, or is not in accordance with law, or that the provisions of this act have been violated in the proceeding before the agency, or that any finding of fact made by the local

agency and necessary to support its adjudication is not supported by substantial evidence. If the adjudication is not affirmed, the court may set it aside or modify it, in whole, or in part, or may remand the proceeding to the local agency for further disposition in accordance with the order of the court.

Section 9. Appellate Review.—The local agency, or any party affected by any decision of a court on an appeal from an adjudication, may, within thirty days of the filing of such decision, appeal to the Superior or Supreme Court as provided in the act of June 24, 1895 (P. L. 212), entitled "An act to establish an intermediate court of appeal; regulating its constitution, officers, jurisdiction, powers, practice, and its relation to the Supreme Court and other courts; providing for the reports of its decisions, the compensation of the judges and other officers and the practice and costs on appeals from its judgments," and its amendments.

Section 10. Appeals Under Existing Law.—The provisions of sections 7, 8 and 9 shall not apply to any adjudication which under any existing act may be appealed to a court of record.

Section 11. Application of Act.—Except as provided in section 10, this act shall apply to all local agencies.

Section 12. Repeals.—All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 13. Effective Date.—This act shall take effect January 1, 1969.

APPROVED—The 2d day of December, A. D. 1968.

RAYMOND P. SHAFER.

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No. 354

AN ACT

SB 1752

Amending the act of June 4, 1945 (P. L. 1388), entitled "An act relating to the practice, procedure, regulations and adjudications of departments, departmental administrative boards and commissions, independent administrative board and commissions, officers and other administrative agencies of this Commonwealth, and judicial review thereof; and preserving equitable jurisdiction in certain cases," implementing the provisions of section 9 of Article V of the Constitution of the Commonwealth of Pennsylvania by providing for a right of appeal in all cases from adjudications of administrative agencies of the Commonwealth; repealing certain provisions which restrict the applicability of the act to enumerated agencies; and repealing certain other acts and parts of acts.

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