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HOUSE BILL NO. 962

House Amendments in [] — February 13, 1996

A BILL to amend and reenact § 9-6.14:19 of the Code of Virginia, relating to the Administrative Process Act; court judgments.

Patron—Robinson

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 9-6.14:19 of the Code of Virginia is amended and reenacted as follows:**

§ 9-6.14:19. Court judgments.

Unless an error of law as defined in § 9-6.14:17 appears, the court shall dismiss the review action or affirm the agency regulation or decision. Otherwise, it may compel agency action unlawfully and arbitrarily withheld or unreasonably delayed except that the court shall not itself undertake to supply agency action committed by the basic law to the agency. Where a regulation or case decision is found by the court to be not in accordance with law under § 9-6.14:17, the court shall [~~(i)~~] suspend or set it aside and remand the matter to the agency for such further proceedings, if any, as the court may permit or direct in accordance with law [~~;~~ ~~(ii)~~ ~~try the matter de novo;~~ ~~or~~ ~~(iii)~~ ~~in instances of manifest injustice, modify the decision of the agency.~~ . However, in instances of manifest injustice, the court may, upon review of the record, require a de novo hearing, modify the agency decision or remand the matter to the agency for further proceedings with directions.]

ENGROSSED

HB962E