

judicial reviewing process. It says, "Use the judicial reviewing process set out in the Administrative Procedures Act." That is all it says. If you will look at the amendment closely you shall see simply that the change is that the any final order of a commission "shall be subject to judicial review under sections 84-917 to 84-919." And what that means very simply is that the reviewing processes under the Administrative Procedures Act control. Now why do I do this? I do this because I know as a lawyer how irritating it can be to discover that virtually every agency has its own kind of review process which sets up slightly different standards for review or slightly different procedures for review from each other agencies so every time you have to go to court to get an order reviewed you have got to familiarize yourself with the work of that one agency. Now the Administrative Procedures Act has been on our books for some time now and it has its own judicial review standard in it which is fairly comparable to what we have under the Nebraska Real Estate Commission Act though slightly different but fairly comparable. A lot of agencies presently are covered. If, for example, you are a welfare recipient and you are dissatisfied with a local decision, you can have a review and that review will be controlled by the Administrative Procedures Act. That applies for some certain kinds of liquor licenses. It applies for a lot of other things and all I am doing at this time is saying that any review that you are going to have under the Nebraska Real Estate Commission Act shall be controlled simply by the processes of the Administrative Procedures Act. That is what the amendment does. Now when Senator Haberman spoke, he said that one of the real reasons for the change was a desire on the part of practitioners before the Real Estate Commission to prohibit the introduction of new evidence in the District Court following some kind of a determination by the Real Estate Commission and that is one reason why the committee has done its amendments. Well, so too, does the Nebraska Administrative Procedures Act prevent the introduction of new evidence following the hearing by the commission. The committee amendments say that the review itself shall be done as a trial de novo on the record. Now the Nebraska Administrative Procedures Act, the reviewing standard frankly is a little stricter there because it says you start out presuming the regularity of the commission's finding and then you can say it is, a reviewing court can say it is no good, if it is unconstitutional or if it is not supported by the evidence or if it is based on improper procedure or if it is arbitrary and capricious and that is a little different reviewing standard which tends to uphold the regularity of what the commission does and in my opinion that is an appropriate thing for us to be doing with our administrative