

that the way the law is today? I mean, if you're going to get a direct appeal to the Supreme Court, what's the Supreme Court going to look at? They're going to look to see whether the law was followed in terms of procedure, right?

SENATOR MORRISSEY: Yep.

SENATOR KRISTENSEN: Okay. So that would take care of the legislative objectives in terms...you're looking for underlying policy, right, as to whether they should have granted a license, or whether they shouldn't have.

SENATOR MORRISSEY: Yes.

SENATOR KRISTENSEN: Okay. Now Senator Landis, as I understand, when he asked the questions, was talking about review on the record, as to whether they would look at the record. And when they look at the record, they could come to a different determination than the department could, based upon the record. Okay. They could substitute their judgment for, and say, we don't think that this qualified. That's my understanding of the way the law is today. What you're after...I guess I'm not just real sure about what this does, and particularly the last sentence, because it says, the Supreme Court may remand the matter to the department to conduct further proceedings. They can do that now, under the current law, right?

SENATOR MORRISSEY: Well, that...

SENATOR KRISTENSEN: I mean they could reverse it, they can remand it, they can do...they could even dismiss it.

SENATOR MORRISSEY: Under current law, or under law proposed by 827, is what I'm saying.

SENATOR KRISTENSEN: Well, I don't think 827 changes the standard of review, it just expedites the case for hearing. At least it's my under...that's the reason I'm trying to get to the second half. I understand the first half of your amendment. I don't understand the second half.

SENATOR MORRISSEY: LB 827, the way it stands now, is not de novo on the record.

SENATOR KRISTENSEN: What's your understanding of what it does?