

SENATOR CHAMBERS: Okay, now suppose they don't consider them.

SENATOR WILL: Well, if they don't consider them, their decision would be invalid, I would assume, under the...under the terms of this piece of legislation.

SENATOR CHAMBERS: Where does it say that their decision would be invalid, if they don't consider those things?

SENATOR WILL: It doesn't, but I would assume that an individual, if you could demonstrate that a...say if one person was trying for a contract, as opposed to another, could demonstrate in court that the commission did not take these things into consideration. I suppose that could invalidate the contract.

SENATOR CHAMBERS: And you said that's what you assume.

SENATOR WILL: That's what I would assume.

SENATOR CHAMBERS: What do they say about that word assume?

SENATOR WILL: I know what they say, Senator Chambers.

SENATOR CHAMBERS: Right. But here's what I want to ask you, suppose they say they considered these things. Then how can you prove that they didn't?

SENATOR WILL: I suppose if you brought in sufficient evidence that would demonstrate that the individual or entity that was chosen to run the racetrack had a history of running roughshod over racing interests, or over agricultural interests, that that may be something that the court would take into account.

SENATOR CHAMBERS: But you give this...this commission discretion about all of this, what does the word consider mean? What does that require the commission to do?

SENATOR WILL: It would require that they would examine the potential impact on these various entities and take them into account when reaching their decision.

SENATOR CHAMBERS: Does it say that they must find that these are the things that will result from this arrangement?