

along with Senator Brashear's amendment as it stands. They can rewrite this contract any way they choose because Senator Brashear's amendment does not want to touch it, and what they've written into the contract is the right for them to amend this contract any way that they choose or agree to. So if that is the case, that rewrite that Senator...if you turn to page 7 of the existing contract, Roman numeral VII, it says under amendment, this contract may be amended at any time in writing upon the agreement of both parties. Let me ask Senator Brashear a question. Senator Brashear, based on that language, this contract could be amended to call for a 30 percent, couldn't it? A 30 percent fee could be agreed to under this contract, couldn't it?

SENATOR BRASHEAR: Theoretically, yes. There'd have been a substantial misrepresentation to us since we know that actually it is supposed to be decreased in the next draft.

SENATOR CHAMBERS: But I'm saying based on what is existing in the contract here authorizing them to amend it by mutual agreement, they could amend it upward, can't they?

SENATOR BRASHEAR: Yes, they can.

SENATOR CHAMBERS: And they will strike that portion that says if there is no appropriation, the contract can be terminated, that will be stricken, is that correct?

SENATOR BRASHEAR: That is what the drafting before us contemplates.

SENATOR CHAMBERS: Would you agree to that? Let me ask, instead of a point at a time, do you agree with that rewritten draft that you were presented?

SENATOR BRASHEAR: Senator, I am not trying to be clever. I hadn't thought in the terms of whether I would agree or disagree with it. There certainly are some provisions of it that I believe are suspect and could be better done.

SENATOR CHAMBERS: But with the amendment that is before us now, there is nothing we, as a Legislature, can do if that amendment represents the work that we are going to do on this question?

SENATOR BRASHEAR: That's correct, and it isn't...we're