

Roberta Magdaleno

From: Elaine Maimon
Sent: Monday, April 01, 2002 10:24 AM
To: 'Tierney, David'
Subject: RE: S.B.1205

Dear Dave,

SB 1205 which clears the ASU West deed, passed the Senate UNAMENDED on Wednesday, 3/27/02. Only 3 senators wound up voting against: Mary Hartley, Joe Eddie Lopez, and Randall Gnant. Gnant was a surprise, since he had voted for the bill in the Committee of the Whole (COW). In the COW vote, Joe Eddie Lopez abstained, as did Jack Jackson; seven others, all Democrats, voted against.

The only explanation I have for Gnant's vote on Third Reading is that he had brokered his vote for something he wanted from Mary Hartley.

SB 1205 has now gone to the House, and Jim Weiers has promised to expedite it. He will probably send it to the Education Committee, and I have already talked with the Chair, Linda Gray.

Our worry on the House Education Committee is that KATHI FOSTER, Mary Hartley's House counterpart, from District 20, may try to amend the bill, with a version of the Hartley amendment. That amendment, which seems benign on its face, would specify that "all capital generated by such use is retained for the sole benefit of the Western Campus of Arizona State University."

The problem is that we want a CLEAN deed. The amendment really does nothing to help us, since we are already able to use the capital generated by such use. And, as you know from your legal experience, having superfluous language in a deed can have unintended consequences.

I would appreciate your sending a version of the excellent e-mail that you sent to Mary Hartley to Kathi Foster, kfoster@azleg.state.az.us

The other District 20 representative is Bill Brotherton (bbrotherton@azleg.state.az.us). It would also be helpful to try to counteract Mary Hartley's potential influence with him.

Both Foster and Brotherton, as you know, are Democrats, and it should help for them to hear from a fellow Democrat, who also is knowledgeable about deeds. It might also be useful if you identified yourself as a strong supporter of ASU West, who is writing in the best interest of the campus. The message is to pass SB 1205 unamended.

If we can get the bill out of the house unamended, it will go directly to the Governor for signature--and anachronistic language will finally be cleared from our deed.

Thanks, Dave, for giving time to this matter.

Best,

Elaine

Elaine P. Maimon
Campus Chief Executive Officer and Provost
Arizona State University West
Phone: 602-543-7001
Fax: 602-543-7070
Email: Elaine.Maimon@asu.edu