

HCR16, As Adopted by Senate, June 16, 2011

THIS RESOLUTION IS OFFERED TO COMPLY WITH MCL 830.415 AND 830.417 AND REQUIRES A RECORD ROLL CALL VOTE.

Rep. Kowall offered the following concurrent resolution:

House Concurrent Resolution No. 16.

A concurrent resolution approving a decrease in the Total Project Cost and approving a lease between the State of Michigan (the "State") and the State Building Authority (the "Authority") relative to the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and II Group F VanWagoner Building (the "Facility").

Whereas, With House Concurrent Resolution 81 of 2008, adopted on May 28, 2008, the Michigan Legislature approved a Total Facility Cost of \$14,750,000 for the Facility, of which the Authority's share was \$14,750,000 and the State General Fund/General Purpose was \$0; and

Whereas, It is now estimated that the total cost to complete the project has decreased by \$1,953,000, thereby decreasing the Authority's share by \$1,953,000, from \$14,750,000 to \$12,797,000; and

Whereas, The State Building Authority desires to retain and allocate the \$1,953,000 originally appropriated and applied to the Facility for use on other State Facility Preservation Projects approved in 2005 PA 10 and 2005 PA 297; and

Whereas, Section 246 of 1984 PA 431, as amended, being MCL 18.1246, provides that the authorized costs of project shall only be established or revised by specific reference in a budget act, by concurrent resolution adopted by both houses of the Michigan Legislature, or inferred by the total amount of any appropriations made to complete plans and construction; and

Whereas, Section 5 of 1964 PA 183, as amended, being section MCL 830.415, requires the approval of the State Administrative Board, the Attorney General, and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before land owned by the State may be conveyed to the Authority; and

Whereas, The site of the Facility, located in Ingham County, is currently owned by the State; and

Whereas, Section 7 of 1964 PA 183, as amended, being section MCL 830.417, requires the approval of the State Administrative Board and the Michigan Legislature by concurrent resolution concurred in by a majority of the members elected to and serving in each house, with the votes and names of the members voting thereon entered in the journal, before the State may enter into a lease with the Authority upon a showing of a public purpose; and

Whereas, Providing additional space to be used by the State pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facility by the Authority to the State (the "Lease"); and

Whereas, The Executive Director of the Authority has furnished the Joint Capital Outlay Subcommittee of the Legislature with information and documents relative to the Lease; now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Total Facility Cost for the Department of Technology, Management and Budget State Facility Preservation Projects-Phase I and II Group F VanWagoner Building shall not exceed \$12,797,000 (the Authority share shall not exceed \$12,797,000 and the State General Fund/General Purpose share shall not exceed \$0), plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, of which not more than \$12,797,000, plus interest charges on

monies advanced by the State to meet the construction cash flow requirements of the Facility, if any, shall be financed from bonds issued by the Authority, exclusive of amounts necessary for reserves, interest, or other nonconstruction costs; and be it further

Resolved, That the \$1,953,00 originally appropriated and allocated to the Facility may be used by the Authority at a future time for other State Facility Preservation Projects approved in 2005 PA 10 and 2005 PA 297; and be it further

Resolved, That the Legislature hereby approves the necessary conveyances of property to the Authority as more particularly described in the Lease and attachments thereto; and be it further

Resolved, That the Legislature hereby approves the Authority acquiring the Facility and leasing it to the State and hereby determines that the leasing of the Facility from the Authority is for a public purpose as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facility shall be within or below the range of \$1,013,000 and \$1,283,000, as shall reflect variations which may occur in the components upon which the appraisal of True Rental was based, which amount shall be certified by the appraiser and thereafter approved by the State Administrative Board and the Authority as authorized by 1964 PA 183, as amended; and be it further

Resolved, That the Lease is hereby approved by this concurrent resolution, and the Governor and the Secretary of State are authorized and directed to execute the Lease for and on behalf of the State; and be it further

Resolved, That, by hereby approving the Lease between the State and the Authority, the Legislature agrees to appropriate annually sufficient amounts to pay the rent as obligated pursuant to the Lease; and be it further

Resolved, That copies of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.