

HCR44, As Adopted by Senate, November 29, 2007

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

Rep. Hood offered the following concurrent resolution:

House Concurrent Resolution No. 44.

A concurrent resolution to approve the conveyance of property to the State Building Authority and approving a lease between the State of Michigan and the State Building Authority relative to the Department of Information Technology Michigan Public Safety Communication System Critical Platform Upgrades.

Whereas, Section 5 of Act 183 of the Public Acts of 1964, as amended, being section 830.415 of the Michigan Compiled Laws, 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 of Michigan (the "State") may be conveyed to the State Building Authority (the "Authority"); and

Whereas, Section 7 of Act No. 183 of the Public Acts of 1964, as amended, being section 830.417 of the Michigan Compiled Laws, requires 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;

Whereas, Providing facilities and equipment to be used by the State pursuant to a lease for the Facilities is a recognized public purpose; and

Whereas, 1995 PA 128, 1999 PA 265, 2000 PA 291, 2001 PA 81, and 2005 PA 10 appropriated a total of \$247,937,200 (State Building Authority share \$226,505,900; State General Fund share \$21,431,300), to complete plans and construct the Department of State Police public safety communications system; and

Whereas, The public safety communication system known as the Department of State Police Michigan Public Safety Communication System is to be constructed in five phases and one critical platform upgrade (the "Upgrades"); and

Whereas, By Senate Concurrent Resolution No. 288 passed by the Senate and House of Representatives on December 3 and December 11, 1996, respectively, the Legislature approved the conveyance of property and a Lease for Phase I of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$35,211,085, plus interest charges on monies advanced by the State, of which not more than \$34,890,000 plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By Senate Concurrent Resolution No. 100 passed by the Senate and House of Representatives on December 2 and December 8, 1998, respectively, the Legislature approved the conveyance of property and a Lease for Phase II of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$42,660,808, plus interest charges on monies advanced by the State of which not more than \$42,660,808, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By House Concurrent Resolution No. 80 passed by the House of Representatives and the Senate on February 29, 2000, and March 7, 2000, respectively, the Legislature approved the conveyance of property and a Lease for Phase III of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$58,964,403, plus interest

charges on monies advanced by the State of which not more than \$58,964,403, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By Senate Concurrent Resolution No. 19 passed by the Senate on May 29, 2001, and the House of Representatives on June 13, 2001, the Legislature approved the conveyance of property and a Lease for Phase IV-A of the Department of State Police Two-Way Radio System and Microwave Backbone System at a total cost not to exceed \$36,336,575, plus interest charges on monies advanced by the State, of which not more than \$36,336,575, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, By House Concurrent Resolution No. 55 passed by the House of Representatives on May 12, 2004, and the Senate on May 13, 2004, the Legislature approved the conveyance of property and a Lease for Upgrades to the Department of Information Technology Michigan Public Safety Communication System Phase V (the "MPSCS") at a total cost not to exceed \$43,271,963, plus interest charges on monies advanced by the State, of which not more than \$43,271,963, plus interest charges on monies advanced by the State, shall be financed from bonds issued by the Authority; and

Whereas, The sites for the Upgrades to the MPSCS (the sites and related equipment upgrades together, the "Facilities") are located throughout the State; and

Whereas, A lease between the Authority and the State has been prepared providing for the leasing of the Facilities 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 cost of the Department of Information Technology Michigan Public Safety Communication System Critical Platform Upgrades consisting of the Facilities shall not exceed \$13,525,482, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facilities, if any, of which not more than \$13,525,382, plus interest charges on monies advanced by the State to meet the construction cash flow requirements of the Facilities, 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 Legislature 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 approves the Authority acquiring the Facilities and leasing them to the State and determines that the leasing of the Facilities from the Authority is for a public purpose as authorized by Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the annual amounts of "True Rental" for the Facilities shall not be less than \$1,420,000 and not more than \$1,700,000 as shall reflect variations that 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 Act No. 183 of the Public Acts of 1964, as amended; and be it further

Resolved, That the Lease is 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 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 a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, and the State Budget Director.