

SCR-8, As Adopted by the Senate, April 12, 2005

Senate Concurrent Resolution No. 8.

A concurrent resolution approving the conveyance of property to the State Building Authority and approving a lease among the State of Michigan, the State Building Authority, and the Board of Trustees of Michigan State University relative to the Michigan State University Animal Health Diagnostic Laboratory.

Whereas, On November 29, 2001, the Michigan Legislature, with the adoption in each house of Senate Concurrent Resolution No. 31 of 2001, approved the conveyance of property by the Department of Agriculture to the State Building Authority (the "Authority") and approved a lease between the State of Michigan, on behalf of the Department of Agriculture, (the "State"), and the Authority relative to the Animal Health Diagnostic Laboratory (the "Facility"); and

Whereas, Section 7(2) of 1984 PA 183, as amended, being MCL § 830.417(2), requires that any lease approved by the Michigan Legislature shall not be executed more than 3 years after its approval by the Legislature; and

Whereas, The 3-year period for the Facility will have expired prior to execution of the lease for the Facility. The Michigan Legislature hereby desires to ratify, confirm, and approve the conveyance of the Facility and the lease that was previously approved on November 29, 2001; and

Whereas, The site for the Facility was (and continues to be) owned by the Board of Trustees of Michigan State University (the "Educational Institution"); and

Whereas, Approval of the conveyance of the property by the Educational Institution to the Authority and approval of a lease among the State, the Authority, and the Educational Institution is hereby requested for the Facility; and

Whereas, Section 5 of 1964 PA 183, as amended, being MCL § 830.415, requires the approval of the Educational Institution, 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 Educational Institution may be conveyed to the Authority; and

Whereas, Section 7 of 1964 PA 183, as amended, being 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 Educational Institution pursuant to the lease for the Facility is a recognized public purpose; and

Whereas, A lease among the Authority, the State, and the Educational Institution has been prepared providing for the leasing of the Facility by the Authority to the State and the Educational Institution (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 Senate (the House of Representatives concurring), That the Total Facility Cost for the Michigan State University

Animal Health Diagnostic Laboratory shall not exceed \$58,000,000 (the Authority share is \$57,999,900, the State General Fund/General Purpose share is \$100, and the Educational Institutional share is \$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 \$57,999,900, 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 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 \$4,895,000 and \$6,120,000, as shall reflect variations that may occur in the components upon which the appraisal of True Rental was based, which amounts 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 (and related documents) 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 a copy of this concurrent resolution be transmitted to the Governor, the Secretary of State, the Authority, the Educational Institution, and the State Budget Director.