

final minutes

Michigan Law Revision Commission Meeting

Tuesday, March 24, 2009 ▪ 11:00 a.m.
Legislative Council Conference Room ▪ 3 Boji Tower
124 W. Allegan ▪ Lansing, Michigan

Members Present:

Richard McLellan, Chair
Anthony Derezinski, Vice-Chair
Senator Ray Basham
Representative Mark Meadows
Senator Bruce Patterson
Representative Tonya Schuitmaker
John Strand
George Ward
Judge William Whitbeck

Members Absent:

None

Others Present:

Bob Ciaffone
Cliff Flood, State Bar of Michigan
Gary Gulliver, MLRC Executive Secretary
Susan Cavanagh, Office of the Legislative Council Administrator
Ryan Plecha
Scott Shewcraft
Bruce Timmons, House Republican Staff
Professor Gina Torielli

I. Convening of Meeting

Chairperson McLellan called the meeting to order at 11:00 a.m. He welcomed Representatives Meadow and Schuitmaker to the meeting. The clerk took the roll as each member introduced themselves. A quorum was present.

II. Approval of September 24, 2008 Meeting Minutes

The Chair asked for a motion to approve the minutes of the last meeting. No corrections or amendments were offered.

Mr. Derezinski moved, supported by Judge Whitbeck, to adopt the minutes of the September 24, 2008 Michigan Law Revision Commission meeting. The minutes were unanimously approved.

III. Michigan Economic Development Codification Project

Chairperson McLellan provided some background on the economic development code project the Commission has been working on for the past three years and called on Professor Gina Torielli to provide an update (see her February 18, 2009 memo to the Commission which is attached to these minutes.) Professor Torielli provided a framework of how the code would work (see attachment) and went through the framework, article by article, to give the members a sense of what work has been done and the thought process used to harmonize the laws relating to the area of economic development. She reported that several issues arose while drafting four of the proposed articles which require Commission consideration. With regard to alternative energy legislation, she proposed including those acts that fit within the general framework of economic development tools, but excluding the broader encouragement of alternative energy. The Commission agreed. With regard to the inclusion of Neighborhood and Water Authority legislation, she recommended leaving both out. The Commission agreed. With regard to handling tax incentives in the new code, she recommended pulling all provisions impacting economic development from the MBT and placing each provision in an appropriate "subject" article with an addition of a residual tax clause for provisions that do not fit neatly into a specific subject/industry article. The Chair generally preferred leaving tax laws out of the Code, but felt things like industrial facilities exemptions that are out of the tax system could be included in the Code. Representative Meadows commented that it might be worth including entrepreneurial activities, emergent technologies, and economic development related to universities. A discussion of the timing of beginning the legislative process followed. Professor Toreilli suggested the articles that are in relatively good shape be transmitted to the Legislative Service Bureau so work can begin on drafting bills.

IV. 2008 Michigan Appellate Court Recommendations for Legislative Action

The Chair called on Gary Gulliver to provide an update on the results of his examination of judicial decisions issued in 2007 and 2008 urging legislative action. (A copy of his report is attached.) The following action was taken on the seven decisions examined by the Commission:

1. Civil Actions under Natural Resources and Environmental Protection Act (*Cairns v. City of East Lansing*):
Recommendation: The Commission recommends that the Legislature amend MCL 324.20135(3)(b), agreeing with the court, that voluntary compliance is a cost-effective and less time-consuming alternative to formal legal action.
2. Certification of Notary for Out-of-State Medical Malpractice Affidavits of Merit (*Apsey v Memorial Hosp.*):
Recommendation: The Commission recommends that the Legislature amend MCL 600.2102 as follows:

Sec. 2102. In cases where by law the affidavit of any person residing in another state of the United States, or in any foreign country, is required, or may be received in judicial proceedings in this state, to entitle the same to be read, it must be authenticated IN THE MANNER PROVIDED IN THE UNIFORM RECOGNITION OF ACKNOWLEDGEMENTS ACT, 1969 PA 57, MCL 565.261 TO 565.270, OR as follows:

(1) It must be certified by the consul general, deputy consul general, or some consul or deputy consul of the United States resident in such foreign country, to have been taken and subscribed before him, specifying the time and place where taken and have the consular seal attached; or

(2) It must be certified by some judge of a court having a seal to have been taken and subscribed before him, specifying the time and place where taken;

(3) The genuineness of the signature of such judge, the existence of the court and the fact that such judge is a member thereof, must be certified by the clerk of the court under the seal thereof;

(4) If such affidavit be taken in any other of the United States or in any territory thereof, it may be taken before a commissioner duly appointed and commissioned by the governor of this state to take affidavits therein, or before any notary public or justice of the peace authorized by the laws of such state to administer oaths therein. The signature of such notary public or justice of the peace, and the fact that at the time of the taking of such affidavit the person before whom the same was taken was such notary public or justice of the peace, shall be certified by the clerk of any court of record in the county
3. Medical Malpractice Affidavits of Merit and Statements Regarding Causation (*Estate of Hubka v. Defever*):
Recommendation: The Commission makes no recommendation on this issue, but notes that the issues raised in this case are only part of a larger issue involving ambiguities in the Michigan statutes regarding medical malpractice actions.
4. Medical Malpractice Actions and Loss of Opportunity (*Stone v. Williamson*):
Recommendation: The Commission makes no recommendation on this issue, but notes that the issues raised in this case are only part of a larger issue involving ambiguities in the Michigan statutes regarding medical malpractice actions.
5. Validity of a Second Single Business Tax Assessment for the Same Time Period (*Tyson Foods, Inc. v. Dept of Treasury*):
Recommendation: Because the Single Business Tax Act has been repealed, the Commission recommends no amendment.
6. Validity of Parental Waivers of Minor Child's Potential Injury Claims (*Woodman v. Kera*):
Recommendation: The Commission recommends immediate legislative review of this issue.
7. Discovery Doctrine and Product Liability Actions (*Bearup v. Gen. Motors Corp.*):
Recommendation: The Commission recommends legislative review of this issue, but makes no recommendation of specific legislative action. (Note: Mr. Gulliver will look at a recent Supreme Court decision and will keep this case on the list to review.)

V. Report on Bar Admission Issues for In-House Counsel

The Chair opened a discussion of the admission of in-house counsel of large corporations to the state bar. The Chair will meet with Janet Welch of the State Bar to continue discussion of this issue.

VI. Enforcement of Summer Resort Association Bylaws

Mr. Gulliver submitted two reports that address older Michigan statutes providing for the criminal sanctions of imprisonment or low monetary fines for violations of the statutes and the statutory approach to regulating activities within the boundaries of condominium associations (see attachments.) The Chair noted that the Commission makes no recommendation and there was no objection to publish the reports.

VII. Amendments to the Michigan Constitution of 1963

Bob Ciaffone testified before the Commission and urged the Commission to take a more active role in proposing some potential constitutional amendments for the Legislature to consider. A general discussion of Mr. Ciaffone's proposed constitutional changes to be considered followed.

VIII. Other Commission Business

Mr. Scott Shewcraft was called on by the Chair to provide an update on his research on the Access to Government and Transparency project. The Chair asked Mr. Shewcraft to submit a written report that can be circulated to the members.

IX. Public Participation

The Chair asked for any other public participation. There was none.

X. Next Meeting

The Chair announced that the clerk will contact members to schedule a date in June or July for the next Michigan Law Revision Commission meeting.

XI. Adjournment

Having no further business, Mr. McLellan moved, supported by Mr. Derezinski, to adjourn the meeting. Without objection, the motion was approved. The meeting was adjourned at 1:23 p.m.

(Minutes approved at the June 24, 2009 Michigan Law Revision Commission meeting.)

MEMORANDUM

TO: Michigan Law Revision Commission

FROM: Professor Gina M. Torielli¹

DATE: February 18, 2009

RE: Status of Michigan Economic Code Project

Code Structure

In late 2006, the Commission identified more than 50 current statutes as relating to Michigan state and local government “efforts to increase employment opportunities by getting new businesses to relocate in a community or existing businesses to expand.” Since then, the Michigan Legislature enacted 145 laws amending the identified statutes or creating new programs falling within the Commission’s definition of economic development (see Exhibit A). We evaluated each of these public acts and determined where in the proposed structure for a Michigan Economic Development Code, these statutes fit based on the function exercised, industry affected, or level of government involved.

The 145 new laws included six packages of legislation providing new economic development programs or tools. Inclusion of the new packages necessitated a slight modifications to the structure proposed for the Code at the Commission’s September 2008 meeting. A revised proposed Code structure is submitted as Exhibit B to this report. Principally, the drafters suggest the addition of two new articles (Article IV – Homeland Security and Defense Industry Development, and Article VIII – Life Sciences and Biological Technology Development), to house legislation relating to these targeted initiatives. The proposed Code structure also includes a new article (Article XIV – Michigan Tax Provisions Impacting Economic Development), which requires some discussion with the Commission (see below).

Code Drafting

In 2007-2008, Faculty members and students from the Thomas M. Cooley Law School drafted four of the proposed articles (article numbers changed to reflect the proposed Code structure) for inclusion in the Code. These include:

- Article I – General Provisions;
- Article III - Promoting the Michigan Agricultural Economy;
- Article VI – Energy Source Development; and,
- Article XII – Michigan Workforce Development.

¹ Since our last contact in September 2008, I have been ably assisted on this project by Ryan C. Plecha, a research assistant at the Commission and Mohammad Sohail, both former students. Mr. Plecha assisted in drafting this report.

These articles were discussed at the Commission's September 2008 meeting and Articles III and XII have been redrafted to reflect the Commission's comments and legislation enacted in 2008. Revised proposed articles are submitted as Exhibits C-D to this report.

In late 2008, two more proposed articles or part of articles were drafted for inclusion in the Code and are submitted to MLRC review with this report as exhibits E-F. These include:

- Article VII - Encouraging Michigan as a Destination for Tourism, Conventions And the Film Industry (Divisions VI only); and,
- Article XI – Michigan Infrastructure Development for Economic Growth.

The drafters continue to follow the Commission's overall principle that it would not recommend any changes in policy as reflected in current legislation. Rather, the Commission directed drafters to attempt to consolidate and harmonize existing law without making substantive changes. Where changes are made or recommended, drafters added notes to make this process transparent.

In completing our work, several issues arose for which require Commission consideration. These are:

1. Handling Tax Incentives in the New Code. Tax incentives are much used tool to influence business location and investment decisions. Many of tax incentives in Michigan may be found in the statutes creating the sales and use taxes, the property tax, and taxes on business activity. To date, the drafters had generally not included exemptions contained in these taxes that did not involve separate legislation specifically creating the business incentives. For example, the sales and use tax industrial processing exemptions (which exempt from tax property acquired for use in industrial processing operations) because the mechanism for the exemption was wholly contained in the tax acts. In contrast, Act 198 of 1974, creating industrial facilities exemptions to the property tax is included in the Code, as there is separate legislation providing the mechanism for identifying and approving projects eligible for the exemption.

The process for determining which tax incentives to include in the Code was greatly simplified by the decision in 2006 to defer inclusion of any business activity tax provisions because of the decision to repeal the Single Business Tax (SBT) without an immediate replacement. The first enactment of the new Michigan Business Tax (MBT) has added exponentially to the complexity and difficulty of organizing the Code and requires the Commission now deal squarely with the issue of whether and how to include tax incentives in the Code. The enactment of the MBT has required the review and analysis of countless provisions of the act and the various credits, exemptions, and other incentives included in the MBT. In addition, there have been 14 amendments to the MBT since its inception, and more are anticipated as this report is drafted. Three potential course of action for the treatment of the MBT come to light; (1) leave all tax incentives, credits, and exemptions in the MBT and do not include them in the Code, possibly with some sort of users guide or guideposts to alert businesses to their existence; (2) pull from the MBT all provisions designed for economic development and include them in the Code under a Tax Incentive, Credit, and Exemption Article; or (3) pull all provisions impacting economic development from the MBT and placing each provision in an appropriate "subject" article. The drafters of the this report dismissed option (1) quickly because the main purpose of this Code project is to unite all economic development provisions under one statutory scheme and excluding such a vast array of economic development tools from the Code would be a degradation of the project's purpose. The real debate and struggle is deciding between a

dedicated tax article encompassing all subject matter versus implanting each specific tax incentive, credit, or exemption into the corresponding subject/industry article within the Code. The problem with having a dedicated tax article is that less savvy businesses may not have the foresight to look in the tax provisions for economic development programs and incentives to make the prospect of doing business in Michigan more favorable and profitable. Also, excising tax incentives from the general tax statutes presents significant drafting difficulties. Whereas, the problem with option (3), splicing each tax provision into its respective subject/industry article is that not every tax incentive, exemption, and credit will fit neatly into a subject/industry article, the effect of which would ultimately require an additional residual tax article in addition to the drafting problems associated with option (2).

The drafters of this report recommend that option (3) be adopted with an addition of a residual tax clause for provisions that do not fit neatly into a specific subject/industry article. Placing tax provisions into subject/industry articles seems to be the most efficient choice to ensure creating a more user and industry friendly code. For example, if an individual is searching for tax incentives in Michigan for film production it is only logical that the individual look under Article VII, Division V, where Film Incentives are located within the code. The individual would find a provision for certain tax credits for film production activities, which was formerly PA 77 of 2008 (MCL 205.54cc) . However, since not all of the provisions fit as cleanly into particular articles necessitating a residual tax article for said MBT or property tax sections it would be prudent to provide an index and supplemental guide for navigating the Code.

2. Inclusion of Neighborhood and Water Authority Legislation. Before discussing this issue it is prudent to bring the working definition of “economic development” to the forefront. The definition of “economic development” as introduced by the 2007 report and as embodied by Michigan law consists of the “efforts to increase employment opportunities by getting new businesses to relocate in a community or existing businesses to expand.” The definition may seemingly appear short and simple on its face, but the actual determination of what truly embodies the definition and what does not is a much more complex process.

Recent legislation requires some fine line-drawing with respect to two public acts in particular:

- PA 94 of 2008 - Water Resource Improvement Tax Increment Authority Act (to provide for the establishment of water improvement tax increment finance authority;...; to authorize the creation and implementation of development areas); and
- PA 61 of 2007- Neighborhood Improvement Authority Act (to provide for the establishment of a neighborhood improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth).

The water resource legislation never mentions economic development in its purpose. Nor is economic impact a factor in determining whether a tax increment project will be approved. Yet, the importance of water resource management appears to us to be of obvious benefit in making Michigan attractive to business and comparable to other infrastructure legislation (such as broadband or waterfront development). However, given the content of the current legislation, we cannot recommend its inclusion in the Code without opening the door from inclusion of a plethora of other legislations.

This recommendation may not square well, however, with the inclusion of the neighborhood improvement legislation. This legislation was originally excluded from the proposed Code along with other legislation directed generally at rehabilitation of blight, historic preservation or neighborhood improvement. Recent amendments to the neighborhood improvement legislation include fleeting references to encouraging economic development through neighborhood development. We request guidance from the Commission regarding whether these references are enough to warrant inclusion of neighborhood improvement in an economic development code.

3. Alternative Energy Legislation. The enactment of a broad ranging package of legislation aimed at encouraging the development and use of wind, solar and biofuel alternatives also created drafting challenges. Some discrete public acts that are part of this package are easy to integrate into the Code structure (targeted tax incentives for biomass equipment, for example). Others acts were important parts of a package to lure the alternative energy industry into Michigan, but were less obvious candidates for inclusion in the Code (the redraft of public utility company regulation to mandate targets alternative energy). Our instinct is to include those acts that fit within our general framework of economic development tools (bonds, tax credits, etc.), but exclude the broader encouragement of alternative energy. Our assumption, based on arguments made by proponents of the targets, is that those businesses for which targets are a key factor in locating their business will know enough to look for targets outside the Code.

II. Next Steps

It may also be possible in the first quarter of 2009 to complete workable drafts of five more articles for inclusion in this report (Article II - State Strategic Fund, Article IV - Homeland Security and Defense Industry Development, Article V – State International Trade Development, Article VI – Energy Source Development, and Article VIII – Life Sciences and Biological Technology Development).

The other articles that would require harmonization contain numerous existing and overlapping statutes or require special drafting expertise might better be drafted through legislatively directed projects. The drafters suggest the MLRC commend these to the Legislature for consideration and are compiling the relevant statutes with commentary for possible transmission to the Legislature. These articles include:

- Article VII – Encouraging Michigan as a Destination For Tourism, Conventions and the Film Industry (Divisions II and III);
- Article IX – Michigan Land Use Revitalization;
- Article X – Local Economic Revitalization Authorities;
- Article XIII – Planning Michigan Economic Development; and,
- Article XIV – Financing Michigan Economic Development.

It is our recommendation that the Commission transmit the draft legislation and proposed structure to the Legislative Service Bureau so work can begin on drafting bills, should the Legislature approve the Commissions work to date. Completion of the entire Code will be a longer term project; however, the work completed to date will have value and can proceed at this juncture.

MICHIGAN ECONOMIC DEVELOPMENT (MEDC)

ARTICLE I – GENERAL PROVISIONS

STATUS, ARTICLE I DRAFT PREVIOUSLY SUBMITTED TO MLRC TO DISCUSS. SOME BIG PICTURE ISSUES SHOULD BE RESOLVED TO FINALIZE THIS ARTICLE AND SET THE TONE FOR THE CODE, AND WORK IS ONGOING.

DIVISION I – TITLE

DIVISION II - LEGISLATIVE FINDINGS

DIVISION III

Sec. 11301. Short Title.

Sec. 11302. Members of Predecessor Agencies; Powers.

Sec. 11303. Existing Rules; Effect.

Sec. 11304. Orders; Effect.

Sec. 11305. Editorial Changes; Effect; Intent.

Sec. 11306. Construction of Code.

DIVISION IV – DEFINITIONS

[Drafter’s comment: Once all sections of the Code have been assembled, decisions will be made regarding consolidations of other definitions into this Division of the Code.]

DIVISION V – SUNSHINE PROVISIONS

Sec. 11501. Open Meetings.

Sec. 11502. Access to Information.

Sec. 11503. Oaths of Office.

Sec. 11504. Payment of Expenses.

Sec. 11505. Conduct of Business.

Sec. 11506. Avoidance of Personal Gain.

Sec. 11507. Duties of governor.

Sec. 11508. Conflicts of Interest.

Sec. 11503. Office of Chief Compliance Officer

**ARTICLE II - STATE MICHIGAN STRATEGIC FUND TO PROMOTE
ECONOMIC COMPETITIVENESS**

**STATUS. THIS ARTICLE CONTAINS THOSE PORTIONS OF THE MSF STATUTE
NOT MOVED TO OTHER ARTICLES. ONCE OTHER ARTICLES ARE DRAFTED,
THIS ONE WILL BE PUT TOGETHER FROM THE REMAINS.**

Division I - State Strategic Fund

Statutes:

1. PA 270 of 1984 - Michigan Strategic Fund Act, as revised in 2008

**ARTICLE III - PROMOTING THE MICHIGAN AGRICULTURAL ECONOMY
STATUS, ARTICLE III DRAFT PREVIOUSLY SUBMITTED TO MLCR. UPDATED
DRAFT INCLUDING ANY CHANGES SINCE 2006 SUBMITTED FEB 2009.**

Division I -- State Promotion of Agricultural Value Added Products

Statutes:

1. PA 322 of 2000 – Julian-Stille Value-Added Act (as amended in 2006
by PAs 422-24 of 2006)
2. PA 451 of 1994 - Forest Finance Authority Act - Natural Resources
and Environmental Protection Act (Excerpt – MCL 324.50501)

**Division II - Other State Activities Promoting the Agricultural Economy
[Reserved for future legislation or cross-reference to existing law not part of
the code.]**

**ARTICLE IV - HOMELAND SECURITY AND DEFENSE INDUSTRY
DEVELOPMENT**

STATUS, NOT STARTED.

1. PA 317 of 2006 - Michigan Strategic Fund Centers
2. PA 109 of 2008 – Amend PA 36 of 2007 (Michigan Business Tax)
agreement with the Michigan economic growth authority for a credit
for defense contractors.
3. Portions of Statutes Included Elsewhere In The Code Involving
Homeland Security and Defense Industry Development.

**ARTICLE V – MICHIGAN INTERNATIONAL TRADE DEVELOPMENT
STATUS, NOT STARTED.**

Division I – Definitions

Division II -- State Foreign Trade Infrastructure

Statutes:

1. PA 157 of 1986 - Michigan Export Development Act
2. PA 24 of 1968 - Division of International Commerce
3. PA 154 of 1963 - Foreign Trade Zones
4. PA 639 of 1978 – Hertel Stopczyzyski Port Authority Act
5. Portions of Statutes Included Elsewhere In The Code Involving International Trade.

Division III – State Agricultural Export Development

Statutes:

1. PA 23 of 1968 - Foreign Trade Branch of Department of Agriculture
2. PA 359 of 1990 – Michigan Farm Export Act

**ARTICLE VI – ENERGY SOURCE DEVELOPMENT
STATUS, ARTICLE VI DRAFT PREVIOUSLY SUBMITTED TO MLRC.
SIGNIFICANT REVISION REQUIRED TO INCORPORATE 2008 LEGISLATIVE
PACKAGE. WORK IS ONGOING.**

Division I – Definitions

Division II -- State Encouragement of Alternative Energy Development

Statutes:

1. PA 593 of 2002 - Michigan Next Energy Authority Act, as amended
2. PA 272 of 2006 - Renewable Fuels Commission Act (Sunset 1/1/2010)
3. PA 175 of 2008, amending 1984 PA 270 (Michigan Strategic Fund) by amending section 88b as added by PA 225 of 2005 (MCL 125.2088b) and adding section 88q (MCL 125.2088q) creating an energy excellence program
4. PA 270 of 2008 – amending PA 36 of 2007 (Business Tax Act) by adding section 430 (MCL 208.1430) - Credit for the construction and operation of a new facility for the development and manufacturing of photovoltaic energy through the Michigan Economic Growth Authority. [Will need to amend MBTA to cross reference to this.]
5. PA 295 of 2008 - “Clean, Renewable, and Efficient Energy Act”, only parts creating energy zones and credits only here
6. PA 550 of 2006 - Amend 206 of 1893 (Property Tax Act) by amending section 9 as amended by 2003 PA 140- property tax exemptions for methane digester (to produce energy) [Will need to amend MBTA to cross reference to this.]
7. PA 472 of 2006 amend Michigan Single Business Tax, by adding section 34 (MCL 208.34) and repeal acts and parts of acts - Credits for

research and development for qualified technologies. [Will need to amend MBTA to cross reference to this.]

8. PA 451 of 1994 - Forest Finance Authority Act - Natural Resources and Environmental Protection Act (Excerpt – MCL 324.50501) - as amended in 2008

9. PA 214 of 2007 amend Michigan Business Tax 2007 PA 36, to provide credit for R and D expenses for qualified hybrid vehicle technology

10. PA 287 of 2008 amend Income Tax Act 1967 PA 281, to provide credit for purchase of certain energy efficient, qualified home improvements and percentage of additional charges, authorized under the clean, renewable, and efficient energy act

11. PA 330 of 2008 creates a new act Publication of Information Establishing Alternative Fuels Facilities (MCL 285.341 - 285.343)

12. PA's 331 and 415 of 2008 amend Sales Tax Act (PA 167 of 1933) to provide a tax incentive certain agricultural equipment capable of harvesting grain and biomass

13. PA 333 of 2008 - Amend 206 of 1893 (Property Tax Act) to provide property tax exemptions for certain agricultural equipment capable of harvesting grain and biomass

14. PA 334 of 2008 amend Michigan Business Tax 2007 PA 36, to provide tax credit for installation of alternative fuel pumps

Division III – State Encouragement For Development of Products Enhancing Energy Efficiency

[Reserved for future legislation or cross-reference to existing law not part of the code.]

ARTICLE VII – ENCOURAGING MICHIGAN AS A DESTINATION FOR TOURISM, CONVENTIONS AND THE FILM INDUSTRY

STATUS: DRAFT OF DIVISION IV V INCLUDED WITH FEB 2009 REPORT. DIVISIONS II AND III WOULD BENEFIT FROM A LEGISLATIVELY DIRECTED TEAM, TO REFORM RATHER THAN REITERATE THIS AREA. THERE APPEARS TO BE ALOT OF OVERLAPPING AND SOME DEFUNCT (SUPERBOWL) LEGISLATION.

Division I – Definitions

Division II -- Promotion of Tourism

Part A: State Activities

Statutes:

1. PA 106 of 1945 – Michigan Tourism Policy Act.
2. PA 98 of 2008 - Amend Michigan Strategic Fund, by adding MCL 125.2089b, 2089c, 2089d to promote Michigan and create jobs by promoting the MI tourism industry.
3. PA 100 of 2008 – Amend Michigan Strategic Fund, by adding MCL 125.2089, 2089a) The board shall establish a Michigan promotion

program to promote tourism in Michigan and pay business development and marketing costs to promote business development in Michigan.

4. PA 673 of 2006- Amending the Use Tax by amending 6a (MCL 205.96a) as amended by 2004 PA 172 - exemption for certain qualified collegiate and professional sporting events (self-repealing January 1, 2011).
5. PA 590 of 2006 - Amend PA 167 of 1933 (General Sales Tax Act) by amending section 5b (MCL 205.55b) - exemptions for certain professional and collegiate sporting events.

Part B: Local Activities

Statutes:

1. PA 244 of 1991 – Regional Tourism Marketing Act.
2. PA 25 of 2007- Convention and Promotion act of 2007 (MCL 141.1321-1328) AN ACT relating to the promotion of convention business and tourism in this state and certain metropolitan areas of this state.

Division III – Promotion of Michigan as a Convention Destination

Part A: State Activities

Statutes:

1. PA 106 of 1985 – State Convention Facility Development Act
2. PA 114 of 2008 – Michigan Business Tax Act - amending section 410 (MCL 208.1410) tax credits for stadium and other complexes used for sporting events or other entertainment purposes
3. PA 115 of 2008 – Michigan Business Tax Act - adding section 410a (MCL 208.1410a) establish criteria for stadium and entertainment complexes

Part B: Local Activities

Statutes:

1. PA 180 of 1991 – Stadia or Convention Facility Development Act, as amended in 2007
2. PA 395 of 1980 – Community Convention or Tourism Marketing Act
3. PA 383 of 1980 – Convention and Tourism Marketing Act
4. PA 203 of 1999 – Convention Facility Financing Act
5. PA 554 of 2008 – Regional Convention Facility Authority Act

Division IV – State Activities Promoting Film Industry Activity in Michigan

Part A: Definitions

Statutes:

[Note: PA 63 of 2001 – History, Arts and Libraries Act Excerpt MCL 399.721-722 Repealed by PA 75 of 2008, effective May, 2008.]

1. PA 657 of 2006 – Use Tax Exemption for Motion Picture Industry Activities in Michigan

Part B: Film Industry Tax Incentives

Part C: Film Industry Location Incentives

Statutes:

1. PA 74 of 2008 (MCL 208.1459) Amending Michigan Business Tax Act (PA 36 of 2007, MCL 208.1101-1601) by adding MCL 208.1459).
2. PA 75 of 2008 Amending Strategic Fund Act to include Incentives for Film Production industries and Produce Office of Film by adding chapter 2A.
3. PA 76 of 2008- Amending PA 431 of 1984 – Managing and Budgeting Act –MCL 18.1101-1594, added section 18.1125.
4. PA 77 of 2008 (MCL 208.1455) Amending Michigan Business Tax Act (PA 36 of 2007, MCL 208.1101-1601) by adding MCL 208.1455).
5. PA 78 of 2008, Amending 1933 PA 167 (General Sales Tax Act), by amending sections MCL 205.54cc as added by 2006 PA 657. 205.54cc. This section is repealed by Act 78 OF 2008 effective December 31, 2009.
5. PA 79 of 2008- Amending PA 281 of 1967- Income Tax Act of 1967 (MCL 206.1-632) by adding MCL 206.367 which adds a tax credit for qualified production companies.
6. PA 80 of 2008- Amending PA 270 of 1984- Michigan Strategic Fund Act- by amending 125.2088d, as added by PA 225 of 2005.
7. PA 81 of 2008- Amending PA 150 of 1967- Michigan Military Act- MCL 32.501-851- by adding MCL 32.737.
7. PA 82 of 2008- Amending PA 451 of 1994 – Forest Finance Authority Act - Natural Resources and Environmental Protection Act(MCL 324.101-90106), by adding MCL 324.512.
8. PA 83 of 2008- Amending PA 286 of 1964- State Transportation Act- MCL 247.801-816, by adding MCL 247.806b.
9. PA 84 of 2008- Local Government Filming Location Act.
10. PA 85 of 2008- Amending PA 63 of 2001- History, Arts, and Libraries Act, by amending section 2 (MCL 399.702) as added by 2002 PA 508.

11. PA 86 of 2008- Amending PA 36 of 2007 (Michigan Business Tax Act – MCL 208.1101-1601) by adding MCL 208.1457.

12. PA 87 of 2008- Amending PA 24 of 1995- (Michigan Economic Growth Authority Act), by amending MCL 207.803 as amended by 2007 PA 62.

13. PA 108 of 2008 – Amending PA 24 of 1995 (Michigan Economic Growth Act), to include film production as a qualified business.

14. PA 223 of 2008 – amend PA 270 of 1984 Michigan Strategic Fund Act – by amending section 88d (MCL 125.2088d) - specifically MCL 125.2088d(4) qualifies film production as eligible for loan enhancement program.

ARTICLE VIII – LIFE SCIENCE AND BIOLOGICAL TECHNOLOGY DEVELOPMENT

STATUS, NOT STARTED.

Division I – Life Science Research and Industry

1. PA 639 of 2007- Amend 1984 PA 270 (Michigan Strategic Fund) by amending section 88a (MCL 125.2088a) to include umbilical cord research in definition of life science.
2. Portions of Statutes Included Elsewhere In The Code Involving Life Science Industry Incentives.

Division II – Embryonic Stem Cell Research - RESERVED [Reserved for future legislation.]

**ARTICLE IX - MICHIGAN LAND USE REVITALIZATION
STATUS. NOT STARTED AND WOULD BENEFIT FROM A LEGISLATIVELY DIRECTED TEAM, TO REFORM RATHER THAN REITERATE THIS AREA, AS THIS INVOLVES CONDEMNATION (THE SUBJECT OF 2006 CONSTITUTIONAL AMENDMENT) AND BONDING POWERS.**

Division I – Definitions

Division II- Land Rehabilitation and Blight Reduction

Statutes:

1. PA 146 of 2000 - Obsolete Property Rehabilitation Act, as amended in 2006 and 2007
2. PA 381 of 1996 – Brownfield Redevelopment Financing Act, as amended in 2007 and 2008
3. PA 173 of 1992 - Land Reclamation and Improvement Authority Act

4. PA 147 of 1992 - Neighborhood Enterprise Zone Act, as amended in 2006 and 2008
5. Portions of Statutes Included Elsewhere In The Code Involving Rehabilitation and Blight Reduction.
6. PA 89 of 2008 - Amendment to the Michigan Business Tax Act, by amending MCL 208.1437 regarding tax credit for brownfield projects [will need to amend MBTA to cross reference to this.]

Division III - Land Assembly

Statutes:

1. PA 258 of 2003 – Land Bank Fast Track Act
2. PA 260 of 2003 – Tax Reverted Clean Title Act
3. PA 171 of 1981 – Michigan Urban Land Assembly Act
4. Portions of Statutes Included Elsewhere In The Code Involving Land Assembly.

**ARTICLE X – LOCAL ECONOMIC REVITALIZATION AUTHORITIES
STATUS. NOT STARTED WOULD BENEFIT FROM A LEGISLATIVELY DIRECTED
TEAM, TO REFORM RATHER THAN REITERATE THIS AREA.**

Division I – Local Economic Development Corporations

Statute:

1. PA 338 of 1974 – Economic Development Corporations Act

Division II - Local Commercial Development Authorities

Statutes:

1. PA 197 of 1975 - Downtown Development Authority Act, as amended through 2008
2. PA 280 of 2005 - Corridor Improvement Authority Act, as amended in 2007 and 2008
3. PA 59 of 1986 - Resort District Rehabilitation Act
4. PA 120 of 1961 - Principal Shopping Districts and Business Development Districts Act
5. PA 451 of 1994 - Waterfront Revitalization - Natural Resources and Environmental Protection Act (Excerpt – MCL 324.79501)
6. PA 255 of 1978 - Commercial Redevelopment Act, as amended in 2008
7. PA 210 of 2005 - Commercial Rehabilitation Act, as amended in 2006 and 2008

Division III – Local Industrial Redevelopment Authorities

Statutes:

1. PA 198 of 1974 - Plant Rehabilitation and Industrial Development Districts Act, as amended in 2006, 2007, and 2008

Division IV – Urban Redevelopment

Statutes:

1. PA 250 of 1941 - Urban Redevelopment Corporations Law
2. PA 376 of 1996 - Michigan Renaissance Zone Act
3. PA 56 of 1980 - Neighborhood Assistance and Participation Act, as amended in 2006, 2007, 2008
4. PA 61 of 2007- Neighborhood Improvement Authority Act - AN ACT to provide for the establishment of a neighborhood improvement authority; to prescribe the powers and duties of the authority; to correct and prevent deterioration in neighborhoods and certain other areas; to authorize the acquisition and disposal of interests in real and personal property; to authorize the creation and implementation of development plans and development areas; to promote residential and economic growth.
5. PA 88 of 2008 - Amendment to the Michigan Business Tax (adding MCL 208.1431c to give tax credits to anchor companies; defined as high technology companies that has the ability or potential ability to influence business decisions and site location of qualified suppliers and customers.)

ARTICLE XI – MICHIGAN INFRASTRUCTURE DEVELOPMENT FOR ECONOMIC GROWTH STATUS, DRAFT SUBMITTED WITH FEB 2009 REPORT.

Statutes:

1. PA 385 of 1984 – Technology Park Development Act, as amended in 2007
2. PA 231 of 1987 – Transportation Economic Development Fund
3. PA 295 of 1976 - State Transportation Preservation Act of 1976 (Excerpt)
4. PA 49 of 2002 - Michigan Broadband Development Authority Act

ARTICLE XII – MICHIGAN WORKFORCE DEVELOPMENT STATUS, DRAFT PREVIOUSLY SUBMITTED TO MLRC UPDATED BY MOHAMMAD SOHAIL TO INCLUDE LEGISLATION THROUGH 2008 AND SUBMITTED WITH FEB 2009 REPORT.

Statutes:

1. PA 489 of 2000 - 21st Century Jobs Trust Fund Act
2. PA 48 of 1982 - Michigan Business and Industrial Training Act
3. PA 491 of 2006 - Michigan Works One-Stop Center.

ARTICLE XIII – PLANNING MICHIGAN ECONOMIC DEVELOPMENT STATUS. NOT STARTED AND THERE APPEARS TO BE A LOT OF OVERLAP. THIS ARTICLE WOULD BENEFIT FROM A LEGISLATIVELY DIRECTED TEAM, TO REFORM RATHER THAN REITERATE THIS AREA, AS IT INVOLVES OVERLAPPING FEDERAL/STATE INITIATIVES, AND SOME MAY BE DEFUNCT.

Statutes:

1. PA 46 of 1966 – County or Regional Development Commission.
2. PA 116 of 1963 – Economic Expansion.
3. PA 224 of 1985 – Enterprise Zone Act.
4. PA 123 of 1995 – Enterprise Community Development Corporation Act.
5. PA 75 of 1995 – Empowerment Zone Development Corporation Act.
6. PA 89 of 1986 – Michigan BIDCO Act.

ARTICLE XIV – FINANCING MICHIGAN ECONOMIC DEVELOPMENT STATUS. NOT STARTED AND DIVISION III (AND POSSIBLY II) WOULD BENEFIT FROM A LEGISLATIVELY DIRECTED TEAM, TO REFORM RATHER THAN REITERATE THIS AREA, TO REDUCE COMPLEXITY AND PLETHORA OF GOVERNMENTAL ENTITIES.

Division I - Purposes and Definitions

Division II – State Venture Capital

Statutes:

4. PA 198 of 1984 - Michigan Business Incubation Act.
5. PA 24 of 1995 - Michigan Economic Growth Authority Act, including
6. PA 175 of 1982 - State Research Fund Act.
7. PA 296 of 2003 - Michigan Early Stage Investment Act of 2003, as amended in 2007.
8. PA 489 of 2000 - 21st Century Jobs Trust Fund Act, as amended through 2008.
9. Portions of Statutes Included Elsewhere In The Code Involving Venture Capital.

Division III - Conduit Financing

Part A: State- and Municipal-Chartered Corporations

Statutes:

1. Portions of Statutes Included Elsewhere In The Code Involving State-Level Conduit Bond Financing.

Part B - Municipal-Chartered Corporations

Statutes:

1. PA 450 of 1980 - The Tax Increment Finance Authority Act, as amended in 2008
2. PA 281 of 1986 - The Local Development Finance Act, as amended through 2008

3. PA 62 of 1963 - Industrial Development Revenue Bond Act of 1963
4. Portions of Statutes Included Elsewhere In The Code Involving Local Conduit Bond Financing.

ARTICLE XV – MICHIGAN TAX PROVISIONS IMPACTING ECONOMIC DEVELOPMENT

DEPENDING ON DIRECTION FROM MLRC, THIS ARTICLE COULD HOUSE ALL TAX INCENTIVE LEGISLATION THAT COULD OTHERWISE BE LOCATED IN OTHER ARTICLES.

Division I - Business Tax

Division II – Property Tax

Division III – Sales and Use Taxes

Division IV – Income Tax

ARTICLE XV – MICHIGAN AND THE KNOWLEDGE ECONOMY – RESERVED

ARTICLE XVI – MICHIGAN FOREST ECONOMY – RESERVED

ARTICLE XVII – MICHIGAN AFFORDABLE HEALTH CARE – RESERVED

ARTICLE XVIII - REPEALER SECTION

THIS ARTICLE WILL BE THE LAST ONE DONE, AND JUST REPEAL STATUTES THAT HAVE BEEN ROLLED INTO THE CODE

**A REPORT ON RECENT COURT DECISIONS
IDENTIFYING STATUTES FOR LEGISLATIVE ACTION AND
RECOMMENDATIONS TO THE LEGISLATURE**

As part of its statutory charge to examine recent judicial decisions for the purpose of discovering defects and anachronisms in the law and to recommend needed reforms, the Michigan Law Revision Commission undertook a review of Michigan Supreme Court and Court of Appeals decisions issued in 2007 and 2008 urging legislative action. That review identified ? decisions for which the Commission recommends legislative action or review and ? decisions for which the Commission makes no recommendation. The seven decisions examined by the Commission are:

- Cairns v. City of East Lansing*, 275 Mich App 102 (Ct App 2007)
- Apsey v. Memorial Hosp.*, 477 Mich 120 (2007)
- Tyson Foods, Inc. V. Dep’t of Treasury*, 276 Mich App 678 (Ct App 2007)
- Estate of Hubka v. Defever*, No. 274857, 2008 WL 400684 (Mich Ct App Feb. 14, 2008)
- Stone v. Williamson*, 482 Mich 144 (2008)
- Woodman v. Kera*, 280 Mich App 125 (Ct App 2008)
- Bearup v. Gen. Motors Corp.*, Nos. 272654, 272666 (Mich Ct App Oct. 23, 2008)

I. Civil Actions under Natural Resources and Environmental Protection Act (NREPA)

A. Background

In *Cairns v. City of East Lansing*, 275 Mich App 102 (Ct App 2007), the owners of property affected by the operation of a municipal landfill adjacent to their property sued the city for injunctive and declaratory relief under NREPA. The trial court held that it did not have subject-matter jurisdiction over the action and granted summary jurisdiction to the city under MCL 324.20135(3)(b), a section of NREPA that prohibits civil actions by property owners and others, unless “[t]he state has not commenced and is not diligently prosecuting an action to obtain injunctive relief . . . or to require compliance with this part [of NREPA].” *Id.* at 106. The trial court considered the voluntary compliance effort being undertaken by the city under the supervision of the Department of Environmental Quality to be such an action. *Id.*

The Court of Appeals reversed and remanded the case, finding the term “action,” as used in MCL 324.20135(3)(b), to refer to “legal, rather than administrative, proceedings” and since no legal proceedings had been brought by the state against the city, that the trial court had not been divested of jurisdiction by the compliance effort. *Id.* at 117. The Court, however, noted that such result may not have been the Legislature’s intention, as the result “encourage[s] violators to insist the state commence a formal judicial action to operate as a bar to third-party civil action, thereby discouraging voluntary compliance efforts.” *Id.* At 119. The Court, therefore, stated that it would “encourage the Legislature to fully examine the language of MCL 324.20135(3)(b) and the policy considerations of the statute as it is currently written.” *Id.*

B. Question Presented

Should MCL 324.20135(3)(b) be amended to provide that civil actions may not be brought against the owner or operator of a landfill if the owner or operator has undertaken voluntary compliance efforts under the supervision of the Department of Environmental Quality?

C. Recommendation

The Commission recommends that the Legislature amend MCL 324.20135(3)(b), in the manner described above, agreeing with the court, that “voluntary compliance is a cost-effective and less time-consuming alternative to formal legal action.” *Id.*

(3) An action shall not be filed under subsection (1)(a) or (b) unless all of the following conditions exist:
. . . .

(b) The state has not commenced and is not diligently prosecuting an action under this part or under other appropriate legal authority to obtain injunctive relief concerning. **AS USED IN THIS SUBDIVISION, ACTION**

INCLUDES A VOLUNTARY COMPLIANCE EFFORT SUPERVISED BY THE DEPARTMENT OF ENVIRONMENTAL QUALITY.

II. Certification of Notary for Out-of-State Medical Malpractice Affidavits of Merit-

A. Background

In *Apsey v. Memorial Hosp.*, 477 Mich 120 (2007), the medical malpractice plaintiffs submitted an out-of-state affidavit signed by a notary public and containing a notarial seal but no further certification. *Id.* at 124. The plaintiffs later provided further certification after the statutory period of limitations had run. *Id.* at 125. The trial court granted summary judgment to the defendants, based upon a section of the Revised Judicature Act (RJA), MCL 600.2102(4), which was enacted in 1961 and provides that out-of-state affidavits must be certified by the clerk of a court of record in the county in which the affidavit is taken. *Id.*

The Court of Appeals initially affirmed the trial court's dismissal of the action, noting that, while the affidavit met the requirements of the Uniform Recognition of Acknowledgments Act (URAA) set forth in MCL 565.262, as amended in 1997, the affidavit failed to comply with MCL 600.2104(4), a section the Court stated "deals with material presented to the courts." *Id.* The opinion, relied, in part, on the language of MCL 565.268, which provides: "Nothing in this act [URAA] diminishes or invalidates the recognition accorded to notarial acts *by other laws* of this state." (Emphasis added.) The court later reconsidered and vacated its opinion, but then reaffirmed its earlier decision, giving it prospective application. *Id.* at 126.

The Michigan Supreme Court reversed and remanded the case, based upon the language of MCL 565.268, which provides that the URAA "*provides an additional method of proving notarial acts.*" *Id.* (Emphasis added by the court.) Therefore, the Court held that certification under the URAA is an "alternative and coequal" method of attestation of out-of-state affidavits. *Aspry*, 477 Mich at 130. Justice Kelly, in her concurrence, noted that the "Michigan Law Revision Commission's report and recommendations" regarding the adoption of the URAA was "[o]f particular importance" on this matter, as the report indicated to the Legislature that enactment of "[t]he act does not require the amendment or repeal of any existing legislation in Michigan but the old Uniform Act." *Id.* at 135 (Kelly, J., concurring) (quoting Michigan Law Revision Commission, Third Annual Report, 1968). Justice Kelly also noted that a prefatory note in the report of the National Conference of Commissioners on Uniform State Laws, which drafted the legislation, had indicated that the URAA's enactment would require no amendment to existing law, because it was "'in addition to' other recognition statutes." *Id.* at 136-37. Justice Young, while concurring in the result, stated, "I believe that the Legislature should dispel much of the confusion generated by the URAA and the RJA for the benefit of future litigants. I hope it will do so." *Id.* at 141 (Young, J., concurring). Further, Justice Markman remarked, in dissent, "I would call on the Legislature to promptly clarify its intentions concerning the need for certification of foreign affidavits used in Michigan judicial proceedings." *Id.* at 142.

B. Question Presented

Should state law be amended to provide that medical malpractice out-of-state affidavits of merit may be properly certified under only the Revised Judicature Act, not the Uniform Recognition of Acknowledgments Act?

C. Recommendation

The Commission recommends no amendments, restating its earlier position that the enactment of the URAA is in addition to, and not in replacement of, the RJA, necessitating no amendments.

OR

The Commission recommends that the Legislature amend MCL 600.2102 as follows:

Sec. 2102. In cases where by law the affidavit of any person residing in another state of the United States, or in any foreign country, is required, or may be received in judicial proceedings in this state, to entitle the same to be read, it must be authenticated IN THE MANNER PROVIDED IN THE UNIFORM RECOGNITION OF ACKNOWLEDGEMENTS ACT, ? PA ?, MCL 565.? TO 565. ? OR as follows:

(1) It must be certified by the consul general, deputy consul general, or some consul or deputy consul of the United States resident in such foreign country, to have been taken and subscribed before him, specifying the time and place where taken and have the consular seal attached; or

(2) It must be certified by some judge of a court having a seal to have been taken and subscribed before him, specifying the time and place where taken;

(3) The genuineness of the signature of such judge, the existence of the court and the fact that such judge is a member thereof, must be certified by the clerk of the court under the seal thereof;

(4) If such affidavit be taken in any other of the United States or in any territory thereof, it may be taken before a commissioner duly appointed and commissioned by the governor of this state to take affidavits therein, or before any notary public or justice of the peace authorized by the laws of such state to administer oaths therein. The signature of such notary public or justice of the peace, and the fact that at the time of the taking of such affidavit the person before whom the same was taken was such notary public or justice of the peace, shall be certified by the clerk of any court of record in the county

III. Medical Malpractice Affidavits of Merit and Statements Regarding Causation

A. Background

The trial court in *Estate of Hubka v. Defever*, No. 274857, 2008 WL 400684, at *1 (Mich Ct App Feb. 14, 2008), held that an out-of-state medical malpractice affidavit of merit of cardiologist Brown was defective in regard to Defendant cardiologist Reddy and Defendants non-cardiologists Defever, Khan-Lepak, Holladay, and Aretakis because it was certified under the Revised Judicature Act (RJA) and not the Uniform Recognition of Acknowledge Act (URAA). The trial court also held that the out-of-state medical malpractice affidavits of merit of non-cardiologists Levin and Wehl were defective in regard to non-cardiologists Defever, Khan-Lepak, Holladay, and Aretakis because even though the affidavits had been certified under the URAA, “it was undisputed that the only affidavit that addresse[d] the issue of proximate cause [, as required by MCL 600.2912d(1)(d) was] Dr. Brown’s affidavit.” *Id.* Therefore, the trial court granted summary disposition to all the defendants. *Id.*

The Michigan Court of Appeals reversed the trial court decision in regard to Defendant cardiologist Reddy, based upon the holding in *Apsey*. *Id.* at *2. It did not reverse the trial court decision in regard to non-cardiologists Defever, Khan-Lepak, Holladay, and Aretakis because the affidavits of merits of non-cardiologists Levin and Wehl were defective for the reason stated above and the affidavit of cardiologist Brown was defective because it only addressed the manner in which the breach of the standard of practice or care relative to *cardiologists* was the proximate cause of the injury. *Id.* at *1-2. (Emphasis added.) In dicta, the Court noted a concern with MCL 600.2912d(1)(d), namely that the subdivision permits an affiant who practices the same specialty or has the same board certification to address the issue of causation. *Id.*, n.1. The Court indicated that even if such an affiant was capable of addressing “the standard of care, breach of the standard of care, and the actions that should have been taken or omitted,” the affiant may, nonetheless, “truly not [be] qualified to address causation.” *Id.* The Court “implore[d] the Legislature to revisit the issue,” because the breach can result in injury “in a highly particularized manner, demanding explanation from a physician in the relevant specialized field.” *Id.*

B. Question Presented

Should MCL 600.2912d(1) be amended to permit affidavits of merit to address the issue of causation only if the affiant is a physician in the relevant specialized field?

C. Recommendation

The Commission makes no recommendation on this issue, but notes that the issue raised in dicta in this case is only part of a larger issue involving ambiguities in the Michigan statutes regarding medical malpractice actions.

IV. Medical Malpractice Actions and Loss of Opportunity

A. Background

A majority of the Justices writing in *Stone v. Williamson*, 482 Mich 144 (2008), in affirming the decision of the Court of Appeals, agreed that the medical malpractice plaintiff involved met the requirements of MCL 600.2912a(2), which reads as follows:

(2) In an action alleging medical malpractice, the plaintiff has the burden of proving that he or she suffered an injury that more probably than not was proximately caused by the negligence of the defendant or defendants. In an action alleging medical malpractice, the plaintiff cannot recover for loss of an opportunity to survive or an opportunity to achieve a better result unless the opportunity was greater than 50%

In his lead opinion, Chief Justice Taylor agreed with the Court of Appeals in *Fulton v. William Beaumont Hosp.*, 253 Mich App 70, 77-78 (Ct App 2002), that the sentence could be read as either requiring the plaintiff to show that the initial opportunity to survive before the alleged malpractice was greater than fifty percent or that the opportunity to survive was reduced by greater than fifty percent because of the alleged malpractice. He further found that either approach would require the Court “to impose its own prerogative on an act of the Legislature.” *Stone*, 482 Mich at 161. He, therefore, opined that the last sentence of MCL 600.2912a(2), discussing the concept of the loss of opportunity, “is unenforceable because it provides no guidance as to its meaning or how courts are to apply it” and “is incomprehensible.” *Id.* at 147, 162. Finding the sentence to no longer be good law, the Chief Justice opined that the plaintiffs had met their burden as it was understood pre-*Fulton*. *Id.* at 162. Lastly, after reviewing the concurring opinions of other Justices, he indicated that, “[g]iven this montage of issues and positions created by the language of this statute, it would be helpful for the Legislature to reexamine its goal and the policies it wishes to promote and strive to articulate its intent in that regard.” *Id.* at 164-65. Justices Corrigan and Young concurred in the entirety of the Chief Justice’s opinion. *Id.* at 165. Justice Cavanagh concurred in the opinion, but for the Chief Justice’s conclusion that the last sentence of MCL 2912a(2) is unenforceable, finding instead that giving the term “opportunity” the same meaning as it has in the phrase “loss of an opportunity to survive” and that the statute should be read to provide that “a plaintiff cannot recover for the loss of an opportunity unless *the* opportunity-the premalpractice opportunity that was allegedly lost in some measure-was greater than 50 percent.” *Id.* at 174 (Emphasis added by the Justice). Justices Weaver and Kelly concurred in Justice Cavanagh’s opinion. *Id.* at 185. Lastly, Justice Markman concurred only in the result of Justice Cavanagh’s opinion, but also “urge[d] the Legislature to revisit MCL 600.2912a(2) at its earliest opportunity.” *Id.* at 217.

B. Question Presented

Should state law be amended to clarify the meaning of the second sentence of MCL 600.2912a(2)?

C. Recommendation

The Commission recommends legislative review of this issue, but makes no recommendation of specific legislative action, noting that the issues raised by this case are only part of a larger issue involving ambiguities in the Michigan statutes regarding medical malpractice actions.

V. Validity of a Second Single Business Tax Assessment for the Same Time Period

A. Background

As noted in *Tyson Foods, Inc. v. Dep’t of Treasury*, 276 Mich App 678 (Ct App 2007), Defendant Tyson Foods did not submit Single Business Tax Act (SBTA) returns to the State of Michigan for the tax years 1989 through 1996. The Department of Treasury (Treasury) issued an intent to assess, which indicated the amount of taxes due and instructed Tyson Foods to file returns for the years in question. *Id.* at 680. Tyson Foods did not file returns, but paid the assessment. *Id.* Without conducting an audit, Treasury then issued a first final assessment for the years in question, which again instructed Tyson Foods to file the missing returns. *Id.* After conducting an audit, Treasury issued a second intent to assess and a second final assessment for the same period of time covered by the first final assessment. *Id.* at 681. Tyson Foods again filed no returns for the time period, but paid the assessment under protest. *Id.* In response to an action brought by Tyson Foods, the trial court determined that the first assessment was final and conclusive and ordered Treasury to refund the second tax payment. *Id.* at 682.

The Court of Appeals reversed the trial court’s decision, reviewing the SBTA, as well as the Revenue Act, the act under which the administration of the Single Business Tax is governed. The Court noted that the Revenue Act provides that “[a] person who has failed to file a return is

liable for all taxes due for the entire period for which the person would be subject to the taxes.” Id. at 685 (quoting MCL 205.27a(2)). The Court reasoned that if a second assessment could not be made, based upon an audit finding that a taxpayer’s true liability was greater than previously determined without an audit, the taxpayer “would be rewarded for its failure to file tax returns,” a result the Court did not think intended by the Legislature. Id. The Court then stated that if its determination of the Legislature’s intent in this situation was incorrect, it “urge[d] the Legislature to specifically clarify this issue in the revenue act or the SBTA.” Id. at 691.

B. Question Presented

Should state law be amended to preclude more than one final Single Business Tax assessment for the same period of time, notwithstanding the failure of a taxpayer to file a requested SBTA return?

C. Recommendation

Because the Single Business Tax Act has been repealed, the Commission recommends no amendment.

OR

Because the Commission has determined that the Court of Appeals’ decision is correct, the Commission recommends no amendment.

OR

The Commission recommends the following amendment, codifying the decision of the Court of Appeals:
SEC. ____. IF A PERSON WHO WAS SUBJECT TO THE SINGLE BUSINESS TAX ACT FAILED TO FILE A RETURN FOR A TAX YEAR AND THE PERSON’S PAYMENTS OF THE AMOUNTS ASSESSED BY THE DEPARTMENT IN THE FIRST ASSESSMENT DID NOT SATISFY THE PERSON’S SINGLE BUSINESS TAX LIABILITY FOR THAT TAX YEAR, THE DEPARTMENT MAY ISSUE A SECOND SINGLE BUSINESS TAX ASSESSMENT.

VI. Validity of Parental Waivers of Minor Child’s Potential Injury Claims

A. Background

In *Woodman v. Kera*, 289 Mich App 125 (Ct App 2008), the Court of Appeals reversed and remanded a trial court’s grant of summary disposition to Defendant Kera on a negligence claim based upon a pre-injury waiver signed by a parent of the injured minor child. The Court held that, in the absence of a specific statutory exception, Michigan’s common law does not permit “parents to bind their children to exculpatory agreements.” Id. at ?. The court then stated, “we would strongly encourage the Legislature to evaluate this issue, including any distinctions to be acknowledged regarding treatment of pre-injury waivers involving for-profit versus non-profit organizations or programs.” Id. at ?, n.6. In his concurrence, Judge Bandstra noted, “I reluctantly concur with the decision that we cannot enforce the waiver signed by the child’s father. However, I think that result is wrong and write separately hoping that either the Michigan Legislature or our Supreme Court will further address the issue.” and “I encourage the Michigan Legislature or Supreme Court to further consider the issue.” Id. at ?, ? (Bandstra, J., concurring). In a similar vein, Judge Schuette indicated the importance of both “the manner and speed with which the Michigan Legislature responds to this public policy issue” and “our Supreme Court’s review of the issue,” stating “I hope that the Michigan Legislature acts thoroughly and promptly.” Id. at ?, ? (Schuette, J., concurring).

B. Question Presented

Should state law be amended to create an exception to the common-law rule for pre-injury parental waivers and should a distinction be drawn between waivers for profit and non-profit groups?

C. Recommendation

The Commission recommends immediate legislative review of this issue.

VII. Discovery Doctrine and Product Liability Actions

A. Background

In *Bearup v. Gen. Motors Corp.*, Nos. 272654, 272666, 2008 WL 4684098, at *3 (Mich Ct App Oct. 23, 2008), the Court of Appeals affirmed the trial court’s decision granting Defendant Quaker’s motion for summary disposition in a product liability action based upon the expiration of the statute of limitations because the plaintiffs’ injuries

occurred more than three years before the claim was filed. The plaintiffs had argued that, under the discovery doctrine, the statute of limitations should have been tolled until they either discovered or should have discovered their injuries, a condition not satisfied until they received their medical diagnoses. Id. at *4.

The Court of Appeals based its decision on *Trentadue v. Buckler Automatic Lawn Sprinkler Co.*, 479 Mich 378, 388-89 (2007)), in which the Michigan Supreme Court had held that the discovery doctrine had been eliminated by the Legislature by the enactment of the Revised Judicature (RJA) as a result of the Act's "exclusive" "statutory scheme," under which the tolling of the period of limitations was limited to four specific causes of action, namely, professional malpractice actions, medical malpractice actions, actions brought against certain defendants alleging injuries from unsafe property, and actions alleging that a person who may be liable for the claim fraudulently concealed the existence of the claim or the identity of any person who is liable for the claim. at *?. Since a product liability action is not one of the aforementioned causes of action, the *Bearup* Court held that the statute of limitations for that action was not tolled. 2008 WL 4684098 at *5-6. In a footnote, however, the Court stated that "[i]n light of *Trentadue*, we urge the Legislature to enact statutory discovery rules for product liability actions involving latent injuries and other cases in which a plaintiff suffers a latent injury or is otherwise unable to discover the existence of a cause of action." Id. at *6, n.1.

B. Question Presented

Should state law be amended to provide statutory discovery rules for product liability actions involving latent injuries and other cases in which a plaintiff suffers a latent injury or is otherwise unable to discover the existence of a cause of action?

C. Recommendation

The Commission recommends legislative review of this issue, but makes no recommendation of specific legislative action.

Report on Regulation of Activities within Condominium Associations

This memorandum is in response to the Commission's charge to "[e]xamine state law to determine the manner in which Michigan statute law provides for the regulation of activity subject to regulation by resort associations if that type of activity occurs within the boundaries of a condominium association and indicate the amendments required to the resort association statutes to provide for similar statutory treatment." MCL 455.212 authorizes summer resort owners corporations (hereinafter referred to as "resort associations") to enact bylaws whose purpose is one or more of the following:

To keep the grounds of the corporation in good sanitary condition; preserve the purity of the water of all streams, springs, bays, and lakes within or bordering the grounds; and compel persons to keep abutting streets, highways, and sidewalks free from dirt and obstruction..

To protect all occupants from contagious disease and to remove from the grounds all persons afflicted with contagious disease.

To prevent and prohibit all forms of vice and immorality and all disorderly assemblies, disorderly conduct, games of chance, gaming, and disorderly houses.

To regulate billiard and pool rooms, bowling alleys, dance halls, and bath houses.

To prohibit and abate all nuisances.

To regulate meat markets, butcher shops, and other places of business as may become offensive to the health and comfort of members and occupants.

To regulate the speed of vehicles over its streets and alleys and make general traffic regulations.

To prevent the roaming at large of any dog or other animal.

A review of state statutory laws reveals no similar grant of authority to condominium associations.

The Michigan statutes regulating condominiums do not provide for the promulgation of bylaws similar to those resort associations are permitted to adopt under MCL 455.212. The statutes authorize condominium associations to promulgate bylaws addressing only administrative matters. See, for example, MCL 559.154 and 559.156. The failure of state law to authorize condominium associations to regulate the type of activities resort associations are permitted to regulate under MCL 445.212 appears to leave the regulation of those activities to state and local government. MCL 445.241, in fact, specifically indicates that "[a] condominium project shall comply with applicable local law, ordinances, and regulations. While the statutory provision addresses the condominium project itself and not individual behavior and, in context, appears to be aimed at issues such as zoning, the provision does provide an indication that condominium associations do not have laws unto themselves. The only other statutory provisions that reference condominiums and penal laws are MCL 257.627 and MCL 750.141a. MCL 257.627, a section of the Michigan vehicle code, merely provides, at subsection (2)(c), that the lawful maximum speed on highways within the boundaries of land regulated under the condominium act, 1978 PA 59, MCL 559.101 to 559.276, is 25 miles per hour, unless a different speed is fixed and posted. MCL 750.141a, a section of the Michigan penal code, 1931 PA 328, includes condominiums within the definition of "residence" for purposes of the certain prohibitions related to the consumption or possession of an alcoholic beverage.

Based upon the information reviewed above, it appears that in order to bring the laws regulating resort associations in line with the statute law regulating activities with condominium associations, certain provisions of the laws would need to be stricken, leaving regulation of activities formerly regulated by the associations to state and local government. In specific, the amendments would be required for the following statutory provisions:

1929 PA 137

AN ACT to authorize the formation of corporations by summer resort owners; to authorize the purchase, improvement, sale, and lease of lands; to authorize the exercise of certain police powers over the lands owned by said corporation and within its jurisdiction; to impose certain duties on the department of commerce; and to provide penalties for the violation of by-laws established under police powers.

455.204 Corporate powers and liabilities; property ownership, limitation.

Sec. 4. On compliance with the foregoing provisions of this act, the persons so associating, their successors and assigns, shall become and be a body politic and corporate, under the name assumed in their articles of association and shall have and possess all the general powers and privileges and be subject to all the liabilities of a municipal corporation and become the local governing body. Such corporation may acquire by purchase, devise or gift such real and personal property as it may desire for the purposes mentioned in its articles of association: Provided always, It shall not at any time own to exceed 320 acres of land, but this proviso shall not be construed to limit the area of its jurisdiction to exercise the police powers herein conferred over lands of members.

455.211 Corporate jurisdiction; liability for condition of streets.

Sec. 11. Such corporation, through its properly delegated officers, shall have jurisdiction over the lands owned by the corporation and over the lands owned by the members of said corporation for the exercise of the police powers herein conferred. The corporation shall have jurisdiction over the streets and highways passing through or over such lands: Provided always, That the right of the public to control, repair and use all such highways and streets as are necessary for the public travel through or across said lands, shall not be affected hereby: And provided further, That the public shall not be liable for the condition, safety or repair of such streets, alleys or highways as may be laid out and used on the authority of said corporation.

455.212 By-laws; enactment, authority of board of trustees.

Sec. 12.

The board of trustees shall have the authority to enact by-laws, subject to repeal or modification by the members at any regular or special meeting, calculated and designed to carry into effect the following jurisdiction over the lands owned by the corporation and its members, viz.: To keep all such lands in good sanitary condition; to preserve the purity of the water of all streams, springs, bays or lakes within or bordering upon said lands; to protect all occupants from contagious diseases and to remove from said lands any and all persons afflicted with contagious diseases; to prevent and prohibit all forms of vice and immorality; to prevent and prohibit all disorderly assemblies, disorderly conduct, games of chance, gaming and disorderly houses; to regulate billiard and pool rooms, bowling alleys, dance halls and bath houses; to prohibit and abate all nuisances; to regulate meat markets, butcher shops and such other places of business as may become offensive to the health and comfort of the members and occupants of such lands; to regulate the speed of vehicles over its streets and alleys and make general traffic regulations thereon; to prevent the roaming at large of any dog or any other animal; to compel persons occupying any part of said lands to keep the same in good sanitary condition and the abutting streets and highways and sidewalks free from dirt and obstruction and in good repair.

455.213 By-laws; effective date, posting.

Sec. 13. All by-laws, so established by the corporation, shall take effect 10 days after passage and each of said by-laws shall be posted conspicuously in 3 public places within the jurisdictional area of said corporation, at least 5 days before the time of taking effect and proof of such posting shall be made by an officer of the corporation and entered on the records of said corporation. Complete and accurate copies of all by-laws shall be kept, at the office of the corporation, for public inspection.

455.214 By-laws; violation, penalty.

Sec. 14. Any person who shall violate any of such by-laws shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not exceeding 25 dollars or imprisonment in the county jail not to exceed 30 days or by both such fine and imprisonment in the discretion of the court, which fine shall be distributed to the same fund as other misdemeanor fines in the township where such lands may be located.

455.215 Marshal; powers, compensation, removal.

Sec. 15.

The board of trustees may appoint a marshal, whose duties shall be to enforce the by-laws of said corporation. Said marshal shall have the authority of a deputy sheriff in maintaining peace and order and the enforcement of law on the lands under the jurisdiction of the corporation, and in addition thereto shall be vested with authority to make arrests, in accordance with law, for the violation of the by-laws of said corporation. Compensation of said marshal shall be fixed and paid by said corporation and the said corporation shall alone be responsible for his acts; he may be removed at any time by a majority vote of the trustees, with or without cause; in the discharge of his duties in respect to any matter that is an offense against the general laws of the state, his fees and charges shall be regulated and paid in the same manner as other officers.

455.216 Marshal; authority over person arrested.

Sec. 16. The marshal shall have authority to take any person arrested before the district or municipal court of the judicial district or municipality in which the lands of the corporation are situated, to be there dealt with according to law.

1889 PA 39

455.58 Board of trustees; powers; annual meeting; streets, control.

Sec. 8. The board of trustees shall have the management and control of the business, finances, rights, interests, buildings and all property, real and personal, of the association, and shall represent the association with full power and authority to act for it in all things whatsoever, subject only to the provisions of this act and the by-laws of the association and any special directions that may be given in regard thereto by a vote of any annual meeting. It shall fix the time for holding the annual meeting of the association and all special meetings thereof. Such board shall have jurisdiction over the lands of the association, the streets and highways passing through or over the same and the water within or in front thereof, and all buildings thereon, whether leased or not; to keep all such lands and premises of the association and the water within or in front thereof in good sanitary condition; to preserve the purity of the waters of all streams, springs, bays or lakes within or bordering upon said lands; to license such number of drays as may be thought desirable upon such terms and conditions as the board shall determine; and to prohibit any person from carrying on the business of carrying goods, trunks, baggage or commodities on the lands of the association or the highways, streets or alleys thereon without such license first being had; to provide for protection from loss or damage from fire and to protect the occupants of its grounds from contagious diseases; to remove therefrom any and all persons afflicted with any such disease; to prevent and prohibit on its grounds vice and immorality; to prohibit all disorderly assemblies and conduct, all gaming and disorderly houses, all billiard tables, bowling alleys, fraudulent and gaming devices, the selling or giving away any spirituous or fermented liquors; to prohibit and abate all nuisances and all slaughter houses, meat markets, butcher shops, glue factories, and all such other offensive houses and places as the board of trustees may deem necessary for the health, comfort and convenience of the occupants upon such lands; to prohibit immoderate driving or riding upon said premises or the streets and highways lying along or across the

same; to prevent the running at large of any dog or other animal; to compel persons occupying any part of said premises to keep the same in good sanitary condition and the streets, sidewalks and highways in front thereof free from dirt and obstruction and in good repair; to fix the place or places where and the time when persons may bathe in the waters within or in front of its land and regulate the same in the interests of decency and good morals; to prohibit all boating upon any of its said waters on Sunday to and from the lands of the association; and they may also prohibit or consent to the erection and maintenance of stables and horse barns upon said grounds: Provided always, That the right of the public to control, repair and use all such highways and streets as are now or may hereafter be used and necessary for the public travel through or across said grounds shall not be affected hereby: And further provided, That the public shall not be liable for the condition, safety or repair of such streets, alleys or highways, as may be laid out and used under the authority of said association. The board may also prohibit or consent to the holding of meetings or assemblies for religious or other purposes upon its grounds, and may fix and determine the terms and conditions upon which hotels and boarding houses may be kept thereon.

455.59 Board of trustees; by-laws and orders, amendment, rescission.

Sec. 9. Such board of trustees may from time to time make such orders and by-laws relating to the matters hereinbefore specified and to the business and property of the association as shall seem proper, and may amend the same from time to time, provided always that the same may be amended or rescinded by a majority vote at any annual meeting of the association.

455.60 Violation of by-laws; penalty.

Sec. 10. Any person who shall violate any of such by-laws made as in said last section provided, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding 25 dollars or imprisonment in the county jail not to exceed 30 days, or by both such fine and imprisonment in the discretion of the court, which fine shall go to the same fund as other fines for misdemeanor in the township where such association lands may be located.

455.61 Marshal; appointment by board of trustees, compensation, duties, removal, powers, responsibility.

Sec. 11. The board of trustees may, for the preservation of peace and good order, appoint a marshal, whose duties and compensation shall be fixed by such board in and by a by-law passed and approved as hereinbefore provided for the adoption and approval of its by-laws; he shall have all the powers conferred upon, and the duties required of, constables elected under the general laws of this state, for the preservation of peace and good order upon the grounds of the association; and said association shall in its corporate capacity be held responsible to the public and parties interested for his official conduct in lieu of other bonds or security therefor; he may be removed at any time by a 2/3 vote of the trustees, with or without cause. In all cases where any fees or expense shall be due to or incurred by him in the discharge of his duties in any matter that would be an offense against the general laws of the state, his fees and charges shall be regulated and paid in the same manner as other constables, but in all matters under the by-laws or regulations of the association, provision shall be made therein for his payment by the association.

455.62 Marshal; authority over person arrested.

Sec. 12. The marshal shall have authority to take any person arrested, before the district or municipal court of the judicial district or municipality in which the association lands are situated, to be dealt with according to law.

455.63 Property; injury or destruction, penalty.

Sec. 13. Any person who shall willfully destroy, injure or remove any statuery, fence, fountain, hydrant, building or other structure placed on the grounds of the association, any dock, landing, quay or boat house thereon, or boat upon the waters upon which such lands are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any tree, shrub or plant upon such grounds, or shall deposit in any spring, stream, reservoir or water pipe, or water upon or within such grounds or in front thereof, any filth or impurity, or who shall in any way injure any water pipe, lock or reservoir for the storage or passage of water along or upon such grounds, or any sewer or drain, shall be deemed guilty of a misdemeanor, and shall be liable, on conviction thereof, to a fine not exceeding 25 dollars, or imprisonment in the county jail not exceeding 30 days, or by both such fine and imprisonment, in the discretion of the court.

1887 PA 69

455.111 Property; injury, penalty; trespass action.

Sec. 11. Any person who shall willfully destroy, injure or remove any statuery, fence, fountain, building or other structure placed on the grounds, or any dock, landing, quay, boat house, or boat upon the waters upon which said grounds are located, the property of any association incorporated under this act, or of any individual member thereof, or who shall willfully cut or injure any trees, shrub or plant within the said grounds, shall be deemed guilty of a misdemeanor, and shall be liable on conviction thereof to a fine not exceeding 25 dollars, or in default of fine to imprisonment in the county jail for a period not exceeding 30 days, action for the enforcement of such penalty to be brought in the name of the people of the state of Michigan upon the complaint of the trustees of the association or an individual member thereof; and such offender shall also be liable in an action of trespass to be brought in the name of such association for all damages caused by such unlawful act or acts.

Report on Older Michigan Statutes Providing for the Criminal Sanctions of Imprisonment or Low Monetary Fines for Violations of the Statutes

Recognizing the wisdom of Mr. Marvin's suggestion regarding certain statutory provisions setting criminal fines whose minimum amount is not sufficient to encourage the enforcement of the provisions, the Michigan Law Revision Commission surveyed Michigan law to determine which Michigan statutory provisions either set a criminal fine of \$25 or less or set a range of criminal fines, whose minimum is less than \$50 and whose maximum is not more than \$100. The survey uncovered 41 such statutory provisions.

In some instances, the length of time that has elapsed since a provision was last addressed statutorily is of sufficient length to suggest that it be examined by the Legislature to determine whether an increase in the amount of the fines and other action, such as tying the amount of the maximum fine to the consumer price index would be appropriate. An example of such a section is MCL 255.8, enacted as part of the Revised Statutes of 1846, but never amended since that time. Other sections, such as MCL 324.17107, have been only recently enacted, but were enacted as part of a recodification with the language of the section having remained unchanged for decades. The Commission also recommends a legislative examination of those sections for their possible amendment in the fashion described above. Lastly, other statutory sections, such as MCL 286.259, have recently been the subject of a legislative enactment, not as part of a recodification. The dollar amount of the fines set by those sections may be appropriate but the tying of the amount of the criminal fines to the consumer price index should be assessed by the Legislature, if only to eliminate the need for continual amendments in the future. (The Commission recognizes that such indexing may be appropriate for higher fines as well, but is addressing only those fines meeting the criteria set out above.) The section number of the 41 sections described above, along with the statutorily or editorially supplied short description of the acts or parts of acts in which they are found, the year of the most recent legislative enactment regarding the sections, and the dollar amount of the fines are set out below:

28.246 Bureau of Criminal Identification and Records 1987 \$25-\$100
54.222 Section Corners and Quarter Posts 1889 \$25-\$50
205.105 Use Tax Act 1949 \$25/day
247.182 Use of Highway by Public Utilities 1925 \$15-\$50
255.8 Of the Regulation of Ferries 1846 \$25
286.84 Cherry Pests 1929 \$25-\$100
286.226 The Insect Pest and Plant Disease Act 1955 \$25-\$100
286.259 The Insect Pest and Plant Disease Act 2005 \$25-\$100
287.209 Breeding of Horses 1929 \$25-\$100
289.40 Dairy and Food Commissioner 1893 \$10-\$100
289.44 Dairy and Food Commissioner 1893 \$10-\$50
289.252 Immature or Unwholesome Calves 1913 \$25-\$100
289.645 Seal of Quality Act 1961 \$25-\$100
290.133 Standard Climax Baskets, Baskets, or Other Containers 1917 \$25
290.465 Wholesale Potato Dealers 1964 \$25-\$100
317.208 Wild Life Sanctuaries 1929 \$25-\$100
317.225 Pine Lake Wild Life Sanctuary 1925 \$25-\$100
317.245 Harbor Beach Refuge 1929 \$10-\$100
324.17107 Battery Disposal 1995 \$25
324.40903 Homing Pigeons 1995 \$25-\$100
324.46902 Taking Rainbow Trout in Soo Rapids and St. Mary's River 1994 \$10-\$100
324.47334 Commercial Fishing 1995 \$25-\$100
333.2843 Vital Records 2002 \$25-\$100
380.1599 The Revised School Code 1976 \$5-\$50
380.1807 The Revised School Code 1976 \$25-\$100
380.1808 The Revised School Code 1976 \$2-\$50
380.1812 The Revised School Code 1976 \$5-\$50
390.892 Traffic Ordinances at School Universities and Colleges 1978 \$25

390.892a Traffic Ordinances at School Universities and Colleges 1998 \$25
408.403 Legal Day's Work 1990 \$5-\$50
421.54 Michigan Employment Security Act 2002 \$25
427.7 Hotels, Inns, and Public Lodging Houses 1913 \$25-\$50
427.14 Hotels, Inns, and Public Lodging Houses 1913 \$25-\$50
444.27 Warehousemen and Warehouse Receipts 1895 \$25
445.5 Carrying on Business under Assumed or Fictitious Name 1949 \$25-\$100
446.218 Pawnbrokers 1917 \$25-\$100
453.362 Protection of Fair Grounds and Exhibitions 1873 \$25
460.55 Michigan Public Utilities Commission 1919 \$10-\$100
551.105 Marriage License 1887 \$25-\$100
551.204 Issuance of Marriage License without Publicity 1979 \$25-\$100
750.497 The Michigan Penal Code 1931 \$10