

In response to your fourth and fifth questions, it is my opinion that the provisions of Act 243 are not made inapplicable because a trailer coach is placed on a foundation or because axles or undercarriage are removed.

In response to your sixth question, Act 243, P.A. 1959, regulates trailer housing units numbering 3 or more located on a single tract or parcel of land UNDER THE CONTROL OF ANY PERSON.

The statute does not define the word "person" as used therein. Consequently, Michigan rules of statutory construction apply. Section 3(b) of Act 189, P.A. 1959 (M.S.A. 1961 Rev. Vol. § 2.212(2) ) provides as follows:

"Every word importing the singular number only may extend to and embrace the plural number, and every word importing the plural number may be applied and limited to the singular number. Every word importing the masculine gender only may extend and be applied to females as well as males."

Section 31 of Act 189 (M.S.A. 1961 Rev. Vol. § 2.212(12) ) also indicates that:

"The word 'person' may extend and be applied to bodies politic and corporate, as well as individuals."

In conclusion, it is my opinion that the provisions of Act 243, P.A. 1959, apply to persons who jointly own a tract or parcel of land upon which three or more trailer coaches are located.

FRANK J. KELLEY,

*Attorney General.*

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**MACKINAC ISLAND STATE PARK COMMISSION: Powers of Commission.**

**Mackinac Island State Park Commission is possessed of statutory authority to acquire an approved airport on Mackinac Island subject to determination by the proper Federal authority that such exercise will not affect the title of the State to the land to be used for airport purposes.**

No. 4162A

June 9, 1964.

Mr. Walter J. Murray, Chairman  
Mackinac Island State Park Commission  
3965 Penobscot Building  
Detroit, Michigan

On November 18, 1963, in opinion No. 4162, a ruling was made by the Attorney General that the Mackinac Island State Park Commission was without statutory authority to construct and acquire an approved airport. Further ruling was made that the Mackinac Island State Park Commission was powerless to do indirectly through lease to the City of Mackinac Island what it was without statutory duty to do directly. Thus, the Commission was without authority to enter into a 25 year lease for approved airport purposes to the City of Mackinac Island of state park lands.

The opinion concluded that a lease of state park lands to the City of Mackinac Island for the purpose of construction of an approved airport under the law then in effect would constitute a non-state park use subjecting state park lands to reversion to the United States.

My opinion No. 4162 came to the attention of the legislature and the legislature has amended Sec. 1 of Act 201, P.A. 1958, § 318.201; M.S.A. 1963 Cum. Supp. § 13.1005(1) by means of Act 56, P.A. 1964, given immediate effect and approved by the Governor on May 12, 1964, to confer authority upon the Mackinac Island State Park Commission, which authority is found in a new subsection (e) of Sec. 1 of the act, as follows:

“(e) To acquire, construct, develop, improve, repair, maintain and operate, but not to extend the runway beyond 3600 feet, an airport or landing field on property under its jurisdiction, and to lease to any governmental unit any real or personal property under its jurisdiction for use as an airport or landing field on such terms and conditions as shall be approved by the commission and the department of administration. The exercise of any power granted by this subsection shall be subject to determination by the proper federal authority that such exercise will not affect the title of the state to the land involved. All rules and regulations promulgated by any lessee shall reflect written approval by the commission before any such rules or regulations are in effect.”

It is clear from a reading of Sec. 1(e) of Act 201, P.A. 1958, as amended by Act 56, P.A. 1964, that the Mackinac Island State Park Commission is possessed of clear statutory authority to acquire and construct an approved airport on property under its jurisdiction and to lease to any governmental unit any real property under its jurisdiction for use as an airport.

Therefore, it is my opinion that the Mackinac Island State Park Commission is possessed of lawful authority to acquire an approved airport on Mackinac Island but not to extend the runway beyond 3600 feet. It is also empowered by the legislature to lease to any governmental unit real property under its jurisdiction for use as an airport.

The legislature has proscribed the exercise of such power in relation to the acquisition of an approved airport with a runway not to extend beyond 3600 feet, subject to determination by the proper federal authority that such exercise will not affect the title of the state to the lands involved.

Thus, it is clear that the Mackinac Island State Park Commission cannot exercise the power conferred by the legislature under Section 1(e) of Act 201, P.A. 1958, as amended by Act 56, P.A. 1964, until the proper federal authority shall determine that such exercise will not affect the title of the state to the land involved.

I am this day sending a copy of this opinion to the Honorable Robert F. Kennedy, Attorney General of the United States, with a covering letter requesting his office to assist the Mackinac Island State Park Commission in securing the determination required by the Michigan legislature before

the Mackinac Island State Park Commission can acquire an approved airport on park lands.

FRANK J. KELLEY,  
*Attorney General.*

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MOTOR VEHICLES: Transfer of title.  
SECRETARY OF STATE: Motor vehicles.

In the event of the death of an owner of one or more vehicles, the total value of which does not exceed \$1,500.00, and where there is no other property necessitating the procuring of letters of administration, or letters testamentary, the secretary of state shall furnish certificate of title to surviving husband or wife, or next of kin, when proper petition and affidavit is furnished to him.

No. 4167

June 17, 1964.

Senator Garland Lane  
1204 N. Ballenger Highway  
Flint 2, Michigan

You have written expressing concern over the validity of Section 236, as amended,<sup>1</sup> of the Michigan Vehicle Code, being Act 300, P.A. 1949. This section provides in part as follows:

“\* \* \*. In event of the death of an owner of 1 or more vehicles whose total value does not exceed \$1,500.00, who does not leave other property necessitating procuring letters of administration or letters testamentary as required in section 50 of chapter 2 of Act No. 288 of the Public Acts of 1939, being section 702.50 of the Compiled Laws of 1948, the surviving husband or wife, or next of kin in the order named in section 51 of said chapter, may apply for a title, after first having furnished the secretary of state proper proof of the death of the registered owner, attaching thereto an affidavit setting forth the fact that the applicant is the surviving husband or wife, or next of kin, and upon proper petition the secretary of state shall furnish applicant with a certificate of title.”

Thus no estate need be probated under the circumstances covered by the section in order to perfect transfer of title to the vehicle.

Substantially the same language has been the subject of two prior opinions of the Attorney General. In 1947 the Attorney General construed<sup>2</sup> Section 3 of Act 46, P.A. 1921, as amended, known as the Motor Vehicle Title Act, which section was the predecessor of Section 236 now in question. The only substantial difference between the quoted language from Section 236 and the language construed in Section 3 relates to the dollar amount involved. The legislature has increased said amount from \$500.00 to

<sup>1</sup> C.L.S. 1961 § 257.236 and Act 72, P.A. 1962; M.S.A. 1963 Cum. Supp. § 9.1936.

<sup>2</sup> O.A.G. No. 573, Vol. 1947-48, p. 421.