

obtained for amendment of the master deed.* The master deed should be amended to reflect the fact that it is the intent of all those with an interest in the street to dedicate that street to the public for public use. After the deed has been so amended, then approval of the proposed plat may be sought.

It is my opinion therefore that since the condominium master deed has already been approved and recorded and units within the condominium development have already been sold, the developers cannot dedicate Newporte Street to the public use without first obtaining an amendment of the master deed.

FRANK J. KELLEY,
Attorney General.

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VETERANS: Licensing and regulatory statutes

LICENSES AND PERMITS: Veterans

CONSTITUTION OF MICHIGAN: art 4, § 25

A veteran of the armed forces who completes a portion of practical experience required for examination for a license prior to January 1, 1973 may complete his requirement for practical experience after that date if the failure to complete his practical experience resulted from service in the armed forces.

Although enactment of a statute may affect an existing act, if the statute is complete in itself and does not confuse or mislead, it does not violate Const 1963, art 4, § 25, which prohibits enactment of a statute that alters or amends a prior act without publishing the section altered or amended at length.

Opinion No. 4955

February 19, 1976.

Jack C. Sharpe
Administrative Secretary
Board of Registration for
Land Surveyors
1008 South Washington Avenue
Lansing, Michigan 48926

You have asked for my opinion on the following questions:

1. Is 1946 1st Ex Sess PA 27, as amended by 1975 PA 193¹ applicable

* If the developer has reserved in the master deed the right to amend the master deed for purposes of dedication of land to the public for public use, then the written consent of all co-owners, mortgagees and other persons interested in the condominium project may not be necessary.

¹ MCLA 35.581 *et seq.*; MSA 4.1485(1) *et seq.* As originally enacted 1946 1st Ex Sess PA 27, protected the work and study performed by applicants for license for any trade, occupation or profession prior to induction into the armed forces; the act referred to service in the armed forces during World War II and for a period of 6 months after formal declaration of peace. By enactment of 1975 PA 193, the legislature extended the coverage to include veterans of the armed forces during any period of war or emergency condition so as to include the Vietnam era.

to 1937 PA 240²?

2. If so, would the application of 1946 PA 27, as amended by 1975 PA 193 to 1937 PA 240 be constitutional?

The intent of 1946 1st Ex Sess PA 27, *supra*, is stated in § 2 as follows:

“The intent of this act is to protect the work and study performed by applicants for license or other qualification before being inducted into the armed forces, to prevent service in the armed forces being considered as a disqualifying interruption of any required period of practical experience, apprenticeship, study or training, and to permit boards of examiners and similar boards to equitably evaluate and give credit for training and experience in the armed forces. This act shall be given a liberal interpretation to carry out this intent.”

1937 PA 240, *supra*, § 12 provides:

“(3) The board shall hold examinations at least once a year covering all of the several parts of its requirements. An applicant may take the examination as follows:

“(a) An applicant who successfully completes studies which will be followed by a baccalaureate degree in a professional school or college acceptable to the board or who before January 1, 1973 completes 4 years’ practical experience acceptable to the board may take an examination which will indicate the applicant’s understanding of the theory pertaining to his profession. An applicant who passes this examination is not required to repeat it regardless of when the applicant takes the examination required by subdivision (b).”

As an example of the problem, you have cited a Vietnam veteran who began his practical experience prior to January 1, 1973. After having begun his practical experience, the veteran entered military service and was not able to complete the requirement of 4 years of practical experience until after January 1, 1973. Thus, unless 1946 1st Ex Sess PA 27, as amended by 1975 PA 193, *supra*, is applied to his situation, he will be disqualified from taking an examination to qualify for licensure under 1937 PA 240, *supra*.

In interpreting a statute, the language used by the legislature must be given its ordinary and usual meaning, unless it appears from context or otherwise that a different meaning was intended. *Chou v Hilgers*, 32 Mich App 201; 188 NW2d 243 (1971). There is no room for judicial interpretation or construction where the language contained in a statute is plain and unambiguous. *Crawley v Schick*, 48 Mich App 728; 211 NW2d 217 (1973).

It is therefore my opinion that 1946 1st Ex Sess PA 27, *supra*, as amended by 1975 PA 193, applies to 1937 PA 240, *supra*, so that an applicant who meets the qualifications stated in 1946 1st Ex Sess PA 27, § 1, may complete the 4 year practical experience requirement after January 1, 1973.

You further raise the question of the constitutionality of 1973 PA 193,

² MCLA 338.551 *et seq*; MSA 18.84(1) *et seq*. This is an act to license and regulate the practice of architecture, professional engineering and land surveying.

supra, as applied to 1937 PA 240, *supra*. You cite OAG 1974-1975, No 4868, p . . . (June 5, 1975), which states in part:

"The legislative enactment referred to as the good moral character act violates Const 1963, art 4, § 25 in that it attempts to alter or amend various licensing acts without re-enacting and publishing at length those sections which the legislature attempted to amend."

OAG No 4868, *supra*, reached the above conclusion after deciding that the good moral character act:

". . . is not an 'act complete in itself' as found in *Constitutionality, 1972 PA 294, supra*, and *Mahaney, supra*. Rather it is an amendatory act which purports to insert certain words regarding 'good moral character' into the existing paragraphs of the various licensing acts. It also attempts to amend and revise some statutes in regard to criminal convictions as a sole proof of an applicant's lack of good moral character."

The above opinion found support in the following language from *Alan v Wayne County*, 388 Mich 210, 285; 200 NW2d 628, 665 (1972):

". . . If a bill under consideration is intended whether directly or indirectly to *revise, alter, or amend* the operation of previous statutes, then the constitution, unless and until appropriately amended, requires that the Legislature do in fact what it intends to do by operation."

The current 1937 PA 240, *supra*, does not contain a provision for the interruption of practical experience. 1937 PA 240, *supra*, is silent on what affect service in the military has on qualifications for examination. Therefore, it could not be found, as found in OAG No 4868, *supra*, that 1946 1st Ex Sess PA 27, *supra*, as amended attempts to amend or revise 1937 PA 240, *supra*. Rather it is clear that 1946 1st Ex Sess PA 27, as amended, *supra*, is a complete act in itself and does not confuse or mislead (*Constitutionality, 1972 PA 294*, 389 Mich 441; 208 NW2d 469 [1974]). As I further stated in OAG No 4868, *supra*:

". . . if an act is complete in itself, it meets the test of constitutionality . . ."

It is my opinion that the application of 1946 1st Ex Sess PA 27, *supra*, as amended to 1937 PA 240, *supra*, is constitutional. I would further point out that where a particular and specific provision in an act applies to a matter it is to be considered in the place of a general statute that if standing alone would include the matter (*In the Matter of Landaal*, 273 Mich 248; 262 NW 897 [1935]). 1946 PA 27, *supra*, as amended, being a specific statutory provision, would apply over the general provisions of 1937 PA 24, *supra*, in this matter.

In conclusion, where it is determined that an applicant for an examination meets all the qualifications set forth in 1946 1st Ex Sess PA 27, § 1, *supra*, as amended, then said provision can constitutionally be applied to 1937 PA 240, § 12, *supra*, to achieve the stated purpose of the former act.

FRANK J. KELLEY,
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