STATE OF MICHIGAN

COURT OF APPEALS

KEEP MICHIGAN WOLVES PROTECTED, Plaintiff-Appellant,	UNPUBLISHED November 22, 2016
v	No. 328604 Court of Claims
STATE OF MICHIGAN, DEPARTMENT OF NATURAL RESOURCES, and NATURAL RESOURCES COMMISSION, Defendants-Appellees.	LC No. 15-000087-MZ

Before: OWENS, P.J., and HOEKSTRA and BECKERING, JJ.

PER CURIAM.

This appeal arises from constitutional and statutory challenges to 2014 PA 281 (hereinafter PA 281), which amended various sections of the Natural Resources Environmental Protection Act (NREPA), MCL 324.101 *et seq*. Plaintiff, Keep Michigan Wolves Protected (KMWP), appeals as of right the opinion and order of the Court of Claims concluding that PA 281 does not violate Michigan's Constitution or statutes, and granting summary disposition in favor of defendants, the State of Michigan, the Department of Natural Resources, and the Natural Resources Commission, pursuant to MCR 2.116(C)(8) (failure to state a claim on which relief can be granted). For the reasons set forth below, we conclude that PA 281 violates the Title-Object Clause of the Michigan Constitution, Const 1963, art 2 § 24.

I. FACTS

The United States Congress enacted the Endangered Species Act of 1973, 16 USC 1531-1544, in part to authorize the determination and listing of species as endangered; the wolf was listed as an endangered species in 1978. 43 Fed Reg 9607 (March 9, 1978). On December 28, 2011, the United States Fish and Wildlife Service renamed what was previously listed as the Minnesota population of the gray wolf as the Western Great Lakes Distinct Population Segment, expanding the population to include, in relevant part, all of Michigan. The federal government removed gray wolves from the federal endangered species list for the newly organized area, returning wolf management to Michigan. 76 Fed Reg 81666 (December 28, 2011).

On December 28, 2012, the Governor signed into law 2012 PA 520 (hereinafter PA 520). PA 520 amended the NREPA in part by adding the wolf to the definition of "game," MCL 324.40103(1)(jj), and proclaiming the necessity of sound management of the wolf population, including the use of hunting as a tool to minimize negative encounters between wolves and humans, livestock, and pets, MCL 324.40110b(1). To effectuate the required sound management, PA 520 authorized the establishment of a wolf hunting season, MCL 324.40110b(2), and a wolf management advisory council, MCL 324.43540e.

In response, plaintiff initiated a statewide referendum petition drive to reject PA 520 by statewide vote at the November 4, 2014 general election.[1] Plaintiff collected the requisite signatures on referendum petition sheets and submitted them to the Board of State Canvassers for certification of the signatures in March 2013. On May 22, 2013, the Board of State Canvassers certified the signatures and ordered the question of whether to reject PA 520 onto the November 4, 2014 general election ballot. As a result of these measures, PA 520 was rendered ineffective unless approved by a majority of the voters in the November general election.[2] Const 1963, art 2, § 9 ("No law as to which the power of referendum properly has been invoked shall be effective thereafter unless approved by a majority of the electors voting thereon at the next general election"); MCL 168.477(2).

On May 8, 2013, while the Board of State Canvassers was engaged in certifying the signatures on the referendum petition challenging PA 520, Michigan's Governor signed into law 2013 PA 21 (hereinafter PA 21) and 2013 PA 22 (hereinafter PA 22). PA 21 reenacted and published MCL 324.40103 as amended by PA 520, i.e., the list of game species with "wolf" added, MCL 324.40103(1)(kk), and granted the Natural Resources Commission (NRC) concurrent authority with the Legislature to designate a species as game and to establish the first open season for that animal, MCL 324.40110(1). The act required the NRC to follow principles of sound scientific management in the exercise of its authorized regulation of the taking of fish in the State. MCL 324.48703a. PA 21 also provided, subject to certain conditions, that qualified

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[1] Pursuant to Const 1963, art 2, § 9,

> The people reserve to themselves the power to propose laws and to enact and reject laws, called the initiative, and the power to approve or reject laws enacted by the legislature, called the referendum. The power of initiative extends only to laws which the legislature may enact under this constitution. The power of referendum does not extend to acts making appropriations for state institutions or to meet deficiencies in state funds and must be invoked in the manner prescribed by law within 90 days following the final adjournment of the legislative session at which the law was enacted. To invoke the initiative or referendum, petitions signed by a number of registered electors, not less than eight percent for the initiative and five percent for referendum of the total vote cast for all candidates for governor at the last preceding general election at which a governor was elected shall be required.

[2] At the general election, the voters rejected PA 520 by way of Proposal 14-1.

members of the military could obtain game and fish licenses free of charge. MCL 324.43536a(1). The Legislature later amended this section to specify that the free-license offer applied to members of the military stationed outside of Michigan. MCL 324.43536a(1) as amended by 2013 PA 108 (hereinafter PA 108). PA 22 also amended NREPA, declaring that citizens of Michigan have a right to hunt, fish, and take game subject to regulations and laws. MCL 324.40113a(3).

In response, plaintiff initiated a referendum petition drive to reject PA 21.[3] Plaintiff submitted the referendum petition to the Board of State Canvassers for certification of its signatures in March 2014. The Board certified the signatures on May 6, 2014, and ordered the question of whether to reject PA 21 onto the November 4, 2014 general election ballot. Consequently, operation of PA 21 was rendered ineffective unless approved by a majority of the voters in the November general election.[4] Const 1963, art 2, § 9; MCL 168.477(2).

In December 2013, before plaintiff submitted the referendum petition for PA 21 to the Board of State Canvassers, ballot question committee Citizens for Professional Wildlife Management (CPWM) circulated a petition to initiate the Scientific Fish and Wildlife Management Act, which would become PA 281, the law at the center of this appeal. The initiative petition reenacted portions of PA 520, which was scheduled for a referendum vote, and PA 21, for which a referendum petition was circulating. Specifically, the initiative reenacted those portions of PA 520 and PA 21, as amended by PA 108, that, among other things, listed wolf as a game species, gave the NRC joint authority with the Legislature to name new game species and authorize the first open season for new game animals, and offered free game and fish licenses to qualified members of the military. In addition, the initiative appropriated $1 million to manage invasive species, prominently mentioning Asian carp as included in the category of invasive species. Further, Enacting § 1 indicated that, if voters rejected by referenda vote any portions of PA 520 or PA 21[5] not amended by PA 281, the voter-rejected portions "shall be deemed to be reenacted pursuant to this act." In other words, even if voters rejected PA 520 and PA 21 at the general election, those portions of the rejected laws that were incorporated into PA 281 would nevertheless survive.

On May 27, 2014, after certification of the referendum petition challenging PA 21, CPWM submitted the initiative petition signatures to the Board of State Canvassers. The Board certified the signatures and forwarded the initiated law to the Legislature to enact or reject the law as written within the next 40 session days. Const 1963, art 2, § 9. Michigan's Senate adopted the initiated law on August 13, 2014 and the House of Representatives adopted the initiated law on August 27, 2014. The law was designated as PA 281 on September 9, 2014. Because of the $1 million appropriation in PA 281, the new law could not be the subject of a referendum. Const 1963, art 2, § 9 (excluding from the power of referenda "appropriations for state institutions or to meet deficiencies in state funds").

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[3] Referenda petitions were not launched to challenge PA 22 or PA 108.

[4] At the general election, the voters rejected PA 21 by way of Proposal 14-2.

[5] The petition also included PA 22 and PA 108, which have not been challenged.

At the November 4, 2014 general election, a majority of voters rejected both PA 520 and PA 21.

PA 281, which reenacted portions of voter-rejected PA 520 and PA 21, including the addition of wolf to the list of game species, took effect on March 31, 2015.[6]

The following month, plaintiff filed the underlying complaint challenging the constitutionality of PA 281. Plaintiff alleged improprieties in the collection of signatures for the initiative law. Specifically, plaintiff claimed that petition circulators "routinely told electors targeted for signature that [PA 281], if adopted, would provide for free hunting licenses for veterans or prevent invasive species in Michigan's lakes, without mentioning that [PA 281] would permit the hunting of wolves, transfer traditional legislative powers to the Natural Resources Commission, or overturn two pending referenda votes in November 2014." Plaintiff further alleged that, because the title of the initiative law did not inform the public or the Legislature of these effects of the proposed law, PA 281 violates the Title-Object Clause of Michigan's Constitution, Const 1963, art 4, § 24. Plaintiff also alleged that the act violates article 4, § 25 of Michigan's Constitution because, although the petition represented to voters that additions were highlighted, the petition neither highlighted "wolf" to signal it as an addition to the game species list, nor republished in full PA 520 and PA 21. Defendants responded by filing a motion for summary disposition under MCR 2.116(C)(8), to which plaintiff responded by requesting summary disposition in its favor under MCR 2.116(I)(2) (opposing party entitled to judgment).

The Court of Claims granted defendants' summary disposition motion. The court found that the general purpose of PA 281 is to "manage fish, wildlife, and their habitats" and that all of the law's provisions relate to this purpose, and concluded that the law did not violate the single-object requirement of the Title-Object Clause. The court further concluded that the absence of any reference in the title to putting "wolf" back on the list of game species did not violate the Title-Object Clause because putting wolf on the game list by reenacting all or portions of PA 520 and PA 21 was "germane, auxiliary, or incidental" to managing wildlife. For the same reason, the court concluded that the act was not rendered constitutionally defective by the failure to mention the decision-making role of the NCR in the management of fish, wildlife, and their habitats. The court noted that Enacting § 1 properly indicated the public acts that PA 281 was

[6] Meanwhile, the United States Humane Society and others sued the United States Department of the Interior, challenging the National Fish and Wildlife Services delisting of grey wolves in the Great Lakes region, including Michigan, from the endangered species list. The rule was ultimately vacated and Great Lakes wolves were ordered back on the endangered species list. *Humane Society of the United States v Jewell*, 76 F Supp 3d 69 (D DC, 2014). As a result, the National Fish and Wildlife Service issued a final rule on February 20, 2015, reinstating wolves as an endangered species in the western Great Lakes, including Michigan. Even though the *Jewell* decision currently prevents wolves from being hunted in Michigan, a genuine case and controversy exists nevertheless because PA 281 still identifies wolves as game species and the *Jewell* decision could be overturned on appeal, by Congress, or regulatory action.

reenacting, and that the constitution does not require the title to specifically mention how PA 281 affects the outcome of "prior referenda votes."[7] Rejecting plaintiff's argument that PA 281 was constitutionally invalid and violated MCL 168.482(3) because the initiative petition did not highlight "wolf" to indicate that it was new text in the list of game animals, the court reasoned that plaintiff failed to cite any authority that the sections cited mandated such identification of new text. Also rejecting plaintiff's argument that the act violated Const 1963, art 4, § 25 because it failed to republish the full text of the public acts that it purported to reenact, the court pointed out that § 25 does not require republication of the full, original text of an amended section, but only the text as amended.

II. ANALYSIS

A. STANDARDS OF REVIEW

We review de novo the grant or denial of a motion for summary disposition to determine whether the moving party is entitled to judgment as a matter of law. *Maiden v Rozwood*, 461 Mich 109, 118; 597 NW2d 817 (1999). A motion brought under MCR 2.116(C)(8) tests the legal sufficiency of the complaint and "may be granted only where the claims alleged are so clearly unenforceable as a matter of law that no factual development could possibly justify recovery." *Id*. at 119 (quotation marks and citations omitted). We also review de novo whether a statute violates the Title-Object Clause of the Michigan Constitution, Const 1963, art 4, § 24. *Boulton v Fenton Twp,* 272 Mich App 456, 464; 726 NW2d 733 (2006). A statute that is challenged as violative of the Title-Object Clause is construed with all possible presumptions in favor of constitutionality. *Pohutski v Allen Park*, 465 Mich 675, 690; 641 NW2d 219 (2002). " 'A statute is presumed to be constitutional and it will not be declared unconstitutional unless clearly so, or so beyond a reasonable doubt.' " *Hildebrand v Revco Discount Drug Ctrs*, 137 Mich App 1, 6; 357 NW2d 778 (1984), quoting *Rohan v Detroit Racing Ass'n*, 314 Mich 326, 342; 22 NW2d 433 (1946).

B. TITLE-OBJECT VIOLATION

The Title-Object Clause of the Michigan Constitution, Const 1963, art 4, § 24, provides in relevant part:

> No law shall embrace more than one object, which shall be expressed in its title.

This constitutional provision requires that (1) a law must not embrace more than one object, and (2) the object of the law must be expressed in its title." *Pohutski*, 465 Mich at 691. The purpose of the provision is to ensure that legislators and the public receive proper notice of

[7] Although the referenda votes on PA 520 and PA 21 took place in November 2014, prior to the March 2015 effective date of PA 281, the votes took place after circulation of the initiative petition and adoption of the initiated law by the Legislature. The stated intent of the initiative petition's Enacting § 1 was to neutralize in advance any rejection by the voters of PA 520 and PA 21 by reenacting all or portions of those laws in PA 281.

legislative content and to prevent deceit and subterfuge. *Id*. The Title-Object Clause lends itself to three types of challenges: "(1) a multiple-object challenge, (2) a title-body challenge, and (3) a change of purpose challenge." *HJ Tucker & Assoc, Inc v Allied Chucker & Engineering Co*, 234 Mich App 550, 556; 595 NW2d 176 (1999). The instant plaintiff raises multiple-object and title-body challenges.

The object of a law is its general purpose or aim. *Pohutski*, 465 Mich at 691. A multiple-object challenge asserts that the body of the subject legislation embraces more than one object. *Gillette Commercial Operations North America & Subsidiaries v Dep't of Treasury*, 312 Mich App 394, 439; 878 NW2d 891 (2015) (quotation marks and citation omitted). The "one object" provision must be construed reasonably, not in so narrow or technical a manner that the legislative intent is frustrated." *Pohutski*, 465 Mich at 691. An act "may authorize the doing of all things which are in furtherance of the general purpose of the Act without violating the 'one object' limitation of [the Title-Object Clause]." *Id*. (quotation marks and citation omitted). Thus, legislation is not invalid simply because it contains more than one means of attaining its primary object. See *Id*. "However, if the act contains "subjects diverse in their nature, and having no necessary connection,' " it violates the Title Object Clause." *Id*., quoting *City of Livonia v Dep't of Social Servs*, 423 Mich 466, 499; 378 NW2d 402 (1985).

To determine the object of the law, we examine the law's body and title. *HJ Tucker*, 234 Mich App at 557. The title of PA 281 states:

> An initiation of legislation to enact the Scientific Fish and Wildlife Conservation Act. This initiated law would ensure that decisions affecting the taking of fish and wildlife are made using principles of sound scientific fish and wildlife management, to provide for free hunting, fishing and trapping licenses for active members of the military, and to provide appropriations for fisheries management activities necessary for rapid response, prevention, control and/or elimination of aquatic invasive species, including Asian carp, by amending 1994 PA 451, entitled "Natural resources and environmental protection act," sections 40103, 40110, 40113a, 43536a and 48703a (MCL 324.40103, 324.40110, 324.40113a, 324.43536a and 324.48703a), section 40103 as amended by 2012 PA 520 and 2013 PA 21, section 40110 as added by 1995 PA 57 and amended by 2013 PA 21, section 40113a as amended by 1997 PA 19, 2013 PA 21 and 2013 PA 22, section 43536a as amended by 2004 PA 545, 2013 PA 21 and 2013 PA 108, and section 48703a as added by 2013 PA 21.

Three of the five provisions amended by the Act reiterate that the management of fish and wildlife and their habitats will be conducted according to sound scientific principles, with two suggesting various means to achieve that end. MCL 324.40110(1) twice indicates that the NRC has a duty to render decisions that are based on "principles of sound scientific wildlife management." MCL 324.40113a(1)(b) stresses that "conservation of fish and wildlife populations of the state depended upon the wise use and sound scientific management of the state's natural resources." MCL 324.40113a(2) and MCL 324.48703a(2) state that, when exercising its exclusive authority to regulate the taking of game and of fish respectively, the NRC "may take testimony from department personnel, independent experts, and others, and

review scientific literature and data, among other sources, in support of its duty to use principles of sound scientific management."

From our examination of the title and the body of PA 281, we conclude that the act's general purpose, or object, is to ensure that decisions affecting the management of fish, wildlife, and their habitats are to be governed by sound scientific principles. This purpose is clearly reflected in the law's title and body, and it also comports with defendants' position at oral argument that the purpose of PA 281 is to remove politics and other non-scientific considerations from the management of fish, wildlife, and their habitats, and to place management of these natural resources on a scientific footing. That the title and body also mention providing free licenses to active members of the military and an appropriation for management activities related to invasive species does not violate the single-object requirement of the Title-Object Clause as long as these provisions further the act's general purpose. *Pohutski*, 465 Mich at 691.

Plaintiff contends, however, that the provisions allowing for free hunting, trapping, and fishing licenses to qualified active members of the military, MCL 324.43536a, and appropriating $1 million to address the threat of invasive fish species, MCL 324.4873a(2)(d), violate the single-object requirement because they have no necessary connection to each other or to the act's general purpose. See *Livonia*, 423 Mich at 499. With respect to the latter provision, to the extent that invasive fish species threaten the habitat of native fish species, an appropriation of funds to "implement management practices" necessary to respond to the threat of invasive specifies arguably is at least germane to the scientific management of fish, wildlife, and their habitat. See *Pohutski*, 465 Mich at 691. Considering that an act may authorize all things in furtherance of its general purpose without violating the single-object requirement, and given the presumption of the act's constitutionality, *id*., we conclude that the provision appropriating $1 million to respond to the threat of invasive fish species does not introduce a second object. Thus, the appropriation provision does not violate the Title-Object Clause.

We agree with plaintiff, however, that the act's amendment to MCL 324.43536a, which provides free hunting, trapping, and fishing licenses to qualified active members of the military, has no necessary connection to the scientific management of fish, wildlife, and their habitats. Defendants argue that the section is germane to the object of PA 281 because it dictates "who can do the actual taking (licensing)." We disagree. The Act's amendment of MCL 324.43536a does not establish criteria for obtaining or losing a license. Rather, it amends slightly a provision from PA 21, as amended by PA 108, that eliminated the $1 license fee previously paid by qualified active members of the military stationed outside of Michigan. See MCL 324.43536a(1), as amended by 2003 PA 4 and 2004 PA 545 (identifying the fee for licenses as $1). Defendant fails to explain how a $1 reduction in fees for game and fish licenses for active-duty members of the military, who maintain Michigan residency for purposes of obtaining a driver's license or voter registration but may be stationed outside of Michigan, furthers the Act's purpose of providing for the scientific management of fish, wildlife, and their habitats. Thus, we agree with plaintiff that the provision of free licenses to active members of the military is not germane to the scientific management of fish, wildlife, and their habitats, nor does it directly

relate to, carry out, or implement this principal object of PA 281.[8] *Gillette*, 312 Mich App at 440. Consequently, we conclude that the inclusion of this provision in PA 281 violates the single-object rule of the Title-Object Clause.

Enacting § 2 of PA 281 indicates that if any part of the act is found unconstitutional, that part may be severed from the remaining portions of the act and the act implemented to the maximum extent possible. Severability is possible in the context of a single-object violation, as we discussed in *Seals v Henry Ford Hosp*, 123 Mich App 329; 333 NW2d 272 (1983). At issue in *Seals* was whether the 1976 Elliot-Larson Civil Rights Act (ELCRA) required invalidation after the Legislature adopted two provisions related to polygraphs in separate amendments to the ELCRA in 1978 and 1979. The trial court held that the amendments were not germane to the ELCRA, and thus, their inclusion violated the single-object requirement in the Title-Object Clause. Relying on a prior observation by our Supreme Court that severability was not available where a law violated the constitution's single-object requirement, the trial court declined to sever the offending provisions and ruled that the ELCRA was unconstitutional. *Seals*, 123 Mich App at 332-333; see *In re Advisory Opinion (Being 1975 PA 227)* [*PA 227 I*], 396 Mich 123, 130-132; 240 NW2d 193 (1975), supplemented sub nom *Advisory Opinion on Constitutionality of 1975 PA 227 (Questions 2-10)*, 396 Mich 465; 242 NW2d 3 (1976) (indicating that severability was not an option to remedy a law with multiple objects because it could not be determined which object was intended by the Legislature).

Adopting the reasoning the Supreme Court employed in *PA 227 I*, but not its dicta, we held in *Seals* that the test for severability is "whether it can be presumed that the Legislature 'would have passed the one [provision] without the other.' " *Seals*, 123 Mich App at 335, quoting *People v McMurchy*, 249 Mich 147, 159; 228 NW 723 (1930), quoting 1 Cooley on Constitutional Limitations (8th ed), pp 362-363. That the Legislature had passed the ELCRA prior to amending it by adding the polygraph provisions clearly supported the presumption that the polygraph provisions were unrelated to the Legislature's intent to pass the ELCRA. Accordingly, we determined the polygraph provisions to be severable from the ELCRA. *Seals*, 123 Mich App at 335-336.

[8] In contrast to the principal object of PA 281, which requires the implementation of sound scientific principles when making decisions affecting the taking of fish and wildlife, PA 520 and PA 21 each had a much broader purpose of amending 1994 PA 451, and thus, the umbrella of potentially germane issues was much wider.

In the instant case, we are not dealing with passage of a law with a single-object, to which the Legislature later added amendments that resulted in a law with multiple-objects. PA 281 is more like the multiple-object law our Supreme Court analyzed in *PA 227 I*,[9] than the ELCRA we analyzed in *Seals*. Thus, following our reasoning in *Seals* requires us to conclude that we cannot presume that the Legislature would have passed PA 281 without the provision allowing free hunting, trapping, and fishing licenses for active members of the military.

As our Supreme Court noted in *PA 227 I*, "[a] prohibition against the passage of an act relating to different objects expressed in the title makes the whole act void" because " '[i]t is impossible to tell which object was intended by the legislature, and in such case both fall under the same condemnation.' " *PA 227 I,* 396 Mich at 130-31, quoting *Skinner v Wilhelm*, 63 Mich 568; 3 NW 311 (1886). In the case of PA 281, it is impossible to tell what weight the provision of free game and fish licenses to qualified active members of the military exerted in the Legislature's passage of PA 281. In other words, we cannot presume that the Legislature would have passed PA 281 without the provision offering free game and fishing licenses to qualified active members of the military. *Seals*, 123 Mich App at 335. The draw of a provision providing free fish and game licenses to some of our State's active members of the military requires no explanation. Whereas the appeal of ensuring that sound scientific principles govern the management and taking of fish and wildlife, and providing funds to respond to the threat of invasive fish species doubtless would find a measure of support, the broad appeal of a provision conveying a benefit to active members of the military cannot be doubted.

The basis of PA 281 was a reenactment of portions of PA 520 and PA 21, suspended laws which, by the time the Legislature received the initiative petition, were scheduled for referenda votes at the impending general election. Certainly, a Legislature may reenact a law while a referendum process regarding the law is pending. *Reynolds v Bureau of State Lottery*, 240 Mich App 84, 86; 610 NW2d 597 (2000). However, given the potential for voter rejection of the laws underlying PA 281, and of voter discontent with a decision to enact a third law reenacting provisions of these suspended laws, we cannot presume that the Legislature would have passed PA 281 without the added enticement of conferring a benefit to some of the State's active-duty military personnel.[10]

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[9] At issue in *PA 227 I* was whether a law for the purpose of regulating political activity that also "required designated individuals to file financial disclosures for themselves and members of their immediate families" and "the registration and reporting of lobbying activities" violated the single-object requirement of the Title-Object Clause. *PA 227 I*, 396 Mich at 127.

[10] In *Reynolds v Bureau of State Lottery*, 240 Mich App 84, 101; 610 NW2d 597 (2000), we agreed with the following observation from *McBride v Kerby*, 32 Ariz 515, 530; 260 P 435 (1927), overruled on other grounds by *Adams v Bolin*, 74 Ariz 269; 247 P2d 617 (1952).]

> Legislators as a rule are anxious to obey what they honestly believe to be the real wishes of their constituents, and we think it very unlikely that a Legislature which had been told twice by its constituents they did not desire a certain law would

Moreover, we cannot presume that the initiative petition would have garnered the signatures necessary for it to be presented to the Legislature for consideration without this provision.[11] In short, because we cannot presume that the Legislature would have passed the initiated law without the provision allowing free game and fish licenses to qualified active members of the military, we conclude that this provision cannot be severed from PA 281, and, consequently, that PA 281 is unconstitutional.

C. ARTICLE 4, § 25 VIOLATION

Given our disposition of the Title-Object issue, our discussion of plaintiff's remaining claims will be brief. Plaintiff contends that PA 281 violates Const 1963, art 4, § 25, and MCL 168.482(3) because the act and petition were deceptive and confusing. Specifically, plaintiff claims that article 4, § 25 was violated because the petition failed to properly identify the changes it made to NREPA, and to republish in their entirety the prior acts that PA 281 reenacted.[12] We disagree.

Plaintiff's complaint centers on PA's amendment of MCL 324.40103(1), which lists the animals designated as game. Plaintiff contends that because PA 520 and PA 21 listed the animals in a different order, and because the petition purportedly reenacted both public acts, the petition also should have republished both acts, not just the list as it appeared in PA 21. Failure to do this made it unclear which portions of the prior acts PA 281 was reenacting, and hid the fact that PA 281 added "wolf" to the list of game species. We find this argument to be without merit.

Const 1963, art 4, § 25 provides:

> dare to again pass it, especially when they knew that each passage could and would be suspended by another referendum.

In the instant case, although the Legislature did not know that voters would reject 2012 PA 520 and 2013 PA 21, two laws upon which 2014 PA 281 was based, when it adopted the initiated legislation, it did know that wolf hunts had the potential to become a "legislative football," with people repealing act after act that authorized wolf hunting. See *Reynolds*, 240 Mich App at 110, quoting *McBride*, 32 Ariz at 530. Even though the addition of an appropriations provision to 2014 PA 281 rendered it referendum-proof, Const 1963, art 2, § 9, we cannot presume that the Legislature would have adopted the act without the inclusion of a benefit to veterans to explain its taking a potentially unpopular position on wolf hunting.

[11] To invoke the initiative requires petitions signed by at least eight percent of the "the total vote case for all candidates for governor at the last preceding general election at which a governor was elected." Const 1963, art 2, § 9.

[12] We consider abandoned plaintiff's argument that the act violates MCL 168.482(3) because plaintiff only supports this assertion by claiming that the violation occurs for the same reason the act violates article 4, § 25. A party may not merely announce its position and leave it to this Court to discover and rationalize the basis for the claim. *Petersen Novelties, Inc v City of Berkley*, 259 Mich App 1, 14; 672 NW2d 351 (2003).

> No law shall be revised, altered or amended by reference to its title only. The section or sections of the act altered or amended shall be re-enacted and published at length.

Michigan's Supreme Court has explained that the constitutional provision "is worded to prevent the revising, altering or amending of an act by merely referring to the title of the act and printing the amendatory language then under consideration." *In re Requests of Governor & Senate on Constitutionality of Act No. 294 of Public Acts of 1972*, 389 Mich 441, 470; 208 NW2d 469 (1973). The purpose of the requirement is to ensure that the people and the Legislature were not deceived or misled as to the effect of the law. *Mok v Detroit Bldg and Savings Ass'n No 4*, 30 Mich 511, 516 (1875).

In this case, the initiative petition stated that PA 281 accomplished its objectives by amending certain sections of the NREPA, including § 40103, as amended by PA 520 and PA 21. Section 40103, as amended by PA 520 and PA 21, which, because of these amendments, included "wolf" on the game list, was reenacted in Enacting § 1, and republished in its entirety on the back of the petition, with the amendments made by PA 281 printed in bold typeface. This same procedure was followed for the other four sections of the NREPA amended by PA 281. PA 281 did not purport to amend any laws outside its four corners, and it made its amendatory effects clear by reenacting and republishing in their entirety the sections of the NREPA being amended. Thus, the petition complied with the reenactment and republication requirement of Const 1963, art 4, § 25.

Next, plaintiff contends that, although no constitutional provision requires amended language to be printed in bold typeface or otherwise indicated, the drafters of the initiative petition assumed this requirement by stating on the petition in capital letters that language added to the NREPA was shown in capital letters, while deleted language was struck out with a line. Thus, according to plaintiff, those portions of PA 281 derived from PA 520 and PA 21 should have appeared in capital letters because PA 520 and PA 21 were ineffective, pending the result of the referenda votes. We note, however, that the Board of State Canvassers did not certify the referendum petition for PA 21 until after the proponent of the initiative petition submitted its signatures to the Board for certification. Consequently, PA 21 was effective while the initiative petition was circulating. Thus, the initiative's proponents did not violate their assertion that changes to the NREPA would be highlighted.

C. CONCLUSION

Plaintiff's description regarding how PA 281 came into being conjures up images of a Trojan Horse, within which the ability to hunt wolves was cleverly hidden. Plaintiff claims that the initiating petition was strategically drafted in such a way as to appeal to potential signers by touting that it would ensure that only sound scientific principles would govern the taking of fish and game, rather than allowing the selection of game to become the subject of legislative footballs, that it would support our active-military members by letting them hunt and fish for free, and that it would provide money to combat the spread of Asian carp—all of which have excellent "curb appeal"—while surreptitiously slipping inside the body of the act a reenacting provision to ensure that regardless of the referenda votes on PA 520 and PA 21, wolves would be on the game species list, as would associated wolf hunting provisions, and that the appropriations

provisions made the whole package referenda-proof. However accurate the plaintiff may be in its assessment of why PA 281 came into being, our analysis is not about policy. Rather, our decision must be based on an analysis of the dictates of Michigan's constitution. See *PA 227 I*, 396 Mich at 133. Because PA 281, as drafted, violates the Title-Object Clause of the Michigan Constitution, the act is constitutionally infirm. Consequently, we reverse the order granting summary judgment for defendants and remand the matter for entry of an order granting summary judgment for plaintiff, in accord with this opinion.

Reversed and remanded. We do not retain jurisdiction.

/s/ Donald S. Owens
/s/ Joel P. Hoekstra
/s/ Jane M. Beckering