

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff-Appellee,

v

ROBERT MICHAEL SHEEKS,

Defendant-Appellant.

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FOR PUBLICATION

February 9, 2001

9:05 a.m.

No. 220199

Jackson Circuit Court

LC No. 99-092670-AV

Updated Copy

March 30, 2001

Before: O'Connell, P.J., and Zahra and B.B. MacKenzie\*, JJ.

ZAHRA, J. (*concurring*).

I concur in the majority's decision to reverse the lower courts' determination that defendant violated MCL 257.717; MSA 9.2417. I agree that under the plain language of the statute, defendant qualified for the exemption contained in MCL 257.717(2); MSA 9.2417(2), as amended by 1999 PA 63. I write separately, however, to clarify that I reach that conclusion without considering the legislative history of the statutory amendment.

The majority relies, in part, on the legislative analysis of HB 4464 in concluding that the amended version of MCL 257.717; MSA 9.2417 applies retroactively to the circumstances at issue in this case. While I acknowledge that the legislative analysis is consistent with the conclusion that the amended version of MCL 257.717(2); MSA 9.2417(2) should be given retroactive effect, legislative history is not an indicator on which we need rely to reach that conclusion. See Scalia, *A Matter of Interpretation: Federal Courts and the Law* (New Jersey:

Princeton University Press, 1997), pp 29-31, 35-36 (decrying the use of legislative history as an indicator of the meaning of a statute).

As stated by the majority, statutes are presumed to operate prospectively unless the Legislature expressly or impliedly indicated otherwise. *Allstate Ins Co v Faulhaber*, 157 Mich App 164, 166; 403 NW2d 527 (1987). Amendments may apply retroactively where the Legislature enacts an amendment to clarify an existing statute and resolve a controversy regarding its meaning. *Adrian School Dist v Michigan Public School Employees' Retirement System*, 458 Mich 326, 337; 582 NW2d 767 (1998); *Faulhaber, supra* at 167. Moreover, the general rule of prospectivity does not apply to statutes or amendments that are remedial or procedural. *Stanton v Battle Creek*, 237 Mich App 366, 373; 603 NW2d 285 (1999); *Faulhaber, supra* at 166. A statute is remedial or procedural if it is designed to correct an existing oversight in the law, to redress an existing grievance, or to introduce regulations conducive to the public good, or if it is intended to reform or extend existing rights. *Id.*; *Seaton v Wayne Co Prosecutor (On Second Remand)*, 233 Mich App 313, 320; 590 NW2d 598 (1998), quoting *Rookledge v Garwood*, 340 Mich 444, 453; 65 NW2d 785 (1954).

The preamendment version of MCL 257.717(2); MSA 9.2417(2) exempted implements of husbandry that were required for "normal farming operations." The Legislature, through the 1999 amendment of the statute, deleted the word "normal," replacing it with the phrase "required, designed, and intended for." The Legislature's change in that language plainly indicates an intent to clarify the statute and to reform existing rights under the statute. The Legislature is presumed to have intended the meaning it plainly expressed. *People v Venticinque*, 459 Mich 90, 99-100; 586 NW2d 732 (1998); *Nation v W D E Electric Co*, 454 Mich 489, 494; 563 NW2d 233 (1997).

Accordingly, the present version of MCL 257.717(2); MSA 9.2417(2) may be applied retroactively. For these reasons, I would reverse the lower courts' determination in this case without relying on legislative history.

/s/ Brian K. Zahra