

proposed minutes

Michigan Law Revision Commission (MLRC) Meeting

Wednesday, September 29, 2021 ▪ 12:00 noon
Legislative Council Conference Room
3rd Floor ▪ Boji Tower Building
124 W. Allegan ▪ Lansing, Michigan

Members Present:

Peter Ruddell, Chair
Tony Derezinski, Vice Chair
Representative Ryan Berman
Senator Stephanie Chang
Jennifer Dettloff
Representative Kara Hope
Brian LaVictoire
Amy Murphy
Senator Jim Runestad

Members Absent and Excused:

None

I. Convening of Meeting

Chair Ruddell called the meeting to order at 12:00 noon.

II. Roll Call

The Chair asked the clerk to call the roll. A quorum was present, and there were no absent members. Commissioner Derezinski arrived at 12:05 p.m.

III. Approval of Agenda

The Chair asked for a motion to approve today's agenda. There were no changes to the agenda offered. **Senator Runestad moved, supported by Representative Berman, to approve today's meeting agenda. There was no further discussion. The motion prevailed by unanimous consent and the agenda was approved.**

IV. Approval of MLRC November 23, 2020 Meeting Minutes

The Chair asked for a motion to approve the minutes of the November 23, 2020 MLRC meeting. No corrections or additions were offered. **Commissioner Derezinski moved, supported by Commissioner LaVictoire, to adopt the proposed minutes of the November 23, 2020 Michigan Law Revision Commission meeting. There was no further discussion. The motion prevailed by unanimous consent and the minutes were approved.**

V. 2020 Michigan Law Revision Commission Annual Report

A. Approval of 2020 Report on Recent Court Decisions Identifying Statutes for Legislative Actions and Recommendations to the Legislature

The 2020 Report on Recent Court Decisions Identifying Statutes for Legislative Action and Recommendations to the Legislature was presented and discussed. Ms. Wilensky proceeded with a brief description of the ten decisions identified as needing legislative action and the corresponding Commission's recommendations.

Tomasik v. State, 505 Mich 956 (2020)

Ms. Wilensky provided background on the first case that involved the Wrongful Imprisonment Compensation Act (WICA), MCL 691.1751 *et seq.* and noted that the question presented is should the Legislature clarify the circumstances for which individuals may be eligible for compensation under WICA? A discussion followed and Senator Chang commented that she is very interested in this issue and concurred it is important to include this case in the report. Commissioner Derezinski agreed. The Commission recommends legislative review of this issue but makes no recommendation of specific legislative action.

People v. Xun Wang, 505 Mich 239 (2020)

Ms. Wilensky continued with a review of the second case that involved concerns about the criminal liability provisions of the Medicaid False Claim Act. She noted that the question presented is should the Legislature clarify the provisions of MCL 400.607 of the Medicaid False Claim Act? The Commission recommends legislative review of this issue but makes no recommendation of specific legislative action.

People v Wood, 506 Mich 114 (2020)

Ms. Wilensky noted this case involved a defendant who was convicted of jury tampering under MCL 750.120a(1) after handing out pamphlets promoting jury nullification to people arriving at a courthouse for their first day of jury duty. The question presented is should the Legislature clarify the meaning of "juror" under the jury tampering statute, MCL 750.120a(1)? In response to a question from Senator Runestad, Ms. Wilensky provided information for the definition of "juror" as used by the court. After further discussion, the Commission recommends legislative review of this issue but makes no recommendation of specific legislative action.

Daniel v. Ann Arbor Transit Auth., 506 Mich 973 (2020)

Ms. Wilensky explained that this case involved concerns about the voluntary-leaving provision of section 421.29(1)(a) of the Michigan Employment Security Act (MESA), MCL 421.29(1)(a) and the question presented is should the Legislature amend MCL 421.29(1)(a) of the MESA to address the application of the medical-leave-of-absence requirement to claimants with longer-term medical conditions? A discussion followed and the Commission recommends legislative review of this issue but makes no recommendation of specific legislative action.

Johnson v. Sec'y of State, 951 NW2d 310 (Mich. 2020)

This case involved a petitioners' complaint that sought an audit of the 2020 general election results. The Supreme Court denied the petition for extraordinary writs and declaratory relief and the question presented is should the Legislature enact legislation to explicitly provide a mechanism for adjudicating claims of fraud in the election of presidential electors? After discussion, the Commission recommends legislative review of this issue but makes no recommendation of specific legislative action.

Punturo v. Kern, 506 Mich 1009 (2020)

Ms. Wilensky continued and provided background on this case that involved an action against individuals who made allegedly defamatory statements to the news media. The question presented is should the Legislature clarify the scope and application of Michigan's fair reporting privilege statute, MCL 600.2911(3)? Senator Runestad provided comments regarding Justice Clement's request for clarification from the Legislature. After discussion, the Commission recommends legislative review of this issue but makes no recommendation of specific legislative action.

MemberSelect Ins. Co. v. Fleisher, 332 Mich App 216 (2020)

Ms. Wilensky presented this case that involved a motorcyclist who was injured in a hit-and-run accident and brought a negligence suit against the insured's son, alleging that the son was driving the vehicle that hit him. The question presented is should the Legislature clarify the insurable-interest requirement and its applicability in the context of automobile liability insurance? A discussion followed and the Chair noted that there may not be enough information at this point to include the case in this year's report. He will have the Commission's law student intern, Philip Stallworth, research this case and provide the Commission with further analysis. There was no objection to removing this case from the report.

Promote the Vote v. Sec'y of State, 2020 Mich App LEXIS 4595 (2020)

This case involved the requirement found in Const 1963, Art II, § 4(1)(f)(2) that people seeking to register to vote within 14 days of an election must provide "proof of residency". The question presented is should the Legislature amend MCL 168.497(2) to clarify the documents that are necessary to satisfy the proof of residency requirement in Const 1963, Art II, § 4(1)(f)(2)? A discussion followed and the Commission felt the current definition of "residency" as defined in MCL 168.497(2) is sufficient. There was no objection to removing this case from the report.

In re Knight, 2020 Mich App LEXIS 6199 (2020)

This case involved a petitioner who was granted reinstatement of his gun rights seventeen years after the petitioner's conviction of arson. The state, represented by the county prosecutor, appealed and the Court rejected the argument that the prosecutor does not have standing because a county prosecutor is not identified as an "interested party" in MCL 28.424, the firearms rights restoration statute. The question presented is should the Legislature clarify the mechanism for the appearance by a prosecuting attorney at a firearms rights restoration hearing? After discussion, the Commission recommends legislative review of this issue but makes no recommendation of specific legislative action.

Spencer v. State Police Dir., 2020 Mich App LEXIS 7780 (2020)

This last case involved a claim focused on the lack of individualized assessments in the Sex Offender Registration Act (SORA). The Court of Appeals held that SORA remained constitutional without such an assessment but recognized there may be a better way to approach registration of sex offenders and that “an individualized assessment of actual dangerousness would be more useful, more effective, and more fair.” The question presented is should the Legislature require an individualized assessment of actual dangerousness as part of the registry requirements of SORA? After discussion, the Commission recommends legislative review of this issue but makes no recommendation of specific legislative action.

B. Approval of Tribute Resolutions

The Chair reported tribute resolutions honoring Richard McLellan, State Senator Peter Lucido, and State Representative Brian K. Elder have been prepared for inclusion in the 2020 MLRC Annual Report. Remarks complimenting former MLRC Chair Richard McLellan were made by Commissioner Derezinski, Ms. Wilensky, and Chair Ruddell. **Commissioner Derezinski moved, supported by Representative Berman, to approve the tribute resolutions honoring Richard McLellan, Senator Peter Lucido, and Representative Brian Elder and that the resolutions be included in the 2020 Michigan Law Revision Commission Annual Report. There was no further discussion. The motion prevailed by unanimous consent and the motion was adopted.**

The Chair laid before the Commission the proposed 2020 Michigan Law Revision Commission Annual Report that includes the 2020 Report on Recent Court Decisions Identifying Statutes for Legislative Action and Recommendations to the Legislature as amended and the tribute resolutions to Richard McLellan, State Senator Peter Lucido, and State Representative Brian K. Elder. **Senator Runestad moved, supported by Representative Hope, to approve the proposed 2020 Michigan Law Revision Commission Annual Report as amended. The motion prevailed by unanimous consent and the 2020 Michigan Law Revision Commission Annual Report as amended was approved.**

The Chair noted the discussed revisions will be made and the 2020 Michigan Law Revision Commission Annual Report will be printed and distributed.

VI. New Business

The Chair remarked that we have lived in an unprecedented time with COVID and the organization of the business of government has certainly been disrupted. Given everything we have learned over the last 18 months, he proposed the Commission take a look at past Commission recommendations pertaining to the Open Meetings Act (OMA) and the Freedom of Information Act (FOIA) and add them as two new business items for the Commission to review again. Commissioner Derezinski agreed with the Chair that these are important and legitimate issues the Commission should review to assist the Michigan Legislature. Representative Hope offered that, as the Commission conducts its review of the FOIA, it might be beneficial to hear from someone who has experience on the practical side of filling a FOIA request. Commissioner Derezinski offered governmental immunity, particularly in regard to governmental entities, as an issue the Commission may want to review as well.

VII. Other Business

The Chair thanked and presented a gift to Susan Cavanagh of the Office of the Legislative Council in honor of her service to the Michigan Law Revision Commission and her retirement at the end of the year. There was no other business to discuss.

VIII. Comments from Commissioners

The Chair asked for comments from the Commissioners. There were none.

IX. Public Comment

The Chair asked if there were any public comments. Shannon Tanis provided comments about the deficiencies within the three branches of government. Her email was distributed to Commission members and is attached to these minutes. There were no other public comments.

X. Adjournment

Having no further business, Senator Runestad moved, supported by Commissioner LaVictoire, to adjourn the meeting. There was no objection. The motion prevailed by unanimous consent and the meeting was adjourned at 1:17 p.m.

Re: Zoom Details for MLRC Meeting



Shannon Tanis <shannon.eclausellc@gmail.com>
To Susan Cavanagh

[Reply](#) [Reply All](#) [Forward](#) [...](#)

Wed 9/29/2021 11:10 AM

You forwarded this message on 9/29/2021 11:13 AM.

[Click here to download pictures.](#) To help protect your privacy, Outlook prevented automatic download of some pictures in this message.

Please forward to all members for the commission to address the Summary Points for business on the table for today's meeting.

Summary of key points:

- Remonstrance
- Legislature Impeachment Process
- Special Interest Contracts by Private Association
- Separation of Powers Applied To Bar Members
- Civil Service Exam for all public officers Elected, Appointed, or Hired
- Lawful Equity and Conversion
- Term Limits
- American State Nationals
- Non Judicial Foreclosures being currently applied to MCL 600.3201
- Oversight for Redress of Grievances with all three Branches
- Proper Recording and Transparency for all insurance policies, for all public officers bonds for oath to be open to the public at the Secretary of State and with the Comptroller.
- Proper foundation baseline in succession of all jurisdictions, venues, and quorums.
- Codes, Rules, Guidance, Statutes, Mandates, and Executive Orders not in positive law have no standing to be applied to the people.
- Legislative Officer can't hold a new title and not have a special election to fill the old title (violation of taxation without representation).
- Taxes
- Emoluments
- Private v. Public
- Sharia Law: Black's Law 11th Edition Dictionary
- Sexual Proposition of a minor is unlawful

