

EXHIBIT E



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House Set To Act On Sexual Assault Bills

The House Law and Justice Committee sent to the full House a slew of bills seeking to prevent sexual assaults with some last minute additions Wednesday adding athletic trainers back to the list of mandatory reporters after removing them and further extending the criminal statute of limitations for minor victims.

The committee reported nearly 30 bills inspired by the Larry Nassar sex scandal at Michigan State University including legislation that came over from the Senate extending the statute of limitations for civil and criminal cases of sexual assault. Those bills were changed from the Senate version to reduce the statute of limitations from what was originally proposed but still extended from current law.

The bills are expected to come up before the full House on Thursday.

Legislation expanding those who would be required to report suspected child abuse and neglect changed Wednesday after the committee on Tuesday moved to extend the reporting requirements to only physical therapists and their assistants. On Wednesday, the panel added athletic trainers back to the bill.

Rep. Klint Kesto (R-West Bloomfield), chair of the committee, said athletic trainers asked to be included in the bill and he and other members were working to see if it would be appropriate up until the amendment was adopted.

The panel also changed SB 871, which extends the statute of limitations in second- and third- degree criminal sexual assault cases. Instead of a minor victim having until age 21 to bring forward a charge, they would have until age 28.

On SB 872, dealing with the civil statute of limitations, Rep. Frank Liberati (D-Allen Park) offered an amendment Wednesday that would have taken language out of the bill extending the civil statute of limitations for criminal sexual conduct retroactively if the abuser had admitted to using their position of authority over the victim or they engaged in purported medical treatment that is unethical or unacceptable.

Mr. Liberati said that provision does not give all sexual assault victims access to the justice system retroactively. It appears it would apply only to those abused by Larry Nassar while he was a physician in Michigan.

Under the House version of the bill, minor victims of criminal sexual conduct between 1997 and 2016 would have 90 days after the bill takes effect to file civil suit against a person who allegedly committed the criminal sexual conduct if they were convicted of first-degree criminal sexual conduct against any person and admitted to the provision Mr. Liberati attempted to remove. The amendment was defeated.

Mr. Kesto said the amendment came at the last minute and the compromise was already in place.

Rep. Stephanie Chang (D-Detroit), who abstained from Mr. Liberati's amendment, said she is a believer in the process the committee used on the compromise for each of the bills.

The bills would be a "long-needed update" to HIV legislation, much of which was written before lawmakers and medical experts really understood the disease and how to manage it, said Dr. Eden Wells, the state's chief medical executive.

HB 6018, sponsored by committee chair Rep. Hank Vaupel (R-Handy Township), would reduce the requirements on health care providers to provide pre- and post-HIV test counseling. It would also only require documentation of a patient's refusal of an HIV test.

Rep. Abdullah Hammoud's (D-Dearborn) HB 6019 would remove the term "serious communicable disease" in relation to HIV, which prevents health care providers from disclosing any identifying information.

HB 6023, sponsored by Rep. Kevin Hertel (D-Saint Clair Shores), would remove a requirement that positive HIV tests be reported to the local health department within seven days. Electronic reporting has made it so that reporting can be done within 24 hours of diagnosis, Ms. Wells said.

Perhaps most controversial among Tuesday's committee attendees were Rep. Jon Hoadley's (D-Kalamazoo) bills, HB 6020 and 6021, to lessen the penalties for knowingly exposing uninfected persons to HIV.

Under HB 6020, someone infected with HIV who exposes an uninfected person to the disease could be convicted of a misdemeanor, not a felony as current law stipulates. HB 6021, to remove the felony described as "AIDS - sexual penetration with an uninformed partner," could not be enacted without HB 6020's passage.

The current law puts HIV-positive individuals at risk for major penalties for what often comes down to a "he-said, she-said" situation, Mr. Hoadley said in his testimony to the committee.

It also doesn't differentiate between someone with malicious intent and someone with less of a risk for transmission, he said.

HB 6020 would create "intent language," penalizing those who actively try to transmit HIV to unknowing sexual partners, Mr. Hoadley said. He added that simply being diagnosed could put individuals at risk for conviction under current law.

"The only way to ensure that you are never charged is to ensure that you're never tested," Mr. Hoadley said.

Rep. Edward Canfield (R-Sebewaing), sponsor of HB 6016 and HB 6017 to update the definition of HIV infection and remove a 90-day retention period on HIV records, testified in opposition to Mr. Hoadley's bills.

Mr. Canfield took issue with reducing the penalty for knowingly exposing others to the virus, saying that the offender could get off with little more than a \$1,000 fine while the victim would potentially face a lifetime with an incurable condition.

Rep. John Bizon (R-Battle Creek), sponsor of HB 6022 to mandate third-trimester HIV, syphilis and Hepatitis B testing, also said he wondered if reduction of penalties was appropriate. He did not voice explicit opposition to Mr. Hoadley's bills.

Alongside Ms. Wells, Dr. Betty Chu of the Michigan State Medical Society and Dr. Elizabeth Secord of the Wayne State University Children's Hospital testified in support of the full bill package. The Michigan Primary Care Association also spoke in support.

Canvassers Cancel Meeting To Consider Redistricting Petition

Thursday's scheduled meeting of the Board of State Canvassers has been canceled, baffling the backers of the ballot proposal to rework how the state redraws its legislative and congressional districts.

On the agenda for tomorrow's meeting was consideration of a petition filed by Voters Not Politicians to place the creation of an Independent Citizens Redistricting Commission on the November statewide ballot.

Board chair Norm Shinkle canceled the meeting "because there were legal filings this week that make it clear the board was under no immediate deadline to take up the matter," said Secretary of State spokesperson Fred Woodhams.

Katie Fahey, executive director of Voters Not Politicians, said the group was "very disappointed" that Shinkle decided to cancel when the only item on the agenda was certification of the initiative.

Since the Secretary of State determined on Tuesday that the group collected enough signatures required to bring the anti-gerrymandering initiative to a vote, the board has a clear legal duty to certify it, Fahey said.

In a fundraising appeal to supporters Wednesday night, Ms. Fahey called the cancellation of the meeting gamesmanship.

"To be perfectly honest, I had hoped that seeing thousands of voters uniting regardless of party from across the state would have inspired the board to act in a fair and transparent way, but I'm not surprised that we're seeing politics interfere - I'm just disappointed," she said.

DEQ Sues To Enforce Consent Decree With Ex-Defense Plant

A former U.S. Department of Defense manufacturing plant in Muskegon, where hazardous waste was produced and released for more than 50 years, is subject of a consent decree with the Michigan Department of Environmental Quality that will be subject to enforcement by a federal judge.

The DEQ filed suit Wednesday at the U.S. District Court in Grand Rapids against the U.S. Department of Defense; TDY Industries LLC, a former owner/operator of the site; and L3, Incorporated, which has owned the site since 2004. The Department of Defense owned and controlled a testing and manufacturing plant at the site for military aircraft and tank engines from the 1920s until 1972. TDY owned and operated the site from 1972-96, after which the DEQ said new contamination issues ceased.

According to the DEQ's complaint, from the early 1940s until 1996, hazardous waste was produced and released at the site. In 1980, it began operating as a hazardous waste storage facility.

"While monitoring and remediation have been performed at the site, the corrective measures taken have been insufficient to satisfy applicable cleanup criteria and screening values," the complaint says. "Additional investigation, monitoring and cleanup are still required in order to remove a variety of hazardous contaminants from environmental media at, and around the site, in order to mitigate environmental and human health risks at and around the site."

As part of the consent decree, the state is seeking recovery of the costs already incurred and to be incurred in responding to releases or the threat of releases of hazardous substances at or from the site.

As part of the consent decree, the defendants agree to correct various contamination issues.

The list of hazardous substances found at levels above cleanup criteria requirements is long and includes everything from cyanide to PCBs to mercury to lead to arsenic to trichloroethylene to chromium to benzene to selenium.

The plant is located about a quarter-mile south of the Muskegon River and a quarter-mile north of a creek that feeds into the Muskegon River, which feeds into Muskegon Lake, which feeds into Lake Michigan. It also is less than a half-mile from residential areas.