

## INITIATION OF LEGISLATION

A petition to initiate legislation to enact the Great Lakes Pipeline Safety Regulation Act which would provide for the termination of the Straits of Mackinac Pipe Line Easement granted by the Conservation Commission of the State of Michigan to Lakehead Pipe Line Company, Inc. executed April 23, 1953; require that pipelines subject to the act provide a policy of insurance or bond of at least \$4 billion and a surety bond of at least \$400 million; prohibit the state from granting easements over, through, under, or upon the bottomlands of the Great Lakes for pipelines to transport crude oil or liquid petroleum products; provide for enforcement of the act; and to supersede any acts, parts of acts, agreement, contract, rule, easement, local charter, ordinance or resolution which conflicts with the act. This proposal is to be voted on in the November 6, 2018 General Election. THE FULL TEXT OF THE LEGISLATION TO BE INITIATED APPEARS ON THE REVERSE SIDE OF THIS PETITION.

We, the undersigned qualified and registered electors, residents in the county of \_\_\_\_\_, State of Michigan, respectively petition for initiation of legislation.

**WARNING – A person who knowingly signs this petition more than once, signs a name other than his or her own, signs when not a qualified and registered elector, or sets opposite his or her signature on a petition, a date other than the actual date the signature was affixed, is violating the provisions of the Michigan election law.**

INDICATE CITY OR TOWNSHIP IN WHICH REGISTERED TO VOTE	SIGNATURE	PRINTED NAME	STREET ADDRESS OR RURAL ROUTE	ZIP CODE	DATE OF SIGNING		
					MO	DAY	YEAR
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	1.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	2.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	3.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	4.						
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CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	8.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	9.						
CITY OF <input type="checkbox"/> TOWNSHIP OF <input type="checkbox"/>	10.						

SAMPLE

RECEIVED/FILED  
 MICHIGAN DEPT. OF STATE  
 2017 APR 24 PM 4:26  
 ELECTIONS/GREAT SEAL

### CERTIFICATE OF CIRCULATOR

The undersigned circulator of the above petition asserts that he or she is 18 years of age or older and a United States citizen; that each signature on the petition was signed in his or her presence; that he or she has neither caused nor permitted a person to sign the petition more than once and has no knowledge of a person signing the petition more than once; and that, to his or her best knowledge and belief, each signature is the genuine signature of the person purporting to sign the petition, the person signing the petition was at the time of signing a registered elector of the city or township indicated preceding the signature, and the elector was qualified to sign the petition.

If the circulator is not a resident of Michigan, the circulator shall make a cross or check mark in the box provided, otherwise each signature on this petition sheet is invalid and the signatures will not be counted by a filing official. By making a cross or check mark in the box provided, the undersigned circulator asserts that he or she is not a resident of Michigan and agrees to accept the jurisdiction of this state for the purpose of any legal proceeding or hearing that concerns a petition sheet executed by the circulator and agrees that legal process served on the secretary of state or a designated agent of the secretary of state has the same effect as if personally served on the circulator.

**WARNING – A circulator knowingly making a false statement in the above certificate, a person not a circulator who signs as a circulator, or a person who signs a name other than his or her own as circulator is guilty of a misdemeanor.**

**CIRCULATOR – Do not sign or date certificate until after circulating petition.**

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
 (Signature of Circulator) (Date)

\_\_\_\_\_  
 (Printed Name of Circulator)

\_\_\_\_\_  
 (Complete Residence Address (Street and Number or Rural Route)) Do not enter a post office box

\_\_\_\_\_  
 (City or Township, State, Zip Code)

\_\_\_\_\_  
 (County of Registration, if Registered to Vote, of a Circulator who is not a Resident of Michigan)

# INITIATION OF LEGISLATION

An initiation of legislation to enact the Great Lakes Pipeline Safety Regulation Act which would provide for the termination of the Straits of Mackinac Pipe Line Easement granted by the Conservation Commission of the State of Michigan to Lakehead Pipe Line Company, Inc. executed April 23, 1953; making findings as to violations of the Easement; require that pipelines subject to the act provide a policy of insurance or bond of at least \$4 billion and a surety bond of at least \$400 million; prohibit the state from granting easements over, through, under, or upon the bottomlands of the Great Lakes for pipelines to transport crude oil or liquid petroleum products; provide for enforcement of the act; and to supersede any acts, parts of acts, agreement, contract, rule, easement, local charter, ordinance or resolution which conflicts with the act.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "Great Lakes Pipeline Safety Regulation Act."

Sec 2. The purpose of this act is to ensure pipeline safety; to protect private and public property from the environmental disaster of an oil spill in the world's largest available source of freshwater; to protect access to propane and other natural gas liquids and condensates; and to protect the public health, public water, aquatic resources, and the public trust generally, the People of the State of Michigan declare and give notice to the owner and operator of any pipeline transporting crude oil through the Great Lakes that any such prior authorization to transport crude oil in any form is hereby terminated, and any ongoing crude-oil transport must cease and desist within 90 days, and is hereafter prohibited.

Sec. 3. Notwithstanding any other law, after the effective date of this act, the state or any department shall not grant an easement over, through, under, or upon bottom-lands of the Great Lakes for a pipeline to transport crude oil or liquid petroleum products. The Great Lakes means the five Great Lakes and their connecting waters, including Lake St. Clair.

Sec. 4. (a) Any person authorized before the effective date of this act to transport crude oil through a pipeline known as the "Straits of Mackinac Pipelines, commonly referred to as "Enbridge Line 5," under the regulatory terms of the Straits of Mackinac Pipe Line Easement, granted to the Lakehead Pipe Line Company, Inc., by the Conservation Commission of the State of Michigan, executed on April 23, 1953, has been required to exercise the due care of a reasonably prudent person to ensure the safety and welfare of all persons, and of all public and private property, that transports crude oil, and natural gas liquids and condensates, over, through, under, or upon the bottom-lands of the Great Lakes. The Straits of Mackinac Pipelines, because of their location in the Great Lakes, present unreasonable risks of ecological and economic harm in the event of a spill or release of oil, and, therefore, transporting any form of crude oil through the Straits of Mackinac Pipelines is inconsistent with the standard of care imposed under the terms of the Easement, and is hereby prohibited.

(b) Enbridge currently is operating the Straits of Mackinac Pipelines in violation of the 1953 Easement with the State of Michigan based on the following known and ongoing breaches of express terms and conditions, making findings of violations as to:

- i. Standard of care as a reasonably prudent person (Section A)
- ii. Indemnity provision (Section J)

- iii. Pipeline wall thickness provision (Section A -11)
- iv. Pipeline exterior slats and coating requirements (Section A-9)
- v. Pipeline minimum curvature requirement (Section A-4)
- vi. Maximum unsupported span provision (Section A -10)
- vii. Federal violation of emergency oil spill response plan (Section A)
- viii. State violation under the Michigan Environmental Protection Act (Section A)

(c) Upon the effective date of this act, the purpose of the 1953 Easement shall no longer exist, and notice shall be delivered by the governor, attorney general, or the responsible department or person to the operator of the Straits of Mackinac Pipelines, declaring violation of the 1953 Easement, and the state otherwise exercising the reserved right of termination, shall proceed with revocation and termination of the easement.

(d) The owner or operator of any pipeline subject to this act shall, within 90 days of the effective date of this act, cease the transport of any form of crude oil through the Straits of Mackinac Pipelines, or through any pipeline located over, through, under, or upon any bottom-lands of the Great Lakes.

Sec. 5. (a) 10 days after the effective date of this act, or pending final resolution of any dispute under 4(d), any person operating the Straits of Mackinac Pipelines, or any other pipeline subject to regulation under this act, shall provide the state with a liability policy of insurance or bond of at least \$4 billion dollars and a surety bond in the penal sum of at least \$400 million dollars for the transportation of crude oil over, through, under, or upon the bottom-lands of the Great Lakes.

(b) If any dispute arises between the State and any person, including the owner or operator, within or after the 90-day period of sections 4(d) or 5(a), the owner or operator shall immediately cease the transport of any form of crude oil through the Straits of Mackinac pipelines pending final resolution of such a dispute.

Sec. 6. Any person may commence an action for injunction, mandamus, declaratory and equitable relief, or any other appropriate remedy at law to enforce this act in the circuit court in any county where the alleged violation, or violations, of this act occurred, or is likely to occur, on the basis of the public interest for the protection of the air, water, natural resources, and the public trust generally from pollution, impairment, or destruction. This Section confers a private right of action to any person to enforce this act.

Sec. 7. Nothing in this act shall be construed as to prohibit the transport of propane, or other natural gas liquids and condensates through the Straits of Mackinac Pipelines, or any pipeline operating over, through, under, or upon the bottom-lands of the Great Lakes.

Sec. 8. This act supersedes any conflicting state statute, agreement, contract, administrative rule, easement, local charter, ordinance, or resolution, and shall be considered remedial in nature and shall be liberally construed to protect the public trust and stewardship of the Great Lakes.

Sec. 9. Any section or sub-section of this act being held invalid shall not affect the application of any other section or sub-section of this act that can be given full or partial effect.

Sec. 10. All provisions of this act are self-executing.