

House Bill 4719

Sponsor: Rep. Jerry C. Bartnik
Committee: Tourism, Fisheries &
Wildlife

Complete to 4-22-91

A SUMMARY OF HOUSE BILL 4719 AS INTRODUCED 4-17-91

The bill would create the Biological Diversity Conservation Act to provide for the establishment and implementation of a state policy aimed at conserving "biological diversity," which would be defined as "the full range of variety and variability within and among living organisms and the natural associations in which they occur" (including ecosystems, species, and genetic diversity). The bill would provide for the creation of a joint committee of the legislature to study biological diversity, would require that actions and programs of all state departments and agencies, as far as it was possible, be consistent with the goal of conserving biological and ecosystem diversity, and would provide for certain state departments and agencies to submit reports to the committee detailing each of these department's impact on biological diversity and other pertinent information.

State Policy on Conserving Biological Diversity. Under the bill, it would be the policy and goal of the state to provide for the conservation of biological and ecosystem diversity. As far as it was practicable, the actions and programs of all state departments and agencies would have to be consistent with this state policy and goal.

Departmental Impact Reports. At the request of the joint committee, state departments and agencies would have to submit to the committee individual reports that contained 1) an analysis of that department's impact on biological diversity, noting which ecosystems and species were affected, how they were affected, the extent of the impact, and the existence and effectiveness of mitigation measures, and 2) any other information that the committee felt was necessary or helpful in preparing its state strategy on biological diversity.

Also, the Departments of Natural Resources and Agriculture would have to include in their respective reports a list of techniques that could be used to improve the protection and maintenance of the state's biological diversity, and the long-term viability of ecosystems and their processes, including all of the following:

- * Enhancement of scientific knowledge through improved and more complete biological surveys, and research designed to identify factors "limiting population viability or persistence";
- * Identification of habitats and species "of special concern" and methods to protect them;
- * Improvement of management techniques based on scientific knowledge related to conserving biological diversity;
- * Effective restoration methods for ecosystems or species of concern;

- # * Broad-based education efforts regarding the importance of biological diversity and the need for conservation;
- * Utilizing areas which demonstrated management techniques for conserving or restoring native biological diversity;
- * Using cooperative programs among government agencies, public and private ventures, and the public sector; and
- * Promoting a sustained yield of natural resources for human benefit.

Joint Legislative Committee. Within 30 days of the bill's effective date the Senate Majority Leader and the Speaker of the House of Representatives would have to create a joint legislative working committee on biological diversity, which would consist of three members from both legislative chambers appointed by the respective chamber leaders. At least one of the committee members appointed from each house would have to be a member of a standing committee that covered issues pertaining to environmental protection and natural resources, or wildlife and fisheries management, or both. The committee could establish and organize one or more scientific advisory boards to provide it with specific expertise as it considered necessary or helpful, and in carrying out its duties would have to consult with the staff of the Michigan Natural Heritage Program and other individuals and groups who were "knowledgeable about, or interested in, biological diversity and conservation."

The committee's function would be to prepare a coordinated state strategy for conserving biological diversity. At its request, state departments and agencies would have to submit their respective reports to the committee to allow it to prepare a state strategy on biological diversity and fulfill its other functions. As soon as possible after its formation, the committee would have to meet; thereafter, it would have to meet at least once every three months. At its first meeting the committee would have to develop a timeline establishing when specific reports were due from those departments it had asked to submit reports; a departmental report, however, would have to be submitted to the committee no later than one year after the bill's effective date. Also, the committee would have to give assistance to a reporting department as it considered necessary or helpful in developing the state strategy. The committee would be dissolved two years after the bill's effective date.

The committee would have to meet publicly as provided for under the Open Meetings Act, and public notice of the time, date, and place of a meeting would have to be given in advance. Also, writings used or prepared by the committee would have to be made available to the public as specified under the Freedom of Information Act.

Development of State Strategy. The committee would have to develop a state strategy, based on data submitted by reporting departments, that addressed all of the following:

- * Reducing the cumulative adverse impacts of all state departments and agencies on biological diversity;
- * Each reporting department's responsibility to conserve biological diversity;
- * Methods of cooperation among reporting departments, other states, and provinces concerning ecosystems management;

- * Establishment of cooperative programs among governmental agencies, public and private ventures, universities and colleges, and the private sector;
- * Identification of habitats and species of special concern and methods to protect them;
- * Preventing the extinction of species;
- * Provisions for the long-term viability of ecosystems and ecosystem processes;
- * Development of areas demonstrating management techniques that conserved or restored native biological diversity;
- * Development of broad-based educational efforts on the importance of biological diversity and the need for conservation;
- * Development of criteria for evaluating the state's progress in implementing the strategy.

Within one year of the bill's effective date the committee would have to submit to the legislature a report showing progress made toward developing the state strategy.

Joint Committee Report to the Legislature. Within two years of the bill's effective date the committee would submit a report to the legislature that contained all of the following:

- * The completed state strategy;
- * Summaries of all written comments and reporting department reports received by the committee;
- * An evaluation of submitted departmental reports;
- * An evaluation of the cumulative impact of the reporting departments on the state's biological diversity;
- * Recommendations on legislative options;
- * Recommendations on whether the bill's definitions needed to be revised;
- * Recommendations regarding whether a biological diversity center was needed to set research priorities and provide leadership and coordination on fulfilling the state's policy to maintain biological diversity;
- * Recommendations on research priorities and personnel training needed to begin implementing the state strategy.

A draft of the report would have to be circulated by the joint committee within 18 months of the bill's effective date, and a public hearing would have to be held on the draft report's content. The report would have to be reviewed and signed by a majority of the committee's members. At least once every two years after each reporting department submitted its report, the director of that department would have to submit to the Legislature a report that included a statement of progress in implementing the strategy, and a statement explaining any difference between implementing the strategy and the committee's recommendations.