

HOUSE BILL No. 4719

April 17, 1991, Introduced by Reps. Bartnik, Alley, Harrison, Middaugh, Jondahl, Hoffman, Weeks, Allen, Hertel, DeBeaussaert, Bodem, Nye, Byrum, Brackenridge, Olshove, Emerson, Niederstadt, Leland, DeMars and Hoekman and referred to the Committee on Tourism, Fisheries and Wildlife.

A bill to establish and implement a state policy for the conservation of biological diversity including wildlife; to create a committee on biological diversity; and to prescribe the powers and duties of the committee and certain state agencies and officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "biological diversity conservation act".

3 Sec. 2. As used in this act:

4 (a) "Biological diversity" means the full range of variety
5 and variability within and among living organisms and the natural
6 associations in which they occur. Biological diversity includes
7 ecosystem diversity, species diversity, and genetic diversity.

8 (b) "Committee" means the joint legislative working
9 committee on biological diversity created pursuant to section 5.

1 (c) "Conserve", "conserving", and "conservation" mean
2 protective measures for maintaining natural biological diversity
3 and active measures for restoring natural biological diversity
4 through management efforts, in order to protect, restore, and
5 enhance as much of the variety of native species and communities
6 as possible in quantities and distributions that provide for the
7 continued existence and normal functioning of native species and
8 communities, including the viability of populations throughout
9 the natural geographic distributions of native species and
10 communities.

11 (d) "Ecosystem" means an assemblage of species together with
12 the species' physical environment, considered as a unit.

13 (e) "Ecosystem diversity" means the distinctive assemblages
14 of species and ecological processes that occur in different phys-
15 ical settings of the biosphere.

16 (f) "Genetic diversity" means the differences in genetic
17 composition within and among populations of a given species.

18 (g) "Habitat" means the area or type of environment in which
19 an organism or biological population normally lives or occurs.

20 (h) "Reporting department" means a state department or
21 agency that is required by the committee under this act to file 1
22 or more reports.

23 (i) "Species diversity" means the richness and variety of
24 native species.

25 (j) "State strategy" means the coordinated state strategy
26 prepared by the committee.

1 (k) "Sustained yield" means the achievement and maintenance
2 in perpetuity of regular periodic output of the various renewable
3 resources without impairment of the productivity of the land.

4 Sec. 3. The legislature finds that:

5 (a) The earth's biological diversity is an important natural
6 resource that is being reduced at a rate without precedent in
7 human history, and this rate is certain to increase greatly in
8 the near future.

9 (b) Most losses of biological diversity are unintended and
10 largely avoidable consequences of human activity.

11 (c) While the most rapid losses of biological diversity are
12 occurring outside the United States, biological impoverishment is
13 also a serious concern within the United States and in this
14 state.

15 (d) Humans depend on biological resources, including plants,
16 animals, and microorganisms, for food, medicine, shelter, and
17 other important products.

18 (e) Biological diversity is valuable as a source of intel-
19 lectual and scientific knowledge, recreation, and aesthetic
20 pleasure.

21 (f) Biological diversity has economic value.

22 (g) Reduced biological diversity may have serious conse-
23 quences for human welfare as resources for research and agricul-
24 tural, medicinal, and industrial development are irretrievably
25 lost.

26 (h) Reduced biological diversity may also endanger the
27 functioning of ecosystems and critical ecosystem processes that

1 moderate climate, govern nutrient cycles and soil conservation
2 and production, control pests and diseases, and degrade wastes
3 and pollutants.

4 (i) Reduced biological diversity will diminish the raw mate-
5 rials available for scientific and technical advancement, includ-
6 ing the development of improved varieties of cultivated plants
7 and domesticated animals.

8 (j) Existing conservation laws largely address the protec-
9 tion of individual species that have already suffered declines,
10 rather than focusing on maintaining ecosystem conditions that are
11 necessary for sustaining healthy diversity across a broad range
12 of species.

13 (k) Maintaining biological diversity through habitat protec-
14 tion and management is often less costly and more effective than
15 efforts to save species once they become endangered.

16 (l) Because it cannot be predicted which biological
17 resources will be most important for future needs, maintaining
18 the diversity of living organisms in their natural habitats is
19 the prudent policy for this state.

20 Sec. 4. (1) It is the policy of this state that conserva-
21 tion of biological diversity and ecosystem diversity are state
22 goals.

23 (2) The actions and programs of all state departments and
24 agencies, to the maximum extent practicable, shall be consistent
25 with the goal of conservation of biological diversity and ecosys-
26 tem diversity.

1 Sec. 5. (1) Not later than 30 days after the effective date
2 of this act, the senate majority leader and the speaker of the
3 house of representatives shall create a joint legislative working
4 committee on biological diversity. The committee shall consist
5 of 3 members of the senate appointed by the senate majority
6 leader and 3 members of the house of representatives appointed by
7 the speaker of the house of representatives. At least 1 of the
8 committee members appointed from each house shall be a member of
9 a standing committee that addresses legislation pertaining to
10 environmental protection and natural resources, or wildlife and
11 fisheries management, or both. The committee may establish and
12 organize 1 or more scientific advisory boards to provide the com-
13 mittee with specific expertise as the committee considers neces-
14 sary or helpful. In fulfilling its duties under this act, the
15 committee shall consult with the staff of the Michigan natural
16 heritage program and other individuals and groups who are knowl-
17 edgeable about, or interested in, biological diversity and
18 conservation.

19 (2) The function of the committee shall be to prepare a
20 coordinated state strategy for conservation of biological
21 diversity. Upon the request of the committee, state departments
22 and state agencies shall submit reports containing the informa-
23 tion required under section 6 to the committee to enable the com-
24 mittee to prepare the state strategy and fulfill its functions
25 under this act. The state strategy shall in part be based on
26 information provided to the committee in these reports required
27 under this section.

1 (3) The committee shall meet as soon as possible upon
2 formation and then shall meet at least quarterly. The committee
3 shall at its initial meeting develop a timeline establishing when
4 specific reports are due from each of the reporting departments
5 from which the committee requests reports. However, all reports
6 required under section 6(1) shall be submitted to the committee
7 by a reporting department within 1 year of the effective date of
8 this act. The committee shall provide assistance to the report-
9 ing department as the committee considers necessary or helpful in
10 developing the state strategy.

11 (4) The committee shall hold regularly scheduled meetings
12 and the business of the committee shall be conducted at public
13 meetings held in compliance with the open meetings act, Act
14 No. 267 of the Public Acts of 1976, being sections 15.261 to
15 15.275 of the Michigan Compiled Laws. Public notice of the time,
16 date, and place of meeting shall be given in the manner required
17 by Act No. 267 of the Public Acts of 1976.

18 (5) A writing prepared, owned, used, in the possession of,
19 or retained by the committee shall be made available to the
20 public in compliance with the freedom of information act, Act
21 No. 442 of the Public Acts of 1976, being sections 15.231 to
22 15.246 of the Michigan Compiled Laws.

23 (6) The committee shall hold public hearings to solicit
24 input from individuals and entities regarding biological
25 diversity.

26 (7) The committee shall be dissolved 2 years after the
27 effective date of this act.

1 Sec. 6. (1) Reports containing the information listed under
2 subsection (2) shall be required by the committee from state
3 departments and state agencies, including, but not limited to,
4 each of the following:

5 (a) Department of natural resources.

6 (b) State transportation department.

7 (c) Department of commerce.

8 (d) Department of agriculture.

9 (e) Department of public health.

10 (f) Department of education.

11 (2) Each reporting department shall prepare for the commit-
12 tee a report that contains an overview of all of the following:

13 (a) An analysis of the department's impact on biological
14 diversity, noting which ecosystems and species are impacted, how
15 they are affected, the extent of the impact, and the existence
16 and effectiveness of mitigation measures.

17 (b) Any other information determined by the committee to be
18 necessary or helpful in preparing the state strategy.

19 (3) In addition to the information required under subsection
20 (2), the department of natural resources and the department of
21 agriculture shall include in their report a list of techniques
22 that can be used to improve the protection and maintenance of
23 this state's biological diversity, and the long-term viability of
24 ecosystems and ecosystem processes, including all of the
25 following:

1 (a) Enhancement of scientific knowledge through improved and
2 more complete biological surveys, and research designed to
3 identify factors limiting population viability or persistence.

4 (b) Identification of habitats and species of special con-
5 cern and methods to protect them.

6 (c) Improvement of management techniques based on scientific
7 knowledge of the conservation of biological diversity.

8 (d) Effective restoration methods for ecosystems or species
9 of concern.

10 (e) Broad-based education efforts regarding the importance
11 of biological diversity and the need for conservation.

12 (f) The use of areas demonstrating management techniques
13 that conserve or restore native biological diversity.

14 (g) The use of cooperative programs among government agen-
15 cies, public and private ventures, and the public sector.

16 (h) Promotion of sustained yield of natural resources for
17 human benefit.

18 Sec. 7. (1) Based on information received from the report-
19 ing departments, the committee shall develop a state strategy
20 that addresses all of the following:

21 (a) Reduction of cumulative adverse impacts of all state
22 departments and agencies on biological diversity.

23 (b) The responsibility of each reporting department to con-
24 serve biological diversity.

25 (c) Methods of cooperation among reporting departments,
26 other states, and provinces concerning ecosystems management.

1 (d) Establishment of cooperative programs among governmental
2 agencies, public and private ventures, universities and colleges,
3 and the private sector.

4 (e) Identification of habitats and species of special con-
5 cern and methods to protect them.

6 (f) Prevention of extinction of species.

7 (g) Provisions for the long-term viability of ecosystems and
8 ecosystem processes.

9 (h) Development of areas demonstrating management techniques
10 that conserve or restore native biological diversity.

11 (i) Development of broad-based educational efforts regarding
12 the importance of biological diversity and the need for
13 conservation.

14 (j) Development of criteria for evaluating the progress of
15 this state in implementing the strategy.

16 (2) Within 1 year after the effective date of this act, the
17 committee shall submit to the legislature a report detailing
18 progress made toward development of the strategy.

19 (3) Within 18 months after the effective date of this act,
20 the committee shall circulate a draft of the report described in
21 subsection (4), and conduct a public hearing regarding the con-
22 tent of the draft report.

23 (4) Within 2 years after the effective date of this act, the
24 committee shall submit to the legislature a report containing all
25 of the following:

26 (a) The completed state strategy.

1 (b) Summaries of all written comments and reporting
2 department reports received by the committee pertaining to the
3 work of the committee.

4 (c) An evaluation of reports submitted by reporting
5 departments.

6 (d) An evaluation of the cumulative impacts of the reporting
7 departments on the biological diversity of this state.

8 (e) Recommendations pertaining to legislative options.

9 (f) Recommendations regarding whether the definitions in
10 this act should be revised.

11 (g) Recommendations regarding whether there is a need to
12 establish a biological diversity education center to set research
13 priorities and provide leadership and coordination pertaining to
14 fulfilling the policy of this state to maintain biological
15 diversity.

16 (h) Recommendations concerning research priorities and per-
17 sonnel training to facilitate the implementation of the state
18 strategy.

19 (5) The report shall be reviewed and signed by a majority of
20 the committee members. At least once every 2 years after the
21 submission of the report required under subsection (3), the
22 director of each reporting department shall submit to the legis-
23 lature a report that includes both of the following:

24 (a) A statement of progress in the implementation of the
25 strategy.

1 (b) A statement explaining any difference between the
2 implementation of the strategy and the recommendations of the
3 committee.