

Act No. 93
Public Acts of 1992
Approved by the Governor
June 14, 1992
Filed with the Secretary of State
June 15, 1992

STATE OF MICHIGAN
86TH LEGISLATURE
REGULAR SESSION OF 1992

Introduced by Reps. Bartnik, Alley, Harrison, Middaugh, Jondahl, Hoffman, Weeks, Allen, Hertel, DeBeaussaert, Bodem, Nye, Byrum, Brackenridge, Olshove, Emerson, Niederstadt, Leland, DeMars and Hoekman
Reps. Bryant and Bobier named co-sponsors

ENROLLED HOUSE BILL No. 4719

AN ACT to establish a state goal to encourage 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:

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

Sec. 2. As used in this act:

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

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

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

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

(e) "Ecosystem diversity" means the distinctive assemblages of species and ecological processes that occur in different physical settings of the biosphere.

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

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

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

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

(j) "State strategy" means the recommended state strategy prepared by the committee.

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

Sec. 3. The legislature finds that:

(a) The earth's biological diversity is an important natural resource. Decreasing biological diversity is a concern.

(b) Most losses of biological diversity are unintended consequences of human activity.

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

(d) Biological diversity is valuable as a source of intellectual and scientific knowledge, recreation, and aesthetic pleasure.

(e) Conserving biological diversity has economic implications.

(f) Reduced biological diversity may have potentially serious consequences for human welfare as resources for research and agricultural, medicinal, and industrial development are diminished.

(g) Reduced biological diversity may also potentially impact ecosystems and critical ecosystem processes that moderate climate, govern nutrient cycles and soil conservation and production, control pests and diseases, and degrade wastes and pollutants.

(h) Reduced biological diversity may diminish the raw materials available for scientific and technical advancement, including the development of improved varieties of cultivated plants and domesticated animals.

(i) Maintaining biological diversity through habitat protection and management is often less costly and more effective than efforts to save species once they become endangered.

(j) Because biological resources will be most important for future needs, study by the legislature regarding maintaining the diversity of living organisms in their natural habitats and the costs and benefits of doing so is prudent.

Sec. 4. (1) It is the goal of this state to encourage the lasting conservation of biological diversity.

(2) This act does not require a state department or agency to alter its regulatory functions.

Sec. 5. (1) Not later than 30 days after the effective date of this act, the senate majority leader and the speaker of the house of representatives shall create a joint legislative working committee on biological diversity. The committee shall consist of 3 members of the senate appointed by the senate majority leader and 3 members of the house of representatives appointed by the speaker of the house of representatives. At least 1 of the committee members appointed from each house shall be a member of the minority party of that house, and at least 1 of the committee members appointed from each house shall be a member of a standing committee that primarily addresses legislation pertaining to environmental protection and natural resources, or wildlife and fisheries management, and agriculture. The committee may establish and organize 1 or more scientific advisory boards to provide the committee with specific expertise as the committee considers necessary or helpful. If 1 or more scientific advisory boards are established, each board shall include individuals with expertise pertaining to the area of resource management at issue. The representatives shall include at least 1 individual employed by a state department or agency; 1 or more individuals employed by a university or college who work in applied research; and 1 or more individuals who work in basic research. The committee may consult with other individuals who are qualified representatives of industry and environmental groups. In fulfilling its duties under this act, the committee may consult with individuals and groups who are knowledgeable about, or interested in, biological diversity and conservation or are knowledgeable about scientific and technological issues related to biological diversity and its impact on human habitat.

(2) The function of the committee shall be to prepare a recommended state strategy for conservation of biological diversity and to report on the costs, benefits, and other implications of the strategy. Upon the request of the committee, state departments and state agencies shall submit reports containing the information required under section 6 to the committee to enable the committee to prepare the state strategy and fulfill its functions under this act. The state strategy shall in part be based on information provided to the committee in these reports required under this section.

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

(4) The committee shall hold regularly scheduled meetings and the business of the committee shall be conducted at public meetings held in compliance with the open meetings act, Act No. 267 of the Public Acts of

1976, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976.

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

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

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

Sec. 6. (1) The committee may require clear and concise reports containing the information listed under subsection (2) and, if applicable, subsection (3) from state departments and state agencies, including, but not limited to, the following:

- (a) Department of natural resources.
- (b) State transportation department.
- (c) Department of commerce.
- (d) Department of agriculture.
- (e) Department of public health.
- (f) Department of military affairs.

(2) Each reporting department shall prepare for the committee a report that contains an overview of all of the following:

(a) A report pertaining to those activities of the reporting departments that alter biological diversity, noting which ecosystems and species are impacted, and the existence of and effectiveness of mitigation measures.

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

(c) The costs and benefits of preserving biological diversity and mitigation measures.

(3) In addition to the information required under subsection (2), the department of natural resources and the department of agriculture shall include in their report, to the extent practical, examples of techniques that are used to improve the protection and maintenance of this state's biological diversity, and the long-term viability of ecosystems and ecosystem processes, including all of the following:

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

(b) Identification of habitats and species of special concern and methods to protect them.

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

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

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

(f) Use of areas demonstrating management techniques that conserve or restore native biological diversity.

(g) Use of cooperative programs among government agencies, public and private ventures, and the public sector.

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

(i) Any other technique to improve the protection and maintenance of this state's biological diversity, and the long-term viability of ecosystems and ecosystem processes whether or not the technique is in current use if supported by scientific knowledge.

(j) The costs and benefits associated with activities described in subdivisions (a) to (i).

Sec. 7. (1) Based on information received from the reporting departments and other sources identified in section 5(1), the committee shall develop a state strategy that includes, but is not limited to, consideration of all of the following:

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

(b) Responsibility of each reporting department to conserve biological diversity and determine the costs of such actions.

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

- (d) Establishment of cooperative programs among governmental agencies, public and private ventures, universities and colleges, and the private sector.
 - (e) Identification of habitats and species of special concern and methods to protect them.
 - (f) Prevention of extinction of species.
 - (g) Provisions for the long-term viability of ecosystems and ecosystem processes.
 - (h) Development of areas demonstrating management techniques that conserve or restore native biological diversity.
 - (i) Development of broad-based educational efforts regarding the importance of biological diversity and the need for conservation.
 - (j) Development of criteria for evaluating the progress of this state in implementing the strategy.
 - (k) The effects on human beings or the environment, taking into account the economic, social, and environmental costs and benefits of the conservation of biological diversity.
 - (l) The effects of conserving biological diversity on agriculture and forestry.
- (2) Within 1 year after the effective date of this act, the committee shall submit to the legislature a report detailing progress made toward development of the strategy.
- (3) Within 18 months after the effective date of this act, the committee shall circulate a draft of the report described in subsection (4), and conduct a public hearing regarding the content of the draft report.
- (4) Within 2 years after the effective date of this act, the committee shall approve and submit to the legislature a report containing all of the following:
- (a) The recommended state strategy.
 - (b) Summaries of all written comments and reporting department reports received by the committee pertaining to the work of the committee.
 - (c) An evaluation of reports submitted by reporting departments.
 - (d) An evaluation of the cumulative impacts of the reporting departments on the biological diversity of this state.
 - (e) Recommendations pertaining to legislative options.
 - (f) Recommendations regarding whether the definitions in this act should be revised.
 - (g) Recommendations regarding whether there is a need to establish a biological diversity education center to set research priorities and provide leadership and coordination pertaining to fulfilling the policy of this state to maintain biological diversity.
 - (h) Recommendations concerning research priorities and personnel training to facilitate the implementation of the state strategy.

This act is ordered to take immediate effect.

.....
Clerk of the House of Representatives.

.....
Secretary of the Senate.

Approved.....

.....
Governor.