



**House  
Legislative  
Analysis  
Section**

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## **BIOLOGICAL DIVERSITY**

**House Bill 5165 (Substitute H-1)**  
**Sponsor: Rep. Beverly Bodem**

**Senate Bill 762 (Substitute H-1)**  
**Sponsor: Sen. Phillip E. Hoffman**

**First Analysis (12-1-93)**

**Committee: Conservation,  
Environment & Great Lakes**

### ***THE APPARENT PROBLEM:***

The Biological Diversity Conservation Act (Public Act 93 of 1992) required the creation of a joint legislative working committee on biological diversity to prepare a recommended state strategy for conserving biological diversity and to report on the costs, benefits, and other implications of the strategy. The six-member committee was to be appointed by the Senate Majority Leader and the Speaker of the House of Representatives, with three members each from the House and Senate, within 30 days after the bill took effect.

The act also requires that within a year of its effective date, certain state agencies submit reports to the committee and that the committee report to the legislature progress it had made toward developing the state strategy. Within 18 months of the act's effective date, the committee is to circulate a draft of the state strategy and conduct a public hearing on the draft. Finally, within 2 years after the act's effective date, the committee is to approve and submit the report to the legislature, at which time the committee would be dissolved.

Some problems have arisen since the act took effect. In the first place, although the act took effect on June 3, 1992, the committee still has not been appointed, and so the timelines for the various required reports have been delayed. In addition, the act requires that committee members be appointed by the Senate Majority Leader and the House Speaker, with three members from the Senate and three from the House, though the current House is led by two Co-Speakers. Legislation has been introduced that would address these problems.

### ***THE CONTENT OF THE BILLS:***

House Bill 5165 (MCL 299.235) and Senate Bill 762 (MCL 299.237) would amend the Biological Diversity Conservation Act (Public Act 93 of 1992) to do the following:

- \* Increase the membership of the Joint Legislative Working Committee on Biological Diversity from the current six members to a proposed eight members, with four Senate members and four House members;
- \* Require that, within 30 days of the bill's effective date, the Senate Majority Leader appoint four members from the Senate and each of the House Co-Speakers appoint two representatives;
- \* Require that any reports requested by the committee from a state agency be submitted by December 30, 1994, instead of within a year of the act's effective date;
- \* Dissolve the committee on December 30, 1995, instead of two years after the act's effective date;
- \* Require the committee to submit its progress report to the legislature by December 30, 1994, instead of within a year after the act's effective date;
- \* Require the committee to circulate the draft of its report on a state strategy to conserve biological diversity by June 30, 1995, instead of within 18 months of the act's effective date; and
- \* Require the committee to submit its final report to the legislature by December 30, 1995, instead of within two years of the act's effective date.

The bills are tie-barred to each other.

***FISCAL IMPLICATIONS:***

Fiscal information is not available.

***ARGUMENTS:***

***For:***

Since the legislative leaders did not appoint the members of the Joint Legislative Working Committee on Biological Diversity within the statutory timeline, the timelines of the various required reports have been delayed. In addition, this session the House of Representatives has been working under a Co-Speakership rather than a single Speaker. Not only is this leadership arrangement not reflected in the act, but this arrangement would make it difficult to divide up the appointment of the act's required three House committee members. The bill would amend existing law to recognize the existing leadership structure in the House of Representatives, reasonably extend all of the current timelines in the act, and increase the number of committee members so that each of the House Co-Speakers can appoint an equal number of members to the committee.

***Against:***

Many other laws refer to appointments by the Speaker of the House of Representatives. Perhaps these laws, too, should be changed to reflect the current House leadership arrangement.

***Response:***

It would seem pointless to go back and change existing statutory references to one House Speaker unless the appointment(s) in question were being done under the current House leadership arrangement.

***POSITIONS:***

There are no positions on the bills.