House
Legislative
Analysis
Section

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COUNCIL ON ENVIRONMENTAL QUALITY

**House Bill 5807** as passed by the House
Second Analysis (7-9-90)

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

## *THE APPARENT PROBLEM:*

The Hunting and Fishing License Act, the Wildlife Conservation Act, the Michigan Sports Fishing Law, and various other acts and laws consistently specify that the Natural Resources Commission (NRC) is the entity responsible for the regulation and management of the state's fish and animal populations and habitat. However, the recent creation of the Governor's Council on Environmental Quality under Executive Order 1989-3 has caused some to question where that regulatory control would lie in case of a conflict.

## *THE CONTENT OF THE BILL:*

The bill would amend the Wildlife Conservation Act to specify that the Governor's Council on Environmental Quality would not have authority over or oversee the regulation or management of the population or habitat of fish or any animal for which the Natural Resources Commission is given authority under the act or any other act.

MCL 300.256a

## *FISCAL IMPLICATIONS:*

Fiscal information is not available. (7-9-90)

## *ARGUMENTS:*

### *For:*

Executive Order 1989-3 requires the Governor's Council on Environmental Quality to "monitor the overall health and quality of Michigan's environment and its effect on human health and quality of life." The order also requires the council to help "establish policies to assure the protection and wise management of Michigan's environment . . . " This language could be interpreted to mean that the council could oversee or review regulations and management decisions regarding fish and game and their habitat. The bill will clarify which entity is responsible for the management and regulation of fish and game and their habitat. In addition, by specifying that the Natural Resources Commission will continue to maintain responsibility for fish and game management, the bill will help avoid potential conflicts between the council and commission concerning fish and animal population and habitat management.

### *Against:*

The bill is unnecessary because it is quite clear that the executive order was intended to provide for regulation of the environment and environmental protection and not for the regulation of fish and animals or their habitat. There is no reference to fish and animals in the order, nor does the order provide for regulation or management of fish or animals. In addition, the council is an advisory body to the governor, and it does not appear that any legislation could, or should, preclude an advisory body from analyzing an environmental policy, issue or problem.

## *POSITIONS:*

The Michigan United Conservation Clubs supports the bill. (7-9-90)

The Council on Environmental Quality opposes the bill. (7-9-90)