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BILL ANALYSIS

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Senate Bill 926 (as reported without amendment)  
Sponsor: Senator Michelle A. McManus  
Committee: Natural Resources and Environmental Affairs

Date Completed: 8-16-04

### **RATIONALE**

Bovine tuberculosis (TB) is a contagious disease capable of infecting most warm-blooded animals, but commonly affects cattle, bison, deer, and elk. It is primarily spread by close contact and is intensified by confined or crowded conditions. Several years ago, northeastern Michigan was thought to be the only place on the continent where the disease had become established in the wild deer population. Some believe that the presence of the disease is due, in part, to individuals' supplying supplemental food to the deer for hunting or viewing purposes. This practice usually involves scattering food on the ground to lure deer or elk into closer proximity to humans. Because supplemental feeding draws herds of animals into nose-to-nose contact, it contributes to the spread of bovine TB and other contagious diseases.

A new contagious disease affecting deer and elk hovers at one of Michigan's borders. Chronic Wasting Disease, or CWD, has been reported in Wisconsin, as well as in 14 other states and the Canadian province of Saskatchewan. This fatal neurological disease is closely related to Bovine Spongiform Encephalopathy (BSE, or "mad cow" in cattle) and Creutzfeldt-Jakob Disease in humans. While the route of infection for CWD is unknown, there is strong evidence that it is transmitted via saliva, urine, and feces, either from animal to animal or from soil or surface to animal. It is believed that supplemental feeding provides conditions favorable to the spread of CWD.

Public Act 66 of 199 added Section 40111a to the Natural Resources and Environmental

Protection Act (NREPA) to require the Commission of Agriculture to issue an order regulating deer and elk feeding. The section is scheduled to sunset on December 31, 2004. Because of the continuing threat of bovine TB and the new threat of CWD, it has been suggested that this expiration date be postponed.

### **CONTENT**

**The bill would amend Part 401 (Wildlife Conservation) of NREPA to extend until 2010 a section that required the Natural Resources Commission to issue an order, effective October 1, 1999, prohibiting deer or elk feeding, unless it is for recreational viewing purposes. Section 40111a is scheduled to sunset on December 31, 2004. The bill would delay the repeal until January 1, 2010.**

Under this section, the Commission had to issue the required order by September 1, 1999. In addition to prohibiting deer or elk feeding except for recreational viewing purposes, the order must require that food distributed for recreational viewing be placed within 100 yards of the residence of the person engaged in recreational viewing on land owned or possessed by that person.

Section 40111a also permits the Commission to issue an order prohibiting all deer and elk feeding in all or part of the State if the Commission considers the prohibition necessary to manage wildlife populations properly or to control or eradicate disease.

The section specifies that an order issued under Part 401 concerning baiting to take

deer or elk or concerning deer or elk feeding may not distinguish between depositing or distributing feed by hand and depositing or distributing feed by a mechanical device.

MCL 324.40111a

## **BACKGROUND**

Public Act 66 of 1999 added Section 40111a to NREPA. The rules concerning deer and elk feeding are contained in Section 3.100a of the Wildlife Conservation Order, promulgated by the Natural Resources Commission. The order distinguishes between counties having any confirmed bovine tuberculosis positive deer certified by the Director of the Department of Natural Resources (DNR), where all deer and elk feeding is prohibited, and the rest of the State, where feeding is prohibited except for recreational viewing.

According to the DNR's 2003-2004 Deer and Elk "Baiting" and "Feeding" Regulations, baiting and feeding are entirely prohibited in Alcona, Alpena, Crawford, Montmorency, Oscoda, Otsego, and Presque Isle Counties. In the remainder of the State, feeding deer and elk for recreational viewing is allowed. Baiting for deer is allowed except in the specified counties (subject to limitations contained in the regulations). Baiting for elk is illegal throughout the State.

(The regulations define "baiting" as putting out food for deer to attract, lure, or entice them as an aid in hunting. "Feeding" means placing out food that attracts deer or elk for any reason. "Recreational feeding" is feeding for wildlife viewing purposes only.)

The regulations also state that, in the event Chronic Wasting Disease is documented within Michigan or within 50 miles of Michigan's border with an adjoining state or Canadian province, the Commission has ordered the Director to ban the use of bait and to ban all feeding of deer and elk within the peninsula adjacent to the state or province where CWD has been detected.

## **ARGUMENTS**

*(Please note: The arguments contained in this analysis originate from sources outside the Senate Fiscal Agency. The Senate Fiscal Agency neither supports nor opposes legislation.)*

## **Supporting Argument**

When Section 40111a was enacted, the State recognized that bovine TB presents a risk to humans, livestock, deer, and other wildlife. In March 1999, the Natural Resources Commission and the Agriculture Commission had adopted resolutions calling for a statewide ban on supplemental feeding of wild free-ranging deer and elk. The resolutions provided that supplemental feeding is not a scientifically or biologically supported resource management practice and that it had inflated the deer and elk population, resulting in the segregation of habitat; negatively affected the environment and ecosystem; and increased opportunities for the spread of bovine TB.

The presence of CWD would pose similar problems. In February 2003, Governor Granholm commissioned a task force to study the threat of CWD to Michigan cervids (e.g., deer and elk) and to make recommendations to address it. According to the Chronic Wasting Disease Task Force's Final Report, issued in October 2003, "The potential for the spread of disease increases when animals congregate around unnatural (i.e., baiting/feeding) sources of feed." The Task Force Report concluded that CWD's spread to Michigan would be a "major disaster" for the State's wild cervid populations and agricultural enterprises. Widespread CWD could significantly reduce the deer and elk population, which would reduce hunting and adversely affect Michigan's economy. Also, monitoring and controlling CWD would be extremely costly and divert funding from the DNR, the Michigan Department of Agriculture, and the farm community.

In light of the hazards these two contagious diseases present, it is important that the State continue to regulate how, when, and whether supplemental feeding is permitted.

Legislative Analyst: Claire Layman

## **FISCAL IMPACT**

The bill would have no fiscal impact on State or local government.

Fiscal Analyst: Jessica Runnels

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.