



Senate Fiscal Agency
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BILL ANALYSIS



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Senate Bill 446 (as enrolled)
Sponsor: Senator Rick Jones
Senate Committee: Outdoor Recreation and Tourism
House Committee: Natural Resources

Date Completed: 12-23-15

RATIONALE

The Natural Resources and Environmental Protection Act (NREPA) governs, among other things, wildlife conservation and the taking and possession of game. In response to the threat of bovine tuberculosis, Public Act 66 of 1999 added Section 40111a to NREPA to require the Natural Resources Commission to issue an order pertaining to deer and elk feeding. The section was originally scheduled to sunset on December 31, 2004, but the sunset date was postponed until January 1, 2010, to address bovine tuberculosis and Chronic Wasting Disease, a then-emerging disease in deer populations. Public Act 199 of 2009 later delayed the sunset date to January 1, 2016. Since the most recent amendment, at least three additional cases of Chronic Wasting Disease have been confirmed in Michigan.

Some believe that the spread of Chronic Wasting Disease is due in part to the distribution of food for supplemental feeding or viewing purposes. The current order prohibits a person from engaging in deer and elk feeding within Deer Management Unit 487¹ as well as the Core CWD area and the CWD Management Zone (discussed below). It has been suggested that the sunset be eliminated to authorize the Natural Resources Commission to continue regulating feeding practices that might facilitate the spread of these diseases.

CONTENT

The bill would amend Part 401 (Wildlife Conservation) of the Natural Resources and Environmental Protection Act to eliminate a sunset on a requirement that the Natural Resources Commission issue an order concerning deer and elk feeding.

Specifically, Section 40111a of the Act requires the Commission of Natural Resources, after consultation with the Commission of Agriculture and Rural Development, to issue an order concerning deer and elk feeding in a manner provided in Section 40113a. "Deer and elk feeding" means the depositing, distributing, or tending of feed in an area frequented by wild, free-ranging white-tailed deer and elk to prevent them from starving or for recreational viewing. The term does not include: a) baiting to take game; b) the scattering of feed as the result of a normal logging or agricultural practice; or c) feeding wild birds or other wildlife if done in such a manner as to exclude deer and elk from gaining access to the feed.

Effective January 1, 2016, Section 40111a will be repealed. The bill would eliminate the sunset.

(Section 40113a grants the Natural Resources Commission the exclusive authority to regulate the taking of game, and requires the Commission, to the extent possible, to use sound scientific principles in making its decisions.)

MCL 324.40111a

¹ Deer Management Unit 487 includes Alcona, Alpena, Iosco, Montmorency, Oscoda, and Presque Isle Counties.

BACKGROUND

Most of the following information was obtained from "Frequently Asked Questions About Chronic Wasting Disease (CWD)", published online by the Department of Natural Resources.

Chronic Wasting Disease (CWD) is a transmissible spongiform encephalopathy (TSE), or prion, disease of cervids (moose, elk, and deer).² It is believed to be transmitted through animal-to-animal contact and environmental contamination. Chronic Wasting Disease prions have been found in saliva, urine, blood, and feces of infected cervids, and some research suggests that the CWD prion can remain indefinitely in certain soil types. The most frequently reported symptoms of CWD are weight loss (or wasting), excessive salivation, and behavioral changes; however, many animals are asymptomatic until the later stages of the disease and many of the reported symptoms are also seen in other cervid diseases. Chronic Wasting Disease is fatal to cervids in all cases but it has never been shown to affect humans. Nevertheless, consuming meat from infected deer is not recommended.

A total of 23 states and two Canadian provinces have identified cervids infected with CWD. At least four of the cases identified have occurred in Michigan. The first was a deer in a Kent County breeding facility in 2008. More recently, in 2015, three free-ranging white-tailed deer were confirmed as positive for CWD. These deer were found in close proximity to each other in Ingham County.

To maintain the integrity of the State's cervid herds, the Michigan Department of Natural Resources and the Michigan Department of Agriculture and Rural Development developed the *Michigan Surveillance and Response Plan for Chronic Wasting Disease in free-ranging deer and privately owned cervid facilities*. The plan being implemented to address the current situation requires the following: a population survey in the area where the CWD-positive deer were found; the establishment of a Core CWD Area within nine townships in and around Ingham County;³ the creation of a CWD Management Zone within Clinton, Ingham, and Shiawassee Counties;⁴ a ban on deer and elk feeding and baiting within the Core CWD Area and CWD Management Zone; and a prohibition against the salvage or possession of a deer killed by a vehicle within the Core CWD Area.

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

The bill would ensure that the Natural Resources Commission (NRC) retains the authority to issue deer and elk feeding orders beyond January 1, 2016. According to the Michigan United Conservation Clubs, deer hunting in Michigan is a half-billion dollar industry enjoyed by nearly 700,000 people annually. The emergence and spread of CWD could jeopardize this industry and the long-term health of the herd by overcoming the ability of the deer population to replace those

² Prion diseases are caused by an infectious protein. The prion protein is essentially a misfolded protein. It propagates by inducing normal proteins to fold into the misfolded conformation; those proteins, in turn, induce others to fold abnormally. The accumulation of these misfolded proteins leads to cell death. Other TSE diseases include bovine spongiform encephalopathy ("mad cow disease") and scrapie in animals, and Creutzfeldt-Jakob Disease in humans.

³ Within the Core CWD Area, in addition to the restrictions described above, there will be unlimited antlerless deer hunting licenses available. Transportation of deer carcasses out of the area will be restricted to deboned meat, hides, antlers, and cleaned caps unless a lab has determined that CWD is not present, or the carcass is dropped off at a licensed processor within 72 hours. Deer killed by a collision with a vehicle and harvested deer will have to be screened for CWD. Landowners willing to help with disease surveillance will be eligible for a disease control permit.

⁴ Within the CWD Management Zone, there will be increased antlerless quotas to reduce the deer population, and an early antlerless deer season will be added.

animals killed by CWD. As the population declines and the spread of the disease becomes more pronounced, hunters could stop hunting because of a lower population of deer and because they do not want to harvest sick animals. The spread of CWD, and other diseases, is exacerbated when deer are allowed to congregate while feeding. It is important to the safety and health of Michigan's deer and elk herds and the future of Michigan's hunting industry that the NRC have the ability to issue orders pertaining to deer feeding, using sound scientific principles.

Legislative Analyst: Jeff Mann

FISCAL IMPACT

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

Fiscal Analyst: Josh Sefton

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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.