

CREATE CHRONIC WASTING DISEASE SUBACCOUNT AND PROHIBIT CERTAIN POINT RESTRICTIONS

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House Bill 6316 as introduced

Sponsor: Rep. Thomas Albert

Committee: Natural Resources and Outdoor Recreation

Complete to 12-3-20

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

House Bill 6316 would amend Part 435 (Hunting and Licensing) of the Natural Resources and Environmental Protection Act to create the Chronic Wasting Disease Subaccount and to prohibit the Department of Natural Resources (DNR) from creating antler point restrictions in areas where deer have tested positive for chronic wasting disease (CWD).

CWD testing and research

The bill would require the DNR to deposit fifty cents from each deer license or antlerless deer license in the Chronic Wasting Disease Testing and Research Subaccount to be used only for the purposes of conducting research on CWD in free-ranging deer or elk in Michigan and research for elimination of the prion.

The DNR would also have to sell a \$5 chronic wasting disease testing tag to any individual who wishes to test his or her deer for the disease. The fee would be deposited into the Chronic Wasting Disease Testing and Research Subaccount and could be used only for the following purposes:

- To administer the subaccount.
- To provide for surveillance of CWD, including the collection of hunter-harvested submissions and testing of free-ranging deer.
- To provide for educational materials and outreach about CWD to affected stakeholders and the public.
- To enforce orders under Part 401 (Wildlife Conservation) regarding importation of cervid carcasses.

Additionally, the DNR would have to make at least one CWD check station or drop station available during any deer hunting season in any county that is included in a core CWD area, a CWD management zone, a core CWD surveillance area, or a CWD expanded surveillance area. An individual could not submit a deer for testing at a check station or drop station unless he or she affixed a chronic wasting disease testing tag to the chronic wasting disease survey tag.

Chronic Wasting Disease Subaccount

The Chronic Wasting Disease Subaccount would be created in the Game and Fish Protection Account. The state treasurer could receive money or other assets from any source for deposit into the subaccount and would direct its investments and credit interest and earnings from those investments to the subaccount. For auditing purposes, the DNR would be the administrator of the subaccount. Money in the subaccount at the end of the fiscal year would remain in the subaccount and not lapse to the Game and Fish Protection Account or the general fund.

The DNR would expend money from the subaccount, upon appropriation, only for one or more of the purposes described in "CWD testing," above.

Prohibit antler point restrictions

Currently under the act, the DNR may, when advisable in managing deer, issue orders under Part 401 (Wildlife Conservation) designating the kind of deer that can be taken and the geographic area in which a hunting license is valid.

The bill would prohibit the DNR from prohibiting an individual with a valid deer license from taking any *antlered deer*, regardless of the number of antler points on that deer, in any area of Michigan in which deer have tested positive for CWD.

Antlered deer would mean a deer that has at least one antler that extends three inches or more above the skull.

MCL 324.43527a and proposed MCL 324.43540f

BACKGROUND:

Chronic wasting disease is a contagious, neurological disease that affects deer and other cervids (elk, moose, caribou, and related species). Not only can it be transmitted from animal to animal, it is also believed that deer can contract the disease from the soil of the plants they are eating. This is because CWD is caused by prions (pronounced *pree-ons*), which are non-living proteins that can remain in the environment for years.¹ CWD causes the degeneration of a deer's brain and can result in emaciation (wasting), abnormal behavior, loss of bodily functions, and death. However, these symptoms often do not appear until much later, as CWD can have an incubation period of over one year and clear neurological signs can develop slowly.² Currently, the only way to test for CWD in a deer is through examining its brain. Because this can only be done when the deer is dead, there is no way to be sure that a live herd is unaffected. As a result, the Centers for Disease Control and Prevention (CDC) recommends that hunters test deer harvested in areas known to contain the disease.³ CWD has currently been confirmed in 24 states, including Michigan, as well as abroad in two Canadian provinces, Norway, Finland, Sweden, and South Korea.⁴

CWD first appeared in Michigan in 2008, in a deer at a breeding facility in Kent County. (Four other private facilities, in Mecosta, Montcalm, and Newaygo Counties, have had CWD cases since then.) In May 2015, it was found in free-ranging white-tailed deer near Lansing in Ingham County. It has since been found in free-ranging deer in the Lower Peninsula counties of Clinton, Ionia, Jackson, Kent, Gratiot, Eaton, and Montcalm. In October 2018, CWD was found for the first time in a free-ranging deer in the Upper Peninsula, in Dickinson County, near the Wisconsin border.⁵

FISCAL IMPACT:

It is unclear whether HB 6316 would affect costs or revenues for the DNR. The bill would earmark a portion of each deer license and antlerless deer license for chronic wasting disease research, surveillance, and testing; the department has been engaged in these efforts funded largely by GF/GP in recent fiscal years. The bill would also provide the option of purchasing a CWD testing tag for any harvested deer; the number of hunters that will choose to purchase

¹ <https://www.cdc.gov/prions/cwd/transmission.html>

² <https://www.cdc.gov/prions/cwd/cwd-animals.html>

³ <https://www.cdc.gov/prions/cwd/prevention.html>

⁴ <https://www.cdc.gov/prions/cwd/occurrence.html>

⁵ https://www.michigan.gov/documents/emergingdiseases/map_cwd_positive_deer_locations_633303_7.pdf

this tag is unclear. There were more than 550,000 deer licenses and antlerless deer licenses sold in 2019, which would have generated more than \$275,000 for the prospective Chronic Wasting Disease Testing and Research Subaccount under the bill. License revenue is currently credited to the Game and Fish Protection Fund, which primarily supports DNR's wildlife management programs. These programs include management of wildlife lands and facilities, forest game species population management, wetlands game species population management, and management of wildlife habitat in state game and state wildlife areas. The sale of all hunting and fishing licenses generated approximately \$60.5 million in FY 2018-19, the most recent fiscal year for which final sales data is presently available.

The bill is unlikely to affect costs or revenues for local governments.

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■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.