



**House  
Legislative  
Analysis  
Section**

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**REPEAL OF ST. CLAIR SUNDAY  
HUNTING BAN**

**House Bill 4697 as introduced  
First Analysis (5-22-01)**

**Sponsor: Rep. Judson Gilbert II  
Committee: Conservation and Outdoor  
Recreation**

***THE APPARENT PROBLEM:***

Hunting on Sundays is prohibited by local acts in a few counties in the state. Apparently, it was originally intended that such laws would apply to all lands, public and private, in the counties where they were adopted. However, in those same counties that ban Sunday hunting on private land, Sunday hunting is permitted on certain state-owned land. According to hunters, this system of restricted hunting in some areas of the state and unrestricted hunting in others has resulted in confusion, especially in situations where a hunter is tracking a wounded animal that crosses from state-owned land onto private property. Since 1992, the legislature has repealed local acts banning Sunday hunting in six counties, sometimes by repealing the local act applicable to the county, and sometimes by repealing the local act contingent on approval of a referendum by voters in the county. (See HLAS analysis of House Bill 4018 dated 2-17-01.)

The movement to repeal the acts was partially successful under Public Act 396 of 1994, which made the repeal of nine local acts banning Sunday hunting contingent upon approval by the voters in each affected county within two years of the public act's effective date. Each county affected by the legislation would have had to submit the question of repealing the ban at a general election before the act expired at the end of 1996, and not all counties held such a vote. By the December 29, 1996, deadline, three counties – Sanilac, Lapeer, and Huron, had approved the repeal by referendum, and five counties – Tuscola, Washtenaw, Lenawee, St. Clair, and Hillsdale, had rejected the repeal. Macomb County did not hold a referendum on the repeal, and legislation affecting that county's ban has been reintroduced in each legislative session since.

Legislation that has been introduced over the past several years regarding repeal of these local acts has generally specified that such repeal be subject to voter approval. However, this is not a constitutional requirement: Article IV, section 29 of the state

constitution says that a local act cannot *take effect* unless approved by two-thirds of the members elected to and serving in each house, and by a majority of electors voting on a referendum on the issue in the district affected. The constitution further provides that, in order to *repeal* a local act, legislation that would do so must only be approved by a majority of the members in each house and not by voters in the jurisdiction. In light of this, legislation was recently introduced, under House Bill 4018, to repeal Macomb County's ban without voter approval. Since St. Clair County is one of those that rejected the repeal, it has been suggested that its local act should also be repealed without voter approval.

***THE CONTENT OF THE BILL:***

Local Act 4 of 1939 is one of several local acts that were enacted to prohibit Sunday hunting in various counties, subject to approval by the voters in each county. House Bill 4697 would repeal Local Act 4, which prohibits Sunday hunting in St. Clair County.

***BACKGROUND INFORMATION:***

Local Acts Banning Sunday Hunting. The legislature passed a number of local acts to prohibit Sunday hunting in various counties. For the most part, this occurred during the 1920s and 1930s, but also as late as 1947. Reportedly, many, if not most, of these local acts originally were passed to prohibit hunting game with firearms or dogs to forestall the noise from guns and dogs in these counties from hunters travelling to these counties from the more populous southeast area of the state. As recently as 1994 (according to a DNR analysis of House Bill 5068 dated January 10, 1994), thirteen of the state's 83 counties had a ban on Sunday hunting, but legislation in the 1991-92 legislative session and again in the 1993-94 legislative session resulted in the repeal of Sunday hunting bans in six of the thirteen counties. The twelve counties that had local acts banning Sunday hunting and the public acts repealing (or

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allowing for the repeal of) these local acts are as follows:

- Tuscola: (Local Act 2 of 1927), referendum under Public Act 396 of 1994 defeated.\*
- Livingston: Local Act 6 of 1927 repealed by Public Act 241 of 1992.
- Lapeer: Local Act 7 of 1927 repealed by referendum under Public Act 396 of 1994.
- Washtenaw: (Local Act 9 of 1927), referendum under Public Act 396 of 1994 defeated.\*
- Sanilac: Local Act 4 of 1929 repealed by referendum under Public Act 396 of 1994.
- Lenawee: (Local Act 1 of 1931), referendum under Public Act 396 of 1994 defeated.\*
- Monroe: Local Act 3 of 1931 repealed by Public Act 114 of 1992.
- Hillsdale: (Local Act 1 of 1935), referendum under Public Act 396 of 1994 defeated.\*
- Shiawasee: Local Act 1 of 1937 repealed by Public Act 242 of 1992.
- Huron: Local Act 3 of 1937 repealed by referendum under Public Act 396 of 1994.
- St. Clair: (Local Act 4 of 1939), referendum under Public Act 396 of 1994 defeated.\*
- Macomb: (Local Act 9 of 1947), no referendum held under Public Act 396 of 1994.\*

\*Indicates a current Sunday hunting ban in these counties.

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency (HFA), the bill would have no fiscal implications. (5-17-01)

### ***ARGUMENTS:***

#### ***For:***

By repealing the local act, the bill would clarify that hunters are free to pursue their sport legally all weekend -- on private as well as public land. This local act is one of six that are currently on the books in southern Michigan counties (the other counties are Macomb, Hillsdale, Lenawee, Tuscola, and Washtenaw). Over the years, enforcement of such

laws has decreased as Sunday hunting has come to be generally accepted. Today, few people realize such laws even exist, and those who know of them usually interpret them to apply only to private lands. Repealing the act would simply strike from the books a law that most local citizens of the area consider to be obsolete. Further, by containing such a straightforward repeal, the bill would put the policy into effect immediately and thus avoid the necessity -- and the costs -- of holding an election.

#### ***Against:***

Some people object to the state's interference in what is, essentially, a local issue, and would prefer, instead, that St. Clair County residents have a choice in laws affecting them regarding hunting. Citizens are often outraged when their right to decide local issues is taken away, as was revealed recently during a debate on legislation that would suspend the powers and duties of the elected Detroit Board of Education. By not calling for a local referendum in St. Clair County, the bill might similarly be construed as an attempt to bypass the will of landowners and other residents living there and as an attempt to disenfranchise them. Also, it isn't clear that a "one-size-fits-all" approach in hunting laws would, or could, be accomplished in St. Clair County. While it may be true that hunters like Sunday hunting, other citizens hold to the belief that Sunday is "a day of rest," and have defeated the proposal when it has been put before them. There is an alternative, however. When similar legislation was introduced, under House Bill 4086 of 1999, to repeal the local act banning Sunday hunting in Macomb County, that legislation would have allowed the Macomb County Board of Commissioners to adopt a resolution, approving or rejecting the repeal of the ban on Sunday hunting. In the alternative, the legislation allowed the county board to place the issue before the voters.

### ***POSITIONS:***

The Department of Natural Resources (DNR) supports the bill. (5-17-01)

The Michigan United Conservation Clubs (MUCC) supports the bill. (5-17-01)

The Michigan Municipal League has no position on the bill. (5-21-01)

Analyst: R. Young

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