

## LOCAL ACTS: SUNDAY HUNTING

**AS ENROLLED**

House Bill 5255 (Substitute H-1)  
House Bill 5256 (Substitute H-1)  
First Analysis (2-25-92)

Sponsor: Rep. Clark Harder  
Committee: Tourism, Fisheries &  
Wildlife

### ***THE APPARENT PROBLEM:***

In the 1920s and 1930s the legislature passed a number of local acts to prohibit Sunday hunting in various counties, including Shiawassee and Livingston. Apparently, such laws originally were meant to apply to all lands, public and private, in those counties where they were adopted. In recent years, however, it has become acceptable for hunters to use both days of the weekend in order to pursue this outdoor activity, and many landowners and those living near public lands open to hunting (especially in more rural areas of the state) today are more accustomed to hearing hunters shoot on Sundays. The state, in fact, does not restrict hunting on state lands open to hunting on any day during the hunting season. Because Sunday hunting is otherwise legal on public lands, and generally is accepted even on private lands--with permission--in Shiawassee and Livingston Counties, some people feel the local acts prohibiting Sunday hunting here are obsolete and should be repealed.

### ***THE CONTENT OF THE BILLS:***

Local Act 6 of 1927 and Local Act 1 of 1937 prohibit Sunday hunting in the counties of Shiawassee and Livingston, respectively, and provide penalties for violations of the acts. House Bill 5255 would repeal Local Act 6 of 1927, and House Bill 5256 would repeal Local Act 1 of 1937 and, thus, hunting would be allowed on Sundays on both public and private lands in these counties.

Note: 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. However, the constitution further provides that in order to repeal a local act, legislation that would do so must be

approved by only a majority of the members in each house and not by voters in the district.

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

The Department of Natural Resources says the bills would not affect state or local budget expenditures. (2-19-92)

### ***ARGUMENTS:***

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

By repealing the local acts that bar Sunday hunting in the counties of Shiawassee and Livingston, the bills would clarify that hunters are free to pursue their sport legally the whole weekend on private as well as public land. Apparently, when these acts were first enacted over 60 years ago, they were made to apply to all lands in these counties; over the years, however, enforcement of such laws decreased as Sunday hunting came 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 in these counties. (A number of larger public areas, in fact, are open for hunting in these counties--for instance, the Rose Lake Wildlife Research area--and because the state itself does not restrict Sunday hunting, these public areas are hunted frequently on Sundays.) Repealing the acts would simply strike from the books laws that most people now consider to be obsolete. Also, by repealing the acts outright--rather than amending them to specifically permit Sunday hunting on private lands, as the bills as introduced would do--they would allow these counties to avoid having to pay for a referendum on the question.

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

Repealing the acts would prevent local landowners and other residents living in Shiawassee and

House Bills 5255 and 5256 (2-25-92)

Livingston Counties from having a say in the matter. Because some people living in these counties reportedly support a continuing ban on Sunday hunting, the bills should specifically amend the acts to eliminate the prohibition so that, if enacted by the legislature, local residents could vote on the matter.

***POSITIONS:***

The Department of Natural Resources supports the bills. (2-19-92)

The Michigan United Conservation Clubs supports the bills. (2-21-92)