



**House
Legislative
Analysis
Section**

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**SANILAC COUNTY: SUNDAY
HUNTING**

**House Bill 5915 (Substitute H-2)
First Analysis (7-2-96)**

**Sponsor: Rep. Kim Rhead
Committee: Conservation, Environment
and Great Lakes**

THE APPARENT PROBLEM:

In the 1920s and 1930s, the legislature passed a number of local acts to prohibit Sunday hunting in various counties in part as a means of preserving game. However, in those same counties, Sunday hunting is permitted on certain state-owned land. This system of restricted hunting in some areas of the state and unrestricted hunting in others has resulted in confusion for hunters, and especially if tracking a wounded animal that crosses from state-owned land onto private property. Also, it has become more acceptable in recent years for hunters to hunt on Sundays. To address these concerns, legislation was passed in 1994 to repeal the local acts banning Sunday hunting. (See the House Legislative Analysis Section's analysis of House Bill 5068, Public Act 396 of 1994, dated 12-21-94.) In order to take effect, each county affected by the legislation would have to submit the question of repealing the ban at a general election before the act expires at the end of this year. Residents of Sanilac County have expressed concern over increased trespassing problems should the ban on Sunday hunting be repealed in its entirety, and have requested the county board of commissioners to instead retain the ban on Sunday hunting, but provide an exemption for property owners and their guests, or for persons leasing land, to hunt on Sundays on that land or on state-owned land where hunting is permitted. However, the commission has an August deadline to submit ballot wording for a question to appear on the November 5, 1996 ballot. At the request of the Sanilac County Board of Commissioners, legislation has been introduced to address these concerns.

THE CONTENT OF THE BILL:

Currently, Act 4 of the Local Acts of 1929 prohibits hunting game on Sundays in Sanilac County. House Bill 5915 would amend the local act to exempt from the Sunday prohibition a hunter, or person accompanying a hunter, hunting on lands owned or leased by himself or herself or on state-owned land on which hunting is authorized. The bill could not take effect unless it was submitted to a vote and ratified by a majority of the

electors in the county. The question would have to be submitted to county voters at the next general election, notice would have to be given as required by law for elections for county officers, and the question would have to be phrased as specified in the bill. The board of canvassers would have to canvass the vote's results, and the bill's provisions would take effect 10 days after election results had been certified.

(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. 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:

According to the House Fiscal Agency, the bill would not have an impact on state or local government. (6-25-96)

ARGUMENTS:

For:

Where Public Act 396 of 1994 would only give the choice of keeping or repealing the ban on Sunday hunting, House Bill 5915 would allow the qualified voters of Sanilac County to decide if they wanted to continue with the ban on Sunday hunting or modify it to allow property owners to hunt on their own land. In addition, a landowner could rent his or her land to one or more hunters for the purposes of hunting. This is a very common practice among hunters, benefitting the homeowner through increased income and providing safety for the hunter by giving him or her an area to hunt in which no one else is hunting. In addition, a clear message would be sent to others that the county is not available for open hunting, which should help stem unwanted trespassing on private lands.

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Against:

Passage of the bill is a moot point, for it is too late. The Sanilac Board of Commissioners has a deadline of late August to submit the ballot wording for the November ballot. With the legislature in summer recess, even if the bill were to be sent to the Senate, the Senate could not take action on it because of the constitutionally mandated rule that a house must be in possession of a bill for five days before passage. (Const. Art. IV, Sec. 26)

Response:

Reportedly, the board of commissioners can submit the proposed ballot wording before the August deadline in anticipation of final legislative approval when session reconvenes in September. Timely action by the House of Representatives now can aid the citizens of Sanilac County in being able to have a true choice in laws affecting them in regards to hunting.

POSITIONS:

The Sanilac County Board of Commissioners supports the bill. (7-1-96)

Analyst: S. Stutzky

■ 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.