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REPEAL MACOMB HUNTING BAN

House Bill 5547 as introduced First Analysis (3-10-98)

Sponsor: Rep. Sue Rocca
**Committee: Conservation, Environment
and Recreation**

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.) However, in order to take effect, 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. Meanwhile, in Macomb County, it is felt by some that the local act banning Sunday hunting there is obsolete and should be repealed.

THE CONTENT OF THE BILL:

Currently, Act 9 of the Local Acts of 1947 prohibits hunting game on Sundays in Macomb County. House Bill 5547 would repeal the local act, subject to the approval of the affected county electorate. Under the bill, the question would be submitted to county voters at the next general election, to be held not less than 60 days after the bill's effective date, or at a special election called for that purpose by the county board of commissioners. The question would have to be submitted in a form similar to the following:

"Shall 1998 Local Act _____, which would repeal 1947 LA 9 and therefore would permit hunting, on Sunday, for game animals and game birds in the county of Macomb, be adopted?"

If a majority of the qualified electors voted in favor of adoption the repeal of Act 9 would become effective ten days following the certification of the election results. (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 (HFA) the bill would have no impact on state funds. (3-9-98)

ARGUMENTS:

For:

By repealing Local Act 9 of 1947, which bans Sunday hunting in Macomb County, the bill would clarify that hunters are free to pursue their sport legally the whole weekend on private as well as public land. This local act, one of six that are currently on the books in southern Michigan counties (the other counties are Hillsdale, Lenawee, St. Clair, Tuscola, and Washtenaw), apparently was made to apply to all lands in Macomb; 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 counties where they exist. Repealing the act would simply strike from the books a law that most local citizens of the area consider to be obsolete.

Response:

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The bill should simply repeal the local act without calling for a local referendum. Public Act 114 of 1992 contained such a straightforward repeal of a similar local act, pertaining to Monroe County, thus putting the policy into effect immediately and avoiding the necessity -- and the costs -- of holding an election.

Against:

To be consistent, the local acts prohibiting Sunday hunting in other counties probably should be repealed, too.

POSITIONS:

The National Rifle Association of America (NRA) testified before the House Conservation, Environment and Recreation Committee in support of the bill. (3-4-98)

The Michigan United Conservation Clubs (MUCC) supports the bill, although the organization's first choice would be to repeal the local act without requiring a referendum vote by local residents. (3-5-98)

The Macomb County Board of Commissioners supports the bill. (3-5-98)

The Department of Natural Resources supports the bill. (3-9-98)

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.