



**House  
Legislative  
Analysis  
Section**

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**LOCAL ACTS: SUNDAY HUNTING**

AS ENROLLED

House Bill 4635 as introduced  
First Analysis (5-5-93)

Sponsor: Rep. Michael E. Nye  
Committee: Conservation, Environment,  
and Great Lakes Affairs

***THE APPARENT PROBLEM:***

In the 1920s and 1930s the legislature passed a number of local acts to prohibit Sunday hunting in various counties, including Branch. 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, some people feel the local acts prohibiting Sunday hunting here are obsolete.

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

At present, Local Act 2 of 1937 prohibits hunting on Sundays in Branch County. House Bill 4635 would create an act to authorize that a referendum be held on the subject within two years of the effective date of the bill. Under the bill, the question of whether or not hunting with dogs or firearms should be prohibited in Branch county on Sunday would be submitted to the electors at the next general election, or at any special election called by the county board of commissioners after the effective date of the bill. If a majority of the electors voted to repeal Local Act 2, then the repeal would become effective 10 days after the election results were certified.

***FISCAL IMPLICATIONS:***

The Department of Natural Resources says the bills would not affect state budget expenditures. (5-5-93)

***ARGUMENTS:***

***For:***

By authorizing that a referendum be held on the subject of repealing the local act that bars Sunday hunting in Branch county, the bill 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. (Since the state itself does not restrict Sunday hunting, public areas are hunted frequently on Sundays.) In addition, the bill would help local economies once it became widely known that hunting was permitted on Sundays.

***For:***

Some hunters believe that all local acts that prohibit Sunday hunting are obsolete and should be repealed. In fact, hunters from counties with large urban populations normally have no other opportunity to hunt except on a Saturday or Sunday.

***Against:***

Under article IX, section 29 of the state constitution (the Headlee amendment), the state would be responsible for the costs of implementing the provisions of House Bill 4635. Article 29 says that the legislature may not mandate increases in the level of an activity or service beyond what is required by existing law, unless an appropriation of funds is made to pay for the increased costs. House Bill 4635 -- since it requires that Branch County hold a referendum on the subject of hunting on Sundays -- mandates an "increase in services," and therefore the bill should be amended to include an appropriation of funds for this requirement.

House Bill 4635 (5-5-93)

***Response:***

House Bill 4635 does not mandate an increase in the level of local services or activities. The bill specifies that the question of whether or not hunting should be prohibited on Sunday would be submitted to the electors "at the next general election, or any special election called by the county board of commissioners" after the effective date of the bill. Therefore, no additional costs would be incurred.

***POSITIONS:***

The Department of Natural Resources supports the banning of all laws that prohibit Sunday hunting. (5-5-93)

The Michigan United Conservation Clubs supports the banning of all laws that prohibit Sunday hunting. (5-5-93)

The Branch County Board of Commissioners supports the bill. (5-5-93)