

# WEST VIRGINIA LEGISLATURE

## 2017 REGULAR SESSION

**Introduced**

### **House Bill 2627**

**FISCAL  
NOTE**

BY DELEGATES STATLER, PHILLIPS, DEAN, WAGNER AND

McGEEHAN

[Introduced February 21, 2017; referred  
to the Committee on Agriculture and Natural  
Resources then the Judiciary.]

1 A BILL to amend and reenact §20-1-7 of the Code of West Virginia, 1931, as amended; and to  
 2 amend and reenact §20-2-5 of said code, all relating to requiring that open hunting season  
 3 for big game begin on a Saturday; removing certain restrictions on hunting; permitting  
 4 Sunday hunting on private property throughout the state with written consent of the  
 5 landowner; creating a ballot measure permitting counties to prohibit Sunday hunting on  
 6 private land if a majority of voters within the county approve the prohibition; and permitting  
 7 Sunday hunting on certain public lands in counties where private hunting on Sunday is  
 8 permitted.

*Be it enacted by the Legislature of West Virginia:*

1 That §20-1-7 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted; and that §20-2-5 of said code be amended and reenacted, all to read as follows:

**ARTICLE 1. ORGANIZATION AND ADMINISTRATION.**

**§20-1-7. Additional powers, duties and services of director.**

1 In addition to all other powers, duties and responsibilities granted and assigned to the  
 2 director in this chapter and elsewhere by law, the director is hereby authorized and empowered  
 3 to:

4 (1) With the advice of the commission, prepare and administer, through the various  
 5 divisions created by this chapter, a long-range comprehensive program for the conservation of  
 6 the natural resources of the state which best effectuates the purpose of this chapter and which  
 7 makes adequate provisions for the natural resources laws of the state;

8 (2) Sign and execute in the name of the state by the Division of Natural Resources any  
 9 contract or agreement with the federal government or its departments or agencies, subdivisions  
 10 of the state, corporations, associations, partnerships or individuals;

11 (3) Conduct research in improved conservation methods and disseminate information  
 12 matters to the residents of the state;

13 (4) Conduct a continuous study and investigation of the habits of wildlife and, for purposes

14 of control and protection, to classify by regulation the various species into such categories as may  
15 be established as necessary;

16 (5) Prescribe the locality in which the manner and method by which the various species of  
17 wildlife may be taken, or chased, unless otherwise specified by this chapter: Provided, That open  
18 hunting season for big game shall begin on a Saturday;

19 (6) Hold at least six meetings each year at such time and at such points within the state,  
20 as in the discretion of the Natural Resources Commission may appear to be necessary and proper  
21 for the purpose of giving interested persons in the various sections of the state an opportunity to  
22 be heard concerning open season for their respective areas, and report the results of the meetings  
23 to the Natural Resources Commission before such season and bag limits are fixed by it;

24 (7) Suspend open hunting season upon any or all wildlife in any or all counties of the state  
25 with the prior approval of the Governor in case of an emergency such as a drought, forest fire  
26 hazard or epizootic disease among wildlife. The suspension shall continue during the existence  
27 of the emergency and until rescinded by the director. Suspension, or reopening after such  
28 suspension, of open seasons may be made upon twenty-four hours' notice by delivery of a copy  
29 of the order of suspension or reopening to the wire press agencies at the State Capitol;

30 (8) Supervise the fiscal affairs and responsibilities of the division;

31 (9) Designate such localities as he or she shall determine to be necessary and desirable  
32 for the perpetuation of any species of wildlife;

33 (10) Enter private lands to make surveys or inspections for conservation purposes, to  
34 investigate for violations of provisions of this chapter, to serve and execute warrants and  
35 processes, to make arrests and to otherwise effectively enforce the provisions of this chapter;

36 (11) Acquire for the state in the name of the Division of Natural Resources by purchase,  
37 condemnation, lease or agreement, or accept or reject for the state, in the name of the Division  
38 of Natural Resources, gifts, donations, contributions, bequests or devises of money, security or  
39 property, both real and personal, and any interest in such property, including lands and waters,

40 which he or she deems suitable for the following purposes:

41 (a) For state forests for the purpose of growing timber, demonstrating forestry, furnishing  
42 or protecting watersheds or providing public recreation;

43 (b) For state parks or recreation areas for the purpose of preserving scenic, aesthetic,  
44 scientific, cultural, archaeological or historical values or natural wonders, or providing public  
45 recreation;

46 (c) For public hunting, trapping or fishing grounds or waters for the purpose of providing  
47 areas in which the public may hunt, trap or fish, as permitted by the provisions of this chapter and  
48 the rules issued hereunder;

49 (d) For fish hatcheries, game farms, wildlife research areas and feeding stations;

50 (e) For the extension and consolidation of lands or waters suitable for the above purposes  
51 by exchange of other lands or waters under his or her supervision;

52 (f) For such other purposes as may be necessary to carry out the provisions of this chapter;

53 (12) Capture, propagate, transport, sell or exchange any species of wildlife as may be  
54 necessary to carry out the provisions of this chapter;

55 (13) Sell timber for not less than the value thereof, as appraised by a qualified appraiser  
56 appointed by the director, from all lands under the jurisdiction and control of the director, except  
57 those lands that are designated as state parks and those in the Kanawha State Forest. The  
58 appraisal shall be made within a reasonable time prior to any sale, reduced to writing, filed in the  
59 office of the director and shall be available for public inspection. The director must obtain the  
60 written permission of the Governor to sell timber when the appraised value is more than \$5,000.  
61 The director shall receive sealed bids therefor, after notice by publication as a Class II legal  
62 advertisement in compliance with the provisions of article three, chapter fifty-nine of this code and  
63 the publication area for such publication shall be each county in which the timber is located. The  
64 timber so advertised shall be sold at not less than the appraised value to the highest responsible  
65 bidder, who shall give bond for the proper performance of the sales contract as the director shall

66 designate; but the director shall have the right to reject any and all bids and to readvertise for  
67 bids. If the foregoing provisions of this section have been complied with and no bid equal to or in  
68 excess of the appraised value of the timber is received, the director may, at any time, during a  
69 period of six months after the opening of the bids, sell the timber in such manner as he or she  
70 deems appropriate, but the sale price shall not be less than the appraised value of the timber  
71 advertised. No contract for sale of timber made pursuant to this section shall extend for a period  
72 of more than ten years. And all contracts heretofore entered into by the state for the sale of timber  
73 shall not be validated by this section if the same be otherwise invalid. The proceeds arising from  
74 the sale of the timber so sold shall be paid to the Treasurer of the State of West Virginia and shall  
75 be credited to the division and used exclusively for the purposes of this chapter: *Provided, That*  
76 nothing contained herein shall prohibit the sale of timber which otherwise would be removed from  
77 rights-of-way necessary for and strictly incidental to the extraction of minerals;

78 (14) Sell or lease, with the approval in writing of the Governor, coal, oil, gas, sand, gravel  
79 and any other minerals that may be found in the lands under the jurisdiction and control of the  
80 director, except those lands that are designated as state parks. The director, before making sale  
81 or lease thereof, shall receive sealed bids therefor, after notice by publication as a Class II legal  
82 advertisement in compliance with the provisions of article three, chapter fifty-nine of this code,  
83 and the publication area for such publication shall be each county in which such lands are located.  
84 The minerals so advertised shall be sold or leased to the highest responsible bidder, who shall  
85 give bond for the proper performance of the sales contract or lease as the director shall designate;  
86 but the director shall have the right to reject any and all bids and to readvertise for bids. The  
87 proceeds arising from any such sale or lease shall be paid to the Treasurer of the State of West  
88 Virginia and shall be credited to the division and used exclusively for the purposes of this chapter;

89 (15) Exercise the powers granted by this chapter for the protection of forests and regulate  
90 fires and smoking in the woods or in their proximity at such times and in such localities as may be  
91 necessary to reduce the danger of forest fires;

92           (16) Cooperate with departments and agencies of state, local and federal governments in  
93 the conservation of natural resources and the beautification of the state;

94           (17) Report to the Governor each year all information relative to the operation and  
95 functions of the division and the director shall make such other reports and recommendations as  
96 may be required by the Governor, including an annual financial report covering all receipts and  
97 disbursements of the division for each fiscal year, and he or she shall deliver such report to the  
98 Governor on or before December 1, next after the end of the fiscal year so covered. A copy of  
99 such report shall be delivered to each house of the Legislature when convened in January next  
100 following;

101           (18) Keep a complete and accurate record of all proceedings, record and file all bonds  
102 and contracts taken or entered into and assume responsibility for the custody and preservation of  
103 all papers and documents pertaining to his or her office, except as otherwise provided by law;

104           (19) Offer and pay, in his or her discretion, rewards for information respecting the violation,  
105 or for the apprehension and conviction of any violators, of any of the provisions of this chapter;

106           (20) Require such reports as he or she may deem to be necessary from any person issued  
107 a license or permit under the provisions of this chapter, but no person shall be required to disclose  
108 secret processes or confidential data of competitive significance;

109           (21) Purchase as provided by law all equipment necessary for the conduct of the division;

110           (22) Conduct and encourage research designed to further new and more extensive uses  
111 of the natural resources of this state and to publicize the findings of such research;

112           (23) Encourage and cooperate with other public and private organizations or groups in  
113 their efforts to publicize the attractions of the state;

114           (24) Accept and expend, without the necessity of appropriation by the Legislature, any gift  
115 or grant of money made to the division for any and all purposes specified in this chapter and he  
116 or she shall account for and report on all such receipts and expenditures to the Governor;

117           (25) Cooperate with the state historian and other appropriate state agencies in conducting

118 research with reference to the establishment of state parks and monuments of historic, scenic  
119 and recreational value and to take such steps as may be necessary in establishing such  
120 monuments or parks as he or she deems advisable;

121 (26) Maintain in his or her office at all times, properly indexed by subject matter and also  
122 in chronological sequence, all rules made or issued under the authority of this chapter. Such  
123 records shall be available for public inspection on all business days during the business hours of  
124 working days;

125 (27) Delegate the powers and duties of his or her office, except the power to execute  
126 contracts not related to land and stream management, to appointees and employees of the  
127 division, who shall act under the direction and supervision of the director and for whose acts he  
128 or she shall be responsible;

129 (28) Conduct schools, institutions and other educational programs, apart from or in  
130 cooperation with other governmental agencies, for instruction and training in all phases of the  
131 natural resources programs of the state;

132 (29) Authorize the payment of all or any part of the reasonable expenses incurred by an  
133 employee of the division in moving his or her household furniture and effects as a result of a  
134 reassignment of the employee: *Provided*, That no part of the moving expenses of any one such  
135 employee shall be paid more frequently than once in twelve months; and

136 (30) Promulgate rules, in accordance with the provisions of chapter twenty-nine-a of this  
137 code, to implement and make effective the powers and duties vested in him or her by the  
138 provisions of this chapter and take such other steps as may be necessary in his or her discretion  
139 for the proper and effective enforcement of the provisions of this chapter.

## **ARTICLE 2. WILDLIFE RESOURCES.**

### **§20-2-5. Unlawful methods of hunting and fishing and other unlawful acts; authorizing Sunday hunting on private property.**

1 (a) Except as authorized by the director or by law, it is unlawful at any time for any person

2 to:

3 (1) Shoot at any wild bird or wild animal unless it is plainly visible;

4 (2) Dig out, cut out, smoke out, or in any manner take or attempt to take any live wild  
5 animal or wild bird out of its den or place of refuge;

6 (3) Use or attempt to use any artificial light or any night vision technology, including image  
7 intensification, thermal imaging or active illumination while hunting, locating, attracting, taking,  
8 trapping or killing any wild bird or wild animal: *Provided*, That it is lawful to hunt or take coyote,  
9 fox, raccoon, opossum or skunk by the use of artificial light or night vision technology. Any person  
10 violating this subdivision is guilty of a misdemeanor and, upon conviction thereof, shall for each  
11 offense be fined not less than \$100 nor more than \$500, and shall be confined in jail for not less  
12 than ten days nor more than one hundred days;

13 (4) Hunt, take, kill, wound or shoot at wild animals or wild birds from an airplane or other  
14 airborne conveyance, a drone or other unmanned aircraft, an automobile or other land  
15 conveyance, or from a motor-driven water conveyance;

16 (5) Use a drone or other unmanned aircraft to hunt, take or kill a wild bird or wild animal,  
17 or to use a drone or other unmanned aircraft to drive or herd any wild bird or wild animal for the  
18 purposes of hunting, trapping or killing;

19 (6) Take any beaver or muskrat by any means other than a trap;

20 (7) Catch, capture, take, hunt or kill by seine, net, bait, trap or snare or like device a bear,  
21 wild turkey, ruffed grouse, pheasant or quail;

22 (8) Intentionally destroy or attempt to destroy the nest or eggs of any wild bird or have in  
23 his or her possession the nest or eggs;

24 (9) Carry an uncased or loaded firearm in the woods of this state with the following  
25 permissible exceptions:

26 (A) A person in possession of a valid license or permit during open firearms hunting  
27 season for wild animals and nonmigratory wild birds;



28 (B) A person hunting or taking unprotected species of wild animals, wild birds and  
29 migratory wild birds during the open season, in the open fields, open water and open marshes of  
30 the state;

31 (C) A person carrying a firearm pursuant to sections six and six-a of this article; or

32 (D) A person carrying a firearm for self defense who is not prohibited from possessing  
33 firearms by section seven, article seven, chapter sixty-one of this code;

34 (10) Have in his or her possession a crossbow with a nocked bolt, or a rifle or shotgun  
35 with cartridges that have not been removed or a magazine that has not been detached, in or on  
36 any vehicle or conveyance, or its attachments. For the purposes of this section, a rifle or shotgun  
37 whose magazine readily detaches is considered unloaded if the magazine is detached and no  
38 cartridges remain in the rifle or shotgun itself. Except that between five o'clock post meridian of  
39 day one and seven o'clock ante meridian, Eastern Standard Time, of the following day, any  
40 unloaded firearm or crossbow may be carried only when in a case or taken apart and securely  
41 wrapped. During the period from July 1 to September 30, inclusive, of each year, the requirements  
42 relative to carrying unloaded firearms are permissible only from eight-thirty o'clock post meridian  
43 to five o'clock ante meridian, Eastern Standard Time: *Provided*, That the time periods for carrying  
44 unloaded and uncased firearms are extended for one hour after the post meridian times and one  
45 hour before the ante meridian times established in this subdivision, if a person is transporting or  
46 transferring the firearms to or from a hunting site, campsite, home or other abode;

47 (11) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement by which  
48 wildlife may be taken after the hour of five o'clock ante meridian on Sunday on private land without  
49 the written consent of the landowner any wild animals or wild birds except when a big game  
50 season opens on a Monday, the Sunday prior to that opening day will be closed for any taking of  
51 wild animals or birds after five o'clock ante meridian on that Sunday: *Provided*, That traps  
52 previously and legally set may be tended after the hour of five o'clock ante meridian on Sunday  
53 and the person tending the traps may carry firearms for the purpose of humanely dispatching

54 trapped animals. Any person violating this subdivision is guilty of a misdemeanor and, upon  
55 conviction thereof, in addition to any fines that may be imposed by this or other sections of this  
56 code, is subject to a \$100 fine;

57 (12) Hunt, catch, take, kill, injure or pursue a wild animal or wild bird with the use of a  
58 ferret;

59 (13) Buy raw furs, pelts or skins of fur-bearing animals unless licensed to do so;

60 (14) Catch, take, kill or attempt to catch, take or kill any fish by any means other than by  
61 rod, line and hooks with natural or artificial lures: *Provided*, That snaring of any species of suckers,  
62 carp, fallfish and creek chubs is lawful;

63 (15) Employ, hire, induce or persuade, with money, things of value or by any means, any  
64 person to hunt, take, catch or kill any wild animal or wild bird except those species in which there  
65 is no closed season; or to fish for, catch, take or kill any fish, amphibian or aquatic life that is  
66 protected by rule, or the sale of which is otherwise prohibited;

67 (16) Hunt, catch, take, kill, capture, pursue, transport, possess or use any migratory game  
68 or nongame birds except as permitted by the Migratory Bird Treaty Act, 16 U. S. C. §703, *et seq.*,  
69 and its regulations;

70 (17) Kill, take, catch, sell, transport or have in his or her possession, living or dead, any  
71 wild bird other than a game bird including the plumage, skin or body of any protected bird,  
72 irrespective of whether the bird was captured in or out of this state, except the English or European  
73 sparrow (*Passer domesticus*), starling (*Sturnus vulgaris*) and cowbird (*Molothrus ater*), which may  
74 be killed at any time;

75 (18) Use dynamite, explosives or any poison in any waters of the state for the purpose of  
76 killing or taking fish. Any person violating this subdivision is guilty of a felony and, upon conviction  
77 thereof, shall be fined not more than \$500 or imprisoned for not less than six months nor more  
78 than three years, or both fined and imprisoned;

79 (19) Have a bow and gun, or have a gun and any arrow, in the fields or woods at the same

80 time;

81 (20) Have a crossbow in the woods or fields, or use a crossbow to hunt for, take or attempt  
82 to take any wildlife except as otherwise provided in sections five-g and forty-two-w of this article;

83 (21) Take or attempt to take turkey, bear, elk or deer with any arrow unless the arrow is  
84 equipped with a point having at least two sharp cutting edges measuring in excess of three fourths  
85 of an inch wide;

86 (22) Take or attempt to take any wildlife with an arrow having an explosive head or shaft,  
87 a poisoned arrow or an arrow which would affect wildlife by any chemical action;

88 (23) Shoot an arrow across any public highway;

89 (24) Permit any dog owned or under his or her control to chase, pursue or follow the tracks  
90 of any wild animal or wild bird, day or night, between May 1 and August 15: *Provided*, That dogs  
91 may be trained on wild animals and wild birds, except deer and wild turkeys, and field trials may  
92 be held or conducted on the grounds or lands of the owner, or by his or her bona fide tenant, or  
93 upon the grounds or lands of another person with his or her written permission, or on public lands  
94 at any time. Nonresidents may not train dogs in this state at any time except during the legal small  
95 game hunting season. A person training dogs may not have firearms or other implements in his  
96 or her possession during the closed season on wild animals and wild birds;

97 (25) Conduct or participate in a trial, including a field trial, shoot-to-retrieve field trial, water  
98 race or wild hunt: *Provided*, That any person, group of persons, club or organization may hold a  
99 trial upon obtaining a permit pursuant to section fifty-six of this article. The person responsible for  
100 obtaining the permit shall prepare and keep an accurate record of the names and addresses of  
101 all persons participating in the trial and make the records readily available for inspection by any  
102 natural resources police officer upon request;

103 (26) Hunt, catch, take, kill or attempt to hunt, catch, take or kill any wild animal, wild bird  
104 or wild fowl except during open seasons; and

105 ~~(27) Hunting on public lands on Sunday after five o'clock ante meridian is prohibited;~~

106 ~~(28) Hunt, catch, take, kill, trap, injure or pursue with firearms or other implement which~~  
 107 ~~wildlife can be taken, on private lands on Sunday after the hour of five o'clock ante meridian:~~  
 108 ~~Provided, That the provisions of this subdivision do not apply in any county until the county~~  
 109 ~~commission of the county holds an election on the question of whether the provisions of this~~  
 110 ~~subdivision prohibiting hunting on Sunday shall apply within the county and the voters approve~~  
 111 ~~the allowance of hunting on Sunday in the county. The election is determined by a vote of the~~  
 112 ~~resident voters of the county in which the hunting on Sunday is proposed to be authorized. The~~  
 113 ~~county commission of the county in which Sunday hunting is proposed shall give notice to the~~  
 114 ~~public of the election by publication of the notice as a Class II-0 legal advertisement in compliance~~  
 115 ~~with the provisions of article three, chapter fifty-nine of this code and the publication area for the~~  
 116 ~~publication is the county in which the election is to be held. The date of the last publication of the~~  
 117 ~~notice shall fall on a date within the period of the fourteen consecutive days next preceding the~~  
 118 ~~election.~~

119 ~~On the local option election ballot shall be printed the following:~~

120 ~~Shall hunting on Sunday be authorized on private lands only with the consent of the land~~  
 121 ~~owner in \_\_\_\_\_ County?~~

122  ~~Yes~~

123  ~~No~~

124 ~~(Place a cross mark in the square opposite your choice.)~~

125 ~~Any local option election to approve or disapprove of the proposed authorization of Sunday~~  
 126 ~~hunting within a county shall be in accordance with procedures adopted by the commission. The~~  
 127 ~~local option election may be held in conjunction with a primary or general election or at a special~~  
 128 ~~election. Approval shall be by a majority of the voters casting votes on the question of approval~~  
 129 ~~or disapproval of Sunday hunting at the election.~~

130 ~~If a majority votes against allowing Sunday hunting, an election on the issue may not be~~  
 131 ~~held for a period of one hundred four weeks. If a majority votes "yes", an election reconsidering~~

132 ~~the action may not be held for a period of five years. A local option election may thereafter be~~  
133 ~~held if a written petition of qualified voters residing within the county equal to at least five percent~~  
134 ~~of the number of persons who were registered to vote in the next preceding general election is~~  
135 ~~received by the county commission of the county in which Sunday hunting is authorized. The~~  
136 ~~petition may be in any number of counterparts. The election shall take place at the next primary~~  
137 ~~or general election scheduled more than ninety days following receipt by the county commission~~  
138 ~~of the petition required by this subsection: *Provided*, That the issue may not be placed on the~~  
139 ~~ballot until all statutory notice requirements have been met. No local law or regulation providing~~  
140 ~~any penalty, disability, restriction, regulation or prohibition of Sunday hunting may be enacted and~~  
141 ~~the provisions of this article preempt all regulations, rules, ordinances and laws of any county or~~  
142 ~~municipality in conflict with this subdivision.~~

143 ~~Amendments to this subdivision promulgated during the 2015 regular session of the~~  
144 ~~Legislature shall have no effect upon the results of elections held prior to their enactment; and~~

145 ~~(29) (27) Hunt or conduct hunts for a fee when the person is not physically present in the~~  
146 ~~same location as the wildlife being hunted within West Virginia.~~

147 ~~(b) Except in counties that have previously rejected by way of a referendum permitting~~  
148 ~~Sunday hunting on private lands, it is lawful to hunt throughout the State of West Virginia on~~  
149 ~~private lands on Sundays after the hour of five o'clock ante meridian with the written consent of~~  
150 ~~the private landowner: *Provided*, That the provisions of this subdivision do not apply in any county~~  
151 ~~if the county commission of the county holds an election on the question of whether the provisions~~  
152 ~~of this subdivision permitting hunting on Sunday shall apply within the county and the voters~~  
153 ~~approve the prohibition of hunting on Sunday in the county. The election is determined by a vote~~  
154 ~~of the resident voters of the county in which the prohibition of hunting on Sunday is proposed to~~  
155 ~~be authorized. The county commission of the county in which the prohibition of Sunday hunting~~  
156 ~~is proposed shall give notice to the public of the election by publication of the notice as a Class~~  
157 ~~II-0 legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this~~

158 code and the publication area for the publication is the county in which the election is to be held.

159 The date of the last publication of the notice shall fall on a date within the period of the fourteen

160 consecutive days next preceding the election.

161 On the local option election ballot shall be printed the following:

162 Shall hunting on Sunday be prohibited on private lands in \_\_\_\_\_ County?

163  Yes

164  No

165 (Place a cross mark in the square opposite your choice.)

166 Any local option election to approve or disapprove of the proposed prohibition on Sunday

167 hunting within a county shall be in accordance with procedures adopted by the commission. The

168 local option election may be held in conjunction with a primary or general election or at a special

169 election. Approval shall be by a majority of the voters casting votes on the question of approval

170 or disapproval of prohibiting Sunday hunting at the election.

171 If a majority votes in favor of prohibiting Sunday hunting, an election on the issue may not

172 be held for a period of one hundred four weeks. If a majority votes against prohibiting Sunday

173 hunting, an election reconsidering the action may not be held for a period of five years. A local

174 option election may thereafter be held if a written petition of qualified voters residing within the

175 county equal to at least five percent of the number of persons who were registered to vote in the

176 next preceding general election is received by the county commission of the county in which

177 Sunday hunting is prohibited. The petition may be in any number of counterparts. The election

178 shall take place at the next primary or general election scheduled more than ninety days following

179 receipt by the county commission of the petition required by this subsection: *Provided, That the*

180 issue may not be placed on the ballot until all statutory notice requirements have been met. If

181 voters disapprove of the referendum prohibiting Sunday hunting, no local law or regulation

182 providing any penalty, disability, restriction, regulation or prohibition of Sunday hunting may be

183 enacted and the provisions of this article preempt all regulations, rules, ordinances and laws of

184 any county or municipality in conflict with this subdivision.  
185 (c) In any county in which it is lawful to hunt on private lands on Sundays pursuant to  
186 subsection (b) of this section, it shall be lawful to hunt on public lands where hunting is generally  
187 permissible: *Provided*, That hunting on public lands is prohibited in counties where voters have  
188 previously rejected by way of a referendum permitting Sunday hunting on private lands.

NOTE: The purpose of this bill is to require that open hunting season for big game begin on a Saturday; remove certain restrictions on hunting; permit Sunday hunting on private property throughout the state with written consent of the landowner; create a ballot measure permitting counties to prohibit Sunday hunting on private land if a majority of voters within the county approve the prohibition; and permit Sunday hunting on certain public lands in counties where private hunting on Sunday is permitted.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.