

HOUSE BILL NO. HB0311

County smoking regulation.

Sponsored by: Representative(s) Hallinan

A BILL

for

1 AN ACT relating to counties; providing for regulation of
2 smoking in public places; authorizing local authority
3 regulation as specified; and providing for an effective
4 date.

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6 *Be It Enacted by the Legislature of the State of Wyoming:*

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8 **Section 1.** W.S. 18-2-101(a)(vi), (viii) and by
9 creating a new paragraph (ix) is amended to read:

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11 **18-2-101. General powers.**

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13 (a) Each organized county in the state is a body
14 corporate and politic. The powers of the county shall be
15 exercised by a board of county commissioners which may:

16

1 (vi) Establish a surface water drainage system,
2 utilities and drainage management;~~and~~

3
4 (viii) Declare and abate nuisances which the
5 commission determines to be a threat to health or safety as
6 provided in W.S. 18-2-115. No person shall create,
7 continue or permit nuisances to exist in violation of a
8 final order issued pursuant to W.S. 18-2-115. Any
9 resolution passed by a board of county commissioners
10 pursuant to this paragraph is enforceable, in addition to
11 other remedies provided by law, by injunction, mandamus or
12 abatement. Whoever fails to comply with a final order
13 shall be assessed a civil penalty of up to one hundred
14 dollars (\$100.00) per day for each day the violation
15 continues. No resolution issued pursuant to this paragraph
16 shall regulate any permitted industrial facility or oil
17 and gas or mining operations necessary to the extraction,
18 production or exploration of the mineral resources.
19 Nothing in this paragraph shall be construed to impair or
20 modify any rights afforded to farm or ranch operations
21 pursuant to the Wyoming Right to Farm and Ranch Act;~~and~~

22
23 (ix) Through resolution prohibit or limit
24 smoking in public places in the county. Any regulation by

a municipality within the county shall apply within that municipality if it is at least as restrictive as the county restrictions or if the county commissioners do not regulate smoking in the county.

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6 **Section 2.** This act is effective July 1, 2009.

7

8 (END)