

Page 1-line 4 After "data;" insert "creating the civil trespass to access adjacent or proximate land;".

Page 1-lines 9 and 10 Delete entirely and insert:

"Section 1. W.S. 40-27-101(a) (intro), (i), (ii) (A), (B), (b) (intro), (ii), by creating a new subsection (c), by amending and renumbering (c) as (d), by amending and renumbering (d) and (f) as (f) and (g) and by creating a new subsection (h) is amended to read:".

Page 2-line 2 After "data" insert "from private land".

Page 2-line 20 After "data" insert "from private land".

Page 2-lines 22 and 23 Delete entirely.

Page 3-lines 1 and 2 Delete entirely.

Page 3-After line 6 insert:

"(c) A person commits a civil trespass to access adjacent or proximate land if he:

(i) Crosses private land to access adjacent or proximate land where he collects resource data; and

(ii) Does not have:

(A) An ownership interest in the real property or, statutory, contractual or other legal authorization to cross the private land; or

(B) Written or verbal permission of the owner, lessee or agent of the owner to cross the private land.

~~(e)~~ (d) A person who trespasses to unlawfully collect resource data, ~~or~~ a person who unlawfully collects resource data or a person who trespasses to access adjacent or proximate land under this section shall be liable in a civil action by the owner or lessee of the land for all consequential and economic damages proximately caused by the trespass. In a civil action

1 brought under this section, in addition to damages, a successful
2 claimant shall be awarded litigation costs. For purposes of
3 this subsection, "litigation costs" shall include, but is not
4 limited to, court costs, expert witness fees, other witness
5 fees, costs associated with depositions and discovery,
6 reasonable attorney fees and the reasonably necessary costs of
7 identifying the trespasser, of obtaining effective service of
8 process on the trespasser and of successfully effecting the
9 collection of any judgment against the trespasser.

10
11 ~~(d)~~(f) Resource data unlawfully collected on private land
12 under this section is not admissible in evidence in any civil,
13 criminal or administrative proceeding, other than a civil action
14 for trespassing under this section or a criminal prosecution for
15 trespassing under W.S. 6-3-414.

16
17 ~~(f)~~(g) Resource data unlawfully collected on private land
18 under this section in the possession of any governmental entity
19 as defined by W.S. 1-39-103(a)(i) shall be expunged by the
20 entity from all files and data bases, and it shall not be
21 considered in determining any agency action.

22
23 Page 3-line 8 Delete "(g)" insert "(h)".

24
25 Page 3-line 12 Delete ", including" insert "and".

26
27 Page 3-line 14 Delete ", from private land"

28
29 Page 3-line 20 Delete "private land or private" insert
30 "land or". HARSHMAN, CHAIRMAN