

S.F. No. 0076**Civil trespass to collect data-amendments.**

Sponsored By: Senator(s) Hicks, Burns, Christensen and
Kinskey and Representative(s) Allen, Greear,
Laursen, Lindholm, Sommers and Winters

AN ACT relating to trade and commerce; amending provisions related to the civil causes of action for trespass to unlawfully collect resource data and unlawful collection of resource data; creating the civil trespass to access adjacent or proximate land; providing definitions; repealing a duplicative provision; and providing for an effective date.

2/9/2016 Bill Number Assigned
2/10/2016 S Received for Introduction
2/11/2016 S Introduced and Referred to S01 - Judiciary 30-0-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Case, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Ayes 30 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/15/2016 S01 - Judiciary:Recommend Amend and Do Pass 5-0-0-0-0

ROLL CALL

Ayes: Senator(s) Christensen, Esquibel, F., Hicks, Kinskey, Von Flatern

Ayes 5 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/15/2016 S Placed on General File

SF0076SS001/ADOPTED

Page 2-line 4 Delete "or crosses"; after "land" insert "or accesses adjacent land by crossing private land".

Page 2-line 20 Delete "or crosses".

Page 2-line 21 After "land" insert "or accesses adjacent land by crossing private land".

Page 3-line 14 Delete "from private land".

Page 3-line 16 After "collection," insert "either from private land or by crossing adjacent private land;"; delete "and which is".

Page 3-line 17 Delete.

Page 3-line 18 Delete.

Page 4-line 2 Before "land or" delete "private"; before "land use" delete "private". CHRISTENSEN, CHAIRMAN

2/16/2016 S COW:Passed

SF0076S2001/ADOPTED

Delete the First Senate Standing Committee Amendment (SF0076SS001/A) entirely and further amend as follows:

Page 2-line 4 Delete "or crosses".

Page 2-line 11 Strike "or"; delete "cross".
 Page 2-line 15 After "enter" strike "or".
 Page 2-line 16 Delete "cross".
 Page 2-line 20 Delete "or crosses".
 Page 3-line 3 Delete "or cross".
 Page 3-line 7 Delete "or cross".
 Page 3-line 14 Delete "from private land".
 Page 3-line 16 After "collection," insert "from private
land;"; delete balance of line.
 Page 3-line 17 Delete.
 Page 3-line 18 Delete. HICKS.

2/17/2016 S 2nd Reading:Passed
 2/18/2016 S 3rd Reading:Passed 29-1-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Bebout, Boner, Burns, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Esquibel, F., Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas, P., Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Case

Ayes 29 **Nays** 1 **Excused** 0 **Absent** 0 **Conflicts** 0

2/19/2016 H Received for Introduction
 2/22/2016 H Introduced and Referred to H02 - Appropriations
 2/24/2016 H02 - Appropriations:Recommend Amend and Do Pass 7-0-0-0-0

ROLL CALL

Ayes: Representative(s) Burkhart, Connolly, Greear, Harshman, Moniz, Nicholas, B., Stubson

Ayes 7 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/25/2016 H Placed on General File

SF0076HS001/ADOPTED

(TO ENGROSSED COPY)

(CORRECTED COPY)

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

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

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

Page 3-line 8	Delete "(g)" insert "(h)".
Page 3-line 12	Delete ", including" insert "and".
Page 3-line 14	Delete ", from private land"
Page 3-line 20	Delete " <u>private land or private</u> " insert " <u>land or</u> ". HARSHMAN, CHAIRMAN

2/29/2016	H COW:Passed
3/1/2016	H 2nd Reading:Passed
3/2/2016	H 3rd Reading:Passed 52-7-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown, Burkhardt, Byrd, Campbell, Cannady, Clem, Edmonds, Edwards, Eklund, Esquibel, K., Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kinner, Kirkbride, Kroeker, Krone, Larsen, Laursen, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, B., Northrup, Paxton, Piiparinen, Pownall, Reeder, Sommers, Steinmetz, Stubson, Throne, Walters, Wilson, Winters

Nays: Representative(s) Connolly, Dayton, Freeman, Pelkey, Petroff, Schwartz, Zwonitzer, Dn.

Excused: Representative Zwonitzer, Dv.

Ayes 52 **Nays** 7 **Excused** 1 **Absent** 0 **Conflicts** 0

3/2/2016	S Received for Concurrence
3/3/2016	S Concur:Passed 19-11-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, Barnard, Boner, Christensen, Cooper, Dockstader, Driskill, Emerich, Geis, Hicks, Johnson, Kinskey, Landen, Meier, Pappas, Peterson, Ross, Von Flatern, Wasserburger

Nays: Senator(s) Bebout, Burns, Case, Coe, Craft, Esquibel, F.,
Hastert, Nicholas, P., Perkins, Rothfuss, Scott

Ayes 19 **Nays** 11 **Excused** 0 **Absent** 0 **Conflicts** 0

3/3/2016 Assigned Number SEA No. 0052
3/4/2016 S President Signed SEA No. 0052
3/4/2016 H Speaker Signed SEA No. 0052
3/15/2016 Governor Signed SEA No. 0052
3/16/2016 Assigned Chapter Number

Chapter No. 115 Session Laws of Wyoming 2016