

S.F. No. 0080	Trespassing to collect data-civil cause of action.
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Sponsored By: Senator(s) Hicks, Christensen, Driskill and Kinskey and Representative(s) Baker, Halverson and Miller

AN ACT relating to trade and commerce; providing a civil cause of action for trespassing to unlawfully collect resource data and unlawfully collecting resource data; limiting the use of unlawfully collected data; providing definitions; and providing for an effective date.

1/14/2015 Bill Number Assigned
1/16/2015 S Received for Introduction
1/16/2015 S Introduced and Referred to S05 - Agriculture
1/28/2015 Agriculture:Recommend Amend and Do Pass 5-0-0-0

ROLL CALL

Ayes: Senator(s) Barnard, Christensen, Dockstader, Emerich, Geis

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

1/28/2015 S Placed on General File

SF0080SS001/ADOPTED

Page 2-line 15 After "Written" insert "or verbal".
Page 2-line 16 After "written" insert "or verbal". GEIS, CHAIRMAN

SF0080SW001/ADOPTED

Page 3-line 2 Delete ", cost of additional regulatory requirements or" insert "and". HICKS

1/28/2015 S COW Passed

SF0080S2001/ADOPTED

Page 3-line 2 Delete the Hicks Committee of the Whole Amendment (SF0080SW001/A) to this line and further amend as follows: after "operations" delete balance of line.
Page 3-line 3 Delete "increased business expenses". SCOTT

SF0080S2002/ADOPTED

Page 2-line 22 After "all" insert "consequential and economic".
Page 2-line 23 After "trespass" insert "." and delete balance of line.
Page 3-lines 1 through 3 Delete including the Hicks Committee of the Whole Amendment (SF0080SW001/A) and the Scott Second Reading Amendment (SF0080S2001/A) to these lines.
Page 3-line 4 Delete "data collection.". HICKS

1/29/2015 S 2nd Reading:Passed
1/30/2015 S 3rd Reading:Passed 26-4-0-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Barnard, Bebout, Burns, Christensen, Coe, Cooper, Craft, Dockstader, Driskill, Emerich, Geis, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Von Flatern, Wasserburger

Nays: Senator(s) Case, Esquibel, Hastert, Scott

Ayes 26 **Nays** 4 **Excused** 0 **Absent** 0 **Conflicts** 0

2/2/2015 H Received for Introduction
2/9/2015 H Introduced and Referred to H05 - Agriculture
2/24/2015 Agriculture:Recommend Amend and Do Pass 9-0-0-0-0

ROLL CALL

Ayes: Representative(s) Allen, Blake, Campbell, Eklund, Hunt, Jaggi, Laursen, Lindholm, McKim

Ayes 9 **Nays** 0 **Excused** 0 **Absent** 0 **Conflicts** 0

2/24/2015 H Placed on General File

SF0080HS001/ADOPTED

(TO ENGROSSED COPY)

Page 2-line 5 Delete "or crosses".
Page 2-line 6 Delete "or crosses private".
Page 2-line 12 Delete "cross" insert "access".
Page 2-line 16 Delete "cross" insert "access"; after "collect" insert "the specified".
Page 3-After line 13 Insert "(i) "Collect" means to take a sample of material, acquire, gather, photograph or otherwise preserve information in any form from private open land which is submitted or intended to be submitted to any agency of the state or federal government or to otherwise affect the legal rights of the landowner;".
Page 3-line 15 Delete "(i)" insert "(ii)".
Page 3-line 20 Delete "(ii)" insert "(iii)".
Page 4-line 1 Delete "(iii)" insert "(iv)".
Page 4-line 21 Delete ", and shall not be" insert "or a criminal prosecution for trespass."
Page 4-lines and 22 and 23 Delete entirely and insert:
 "(e) Resource data unlawfully collected 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.". MCKIM, CHAIRMAN

SF0080HW001/ADOPTED

(TO ENGROSSED COPY)

Page 3-After line 13 In the standing committee amendment (SF0080HS001/AE) to this line, in paragraph (i) created by that amendment, delete "private". ALLEN, HALVERSON

3/2/2015 H COW Passed
3/3/2015 H 2nd Reading:Passed

SF0080H3001/ADOPTED

(TO ENGROSSED COPY)

Page 3-After line 13 In the standing committee amendment (SF0080HS001/AE) to this line, in paragraph (i) created by that amendment, delete "or to

otherwise affect the legal rights of the landowner".

Page 5-Above line 2 Insert:

"Section 2. If 2015 Senate File 12 is enacted into law, W.S. 40-26-101(d) in section 1 of this act is repealed and recreated to read:

40-26-101. Trespass to unlawfully collect resource data.

(d) Resource data unlawfully collected 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."

Page 5-line 2 Delete "Section 2." insert "Section 3.". ALLEN, MCKIM

SF0080H3002/ADOPTED

(TO ENGROSSED COPY)

Page 1-line 3 After "data" insert "and unlawfully collecting resource data".

Page 1-line 15 After "data" insert "; unlawful collection of resource data".

Page 2-line 5 Delete "private"; delete "and".

Page 2-line 6 Delete through "onto".

Page 2-line 7 Delete "open land".

Page 2-line 11 After "(A)" insert "An ownership interest in the real property or".

Page 2-line 15 After "permission" insert "of the owner, lessee or agent of the owner".

Page 2-line 16 Delete "The written or"

Page 2-lines 17 and 18 Delete entirely.

Page 2-After line 19 Insert:

"(b) A person commits a civil trespass of unlawfully collecting resource data if he enters onto private open land and collects resource data without:

(i) An ownership interest in the real property or, statutory, contractual or other legal authorization to enter the private land to collect the specified resource data; or

(ii) Written or verbal permission of the owner, lessee or agent of the owner to enter the land to collect the specified resource data."

Page 2-line 20 Delete "(b)" insert "(c)".

Page 3-line 13 Delete "(c)" insert "(d)".

Page 4-line 18 Delete "(d)" insert "(e)".

Page 4-lines 22 and 23 In the standing committee amendment (SF0080HS001/AE) to these lines, delete "(e)" insert "(f)". NICHOLAS, B.

3/4/2015 H 3rd Reading:Passed 50-9-1-0-0

ROLL CALL

Ayes: Representative(s) Allen, Baker, Baldwin, Barlow, Berger, Blackburn, Blake, Brown Speaker, Burkhart, Campbell, Cannady, Clem, Dayton, Edmonds, Edwards, Eklund, Esquibel, Freeman, Gay, Greear, Halverson, Harshman, Harvey, Hunt, Jaggi, Jennings, Kasperik, Kirkbride, Kroeker, Krone, Larsen Lloyd, Laursen Dan, Lindholm, Lockhart, Loucks, Madden, McKim, Miller, Moniz, Nicholas, Northrup,

Paxton, Piiparinen, Pownall, Reeder, Sommers, Steinmetz, Stubson, Walters, Winters

Nays: Representative(s) Byrd, Connolly, Pelkey, Petroff, Schwartz, Throne, Wilson, Zwonitzer, Dn, Zwonitzer, Dv

Excused: Representative Patton

Ayes 50 **Nays** 9 **Excused** 1 **Absent** 0 **Conflicts** 0

3/5/2015 S Received for Concurrence

3/5/2015 S Concur:Passed 28-1-1-0-0

ROLL CALL

Ayes: Senator(s) Anderson, J.D.(SD02), Anderson, J.L.(SD28), Barnard, Bebout, Burns, Christensen, Coe, Cooper, Dockstader, Driskill, Emerich, Esquibel, Geis, Hastert, Hicks, Johnson, Kinskey, Landen, Meier, Nicholas Pres, Pappas, Perkins, Peterson, Ross, Rothfuss, Scott, Von Flatern, Wasserburger

Nays: Senator Case

Excused: Senator Craft

Ayes 28 **Nays** 1 **Excused** 1 **Absent** 0 **Conflicts** 0

3/5/2015 Assigned Number SEA No. 0082

3/5/2015 S President Signed SEA No. 0082

3/5/2015 H Speaker Signed SEA No. 0082

3/9/2015 Governor Signed SEA No. 0082

3/9/2015 Assigned Chapter Number

Chapter No. 183 Session Laws of Wyoming 2015