

SENATE FILE NO. SF0102

Foreign property ownership-critical infrastructure.

Sponsored by: Senator(s) Steinmetz, Biteman, Bouchard, Brennan, Dockstader, Hutchings, Kinskey, McKeown, Pappas and Salazar and Representative(s) Allemand, Banks, Bear, Crago, Haroldson, Jennings, Knapp, Lawley, Neiman, Ottman, Rodriguez-Williams, Singh, Slagle, Smith, Tarver, Trujillo and Ward

A BILL

for

1 AN ACT relating to property, conveyances and security
2 transactions; prohibiting foreign ownership of real
3 property near critical infrastructure and military
4 installations as specified; authorizing actions for
5 divestiture; requiring specified parties to register
6 property ownership with the secretary of state; specifying
7 penalties; amending the duties of the Wyoming office of
8 homeland security; amending the duties of county assessors;
9 requiring the inclusion of notices of foreign ownership
10 prohibitions and reporting requirements in assessment
11 schedules and tax statements; providing definitions;
12 requiring rulemaking; authorizing positions; providing an
13 appropriation; and providing for effective dates.

1

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

3

4 **Section 1.** W.S. 34-15-201 through 34-15-206 are
5 created to read:

6

7

ARTICLE 2

8

CRITICAL INFRASTRUCTURE AND MILITARY INSTALLATIONS

9

10 **34-15-201. Definitions.**

11

12 (a) As used in this article:

13

14 (i) "Critical infrastructure" means those
15 infrastructure systems and assets in the state of Wyoming
16 that are so vital that their incapacitation or destruction
17 would have a debilitating effect on security, the economy,
18 public health, public safety or any combination thereof;

19

20 (ii) "Critical infrastructure/military
21 installation zone" means the entire area that is located
22 within ten (10) miles of any critical infrastructure or
23 military installation in the state of Wyoming;

1

2 (iii) "Foreign government" means any government
3 other than the United States federal government or any
4 government of a state, territory, district or political
5 subdivision thereof;

6

7 (iv) "Military installation" means a base, camp,
8 post, station, yard or center that is under the
9 jurisdiction of the United States department of defense;

10

11 (v) "Party" means any natural person, business
12 entity, corporation, company, association, firm,
13 partnership, society, joint-stock company, trust, estate or
14 any other legal entity;

15

16 (vi) "Prohibited foreign party" means:

17

18 (A) A citizen or resident of a country
19 specified as a foreign adversary in 15 C.F.R. § 7.4;

20

21 (B) A foreign government formed within a
22 country specified as a foreign adversary in 15 C.F.R. §
23 7.4;

1

2 (C) A party other than a natural person or
3 a government, that is created or organized under the laws
4 of a foreign government within a country specified as a
5 foreign adversary in 15 C.F.R. § 7.4;

6

7 (D) Any party other than a natural person
8 or a government:

9

10 (I) That is created or organized under
11 the laws of any state of the United States; and

12

13 (II) In which a significant interest
14 or substantial control is directly or indirectly held or is
15 capable of being exercised by any one (1) or more of the
16 following:

17

18 (1) A citizen or resident of a
19 country specified as a foreign adversary in 15 C.F.R. §
20 7.4;

21

1 (2) A foreign government formed
2 within a country specified as a foreign adversary in 15
3 C.F.R. § 7.4;

4

5 (3) A party other than a natural
6 person or a government, that is created or organized under
7 the laws of a foreign government within a country specified
8 as a foreign adversary in 15 C.F.R. § 7.4.

9

10 (E) An agent, trustee, subsidiary or other
11 fiduciary of a person or entity enumerated in subparagraphs
12 (A) through (D) of this paragraph.

13

14 (vii) "Real property" means all interests in
15 real property, including but not limited to, the fee
16 estate, leasehold interests, easements, rights of way,
17 subsurface interests, airspace interests and mineral
18 interests;

19

20 (viii) "Significant interest" or "substantial
21 control" means:

22

1 (A) An interest of twenty-five percent
2 (25%) or more held by:

3

4 (I) A party referred to in
5 subparagraph (vi)(D) of this subsection;

6

7 (II) A natural person referred to in
8 subparagraph (vi)(A) of this subsection;

9

10 (III) A party referred to in
11 subparagraph (vi)(C) of this subsection; or

12

13 (IV) A foreign government referred to
14 in subparagraph (vi)(B) of this subsection.

15

16 (B) An interest of twenty-five percent
17 (25%) or more held whenever the parties, natural persons or
18 governments referred to in paragraph (vi) of this
19 subsection are acting in concert with respect to the
20 interest even though no single natural person, party or
21 government holds an interest of twenty-five percent (25%)
22 or more; or

23

1 (C) An interest of twenty-five percent
2 (25%) or more, in the aggregate, held by parties, natural
3 persons or governments referred to in paragraph (vi) of
4 this subsection even though the natural persons, parties or
5 foreign governments may not be acting in concert.

6

7 **34-15-202. Ownership of real property on or around**
8 **critical infrastructure and military installations**
9 **prohibited; violations; enforcement.**

10

11 (a) No prohibited foreign party shall hold or acquire
12 by grant, purchase, devise, descent or otherwise any
13 interest in real property that is located on, within or
14 partially within ten (10) miles of any critical
15 infrastructure or military installation in this state.

16

17 (b) A prohibited foreign party who holds or acquires
18 any interest in real property in violation of subsection
19 (a) of this section shall divest of the real property
20 interest within eight (8) months of receiving notice from
21 the Wyoming office of homeland security that the prohibited
22 foreign party holds real property in violation of
23 subsection (a) of this section.

1

2 (c) If the prohibited foreign party does not divest
3 of the real property interest within the time required by
4 subsection (b) of this section, the attorney general shall
5 commence an action for divestiture in a court of
6 appropriate jurisdiction to enforce this section. If the
7 court determines that the real property interest is held in
8 violation of this section, the court shall order that the
9 real property be sold at auction.

10

11 (d) The proceeds of any sale at auction of real
12 property ordered by a court under subsection (c) of this
13 section shall be disbursed to lien holders, in the order of
14 priority, except for liens which under the terms of any
15 sale are to remain on the real property. Any remaining
16 proceeds shall be forfeited to the state.

17

18 (e) When pursuing an action for divestiture under
19 subsection (c) of this section, the attorney general shall
20 promptly record a copy of the following with the county
21 clerk in the county where the real property is located:

22

1 (i) Upon commencement, notice of the pendency of
2 an action brought under this section;

3

4 (ii) Any court order for the sale of the real
5 property under this section.

6

7 **34-15-203. Registration; penalties.**

8

9 (a) A prohibited foreign party that holds or acquires
10 real property in the state of Wyoming on or after July 1,
11 2024 shall register the ownership of the real property with
12 the secretary of state in accordance with the following:

13

14 (i) The registration shall be in a form and
15 manner prescribed by the secretary of state;

16

17 (ii) The registration shall contain the
18 following:

19

20 (A) The name and complete legal address of
21 the party filing the registration;

22

1 (B) The name and complete legal address of
2 every party holding an interest in the real property;

3

4 (C) A description of each party's interest
5 in the real property;

6

7 (D) The location and current use of the
8 real property; and

9

10 (E) Any other information prescribed by the
11 secretary of state.

12

13 (iii) The initial registration shall be made not
14 more than sixty (60) days after July 1, 2024 or not more
15 than sixty (60) days after acquisition of the real
16 property, whichever is later;

17

18 (iv) The registration shall be updated annually
19 on or before March 31 of each year.

20

21 (b) The secretary of state shall promptly provide a
22 copy of all registration information collected pursuant to

1 subsection (a) of this section to the Wyoming office of
2 homeland security.

3

4 (c) A prohibited foreign party who fails to register,
5 timely register or update registration annually as required
6 by subsection (a) of this section shall be liable for a
7 civil penalty of five thousand dollars (\$5,000.00) for each
8 day the prohibited foreign party is not in compliance with
9 subsection (a) of this section.

10

11 **34-15-204. Designation of critical**
12 **infrastructure/military installation zones; county assessor**
13 **reporting; investigations; subpoena power.**

14

15 (a) The Wyoming office of homeland security shall
16 designate the critical infrastructure/military installation
17 zones where prohibited foreign parties shall not hold or
18 acquire real property under W.S. 34-15-202(a). Not later
19 than July 1, 2025 and each July 1 thereafter, the office
20 shall review the designation of critical
21 infrastructure/military installation zones to determine
22 whether any designations should be modified.

23

1 (b) Not later than July 1 of each year, the Wyoming
2 office of homeland security shall provide each county
3 assessor sufficient information about designated critical
4 infrastructure/military installation zones for the county
5 assessor to determine whether conveyances involve real
6 property located on, within or partially within a critical
7 infrastructure/military installation zone.

8

9 (c) The county assessor shall promptly report each
10 conveyance that involves real property located on, within
11 or partially within a critical infrastructure/military
12 installation zone to the Wyoming office of homeland
13 security as required by W.S. 34-1-143(b).

14

15 (d) Upon receiving a report from a county assessor
16 under subsection (c) of this section or registration
17 information from the secretary of state under W.S.
18 34-15-203, the Wyoming office of homeland security shall,
19 upon reasonable suspicion and to the extent possible,
20 investigate the conveyance to determine if the conveyance
21 violates this article. If the office suspects or determines
22 that a prohibited foreign party holds real property in

1 violation of this article, the office shall report the
2 suspected violation or violation to the attorney general.

3

4 (e) Upon receiving notice from the Wyoming office of
5 homeland security pursuant to subsection (d) of this
6 section or upon receiving information that leads the
7 attorney general to believe that a violation of this
8 article may exist, the attorney general shall issue
9 subpoenas requiring the appearance of witnesses, production
10 of relevant records and giving of relevant testimony to
11 determine whether a prohibited foreign party holds real
12 property in violation of this article.

13

14 **34-15-205. Validity of title.**

15

16 Title to real property shall not be invalid or subject to
17 divestiture due to a violation of this article by any
18 former owner or by another person holding or owning a
19 former interest in the real property.

20

21 **34-15-206. Criminal penalties.**

22

1 A prohibited foreign party who knowingly acquires real
2 property after July 1, 2024 in violation of W.S.
3 34-15-202(a) shall upon conviction be guilty of a felony
4 punishable by imprisonment for not more than two (2) years,
5 a fine of not more than fifteen thousand dollars
6 (\$15,000.00), or both.

7

8 **Section 2.** W.S. 19-13-105(c) by creating new
9 paragraphs (viii) and (ix), 34-1-143, 39-13-103(b)(viii)
10 and 39-13-107(b)(i)(C) are amended to read:

11

12 **19-13-105. Homeland security program.**

13

14 (c) The director is the administrative head of the
15 Wyoming office of homeland security. In addition to the
16 duties described in W.S. 19-13-104(d) the director:

17

18 (viii) Shall investigate and, in conjunction
19 with the attorney general, enforce the prohibition on
20 ownership of real property by prohibited foreign parties
21 under W.S. 34-15-202(a);

22

1 (ix) Shall designate the critical
2 infrastructure/military installation zones where prohibited
3 foreign parties shall not hold or acquire real property and
4 provide information about critical infrastructure/military
5 installation zones to county assessors in accordance with
6 W.S. 34-15-204.

7
8 **34-1-143. Information to be furnished to department**
9 **of revenue, state board of equalization and office of**
10 **homeland security.**

11
12 (a) The county clerk shall place the recording data
13 on the statement of consideration paid and deliver the
14 statement to the county assessor. The county assessor shall
15 furnish information from the statements of consideration to
16 the state board of equalization and department of revenue
17 as the board or department shall require, and when
18 disclosed under W.S. 34-1-142(g) and 39-13-109(b)(i), any
19 person or his agent wishing to review or contest his
20 property tax assessment or valuation and the county board
21 of equalization. The county assessor may furnish
22 information from the statements of consideration to a

1 county assessor in another county in this state to be used
2 as provided by law.

3

4 (b) County assessors shall promptly report all
5 conveyances that involve any real property located on,
6 within or partially within a critical
7 infrastructure/military installation zone to the Wyoming
8 office of homeland security in accordance with W.S.
9 34-15-204(c).

10

11 **39-13-103. Imposition.**

12

13 (b) Basis of tax. The following shall apply:

14

15 (viii) Every assessment schedule sent to a
16 taxpayer shall contain the property's estimated fair market
17 value for the current and previous year, or, productive
18 value in the case of agricultural property. The schedule
19 shall also contain the assessment ratio as provided by
20 paragraph (b)(iii) of this section for the taxable
21 property, the amount of taxes assessed on the taxable
22 property from the previous year, and an estimate of the
23 taxes which will be due and payable for the current year

1 based on the previous year's mill levies. The schedule
2 shall also contain information stating that prohibited
3 foreign parties are prohibited from holding or acquiring
4 real property on, within or partially within ten (10) miles
5 of any critical infrastructure or military installation in
6 this state as provided by W.S. 34-15-202 and describing the
7 requirement to register all prohibited foreign party
8 ownership of real property with the secretary of state as
9 provided by W.S. 34-15-203. The schedule shall contain a
10 statement of the process to contest assessments as
11 prescribed by W.S. 39-13-109(b)(i);

12

13 **39-13-107. Compliance; collection procedures.**

14

15 (b) The following provisions shall apply to the
16 payment of taxes, distraint of property and deferral:

17

18 (i) The following shall apply to the payment of
19 taxes due:

20

21 (C) Annually, on or before October 10 the
22 county treasurer shall send a written statement to each
23 taxpayer by mail at his last known address or, if offered

1 by the county and upon request of the taxpayer, by
2 electronic transmission of the total tax due, itemized as
3 to property description, assessed value and mill levies.
4 The notice shall contain information, including contact
5 information, of any property tax relief program authorized
6 by state law. The notice shall contain information stating
7 that prohibited foreign parties are prohibited from holding
8 or acquiring real property on, within or partially within
9 ten (10) miles of any critical infrastructure or military
10 installation in this state as provided by W.S. 34-15-202
11 and describing the requirement to register all prohibited
12 foreign party ownership of real property with the secretary
13 of state as provided by W.S. 34-15-203. Failure to send
14 notice, or to demand payment of taxes, does not invalidate
15 any taxes due;

16

17 **Section 3.** The office of homeland security and the
18 secretary of state shall promulgate all rules necessary to
19 implement the provisions of this act.

20

21 **Section 4.**

22

1 (a) The office of homeland security is authorized up
2 to two (2) full-time positions for the period beginning
3 with the effective date of this act and ending June 30,
4 2026 for the purpose of hiring employees for the office of
5 homeland security to implement and execute the requirements
6 of sections 1 and 2 of this act. It is the intent of the
7 legislature that the office of homeland security include
8 these positions in its standard budget request for the
9 immediately succeeding fiscal biennium.

10

11 (b) There is appropriated three hundred thousand
12 dollars (\$300,000.00) from the general fund to the office
13 of homeland security for the period beginning with the
14 effective date of this act and ending June 30, 2026 to be
15 expended only for purposes of funding the positions
16 authorized in subsection (a) of this section for purposes
17 of implementing and executing the requirements of sections
18 1 and 2 of this act. This appropriation shall not be
19 transferred or expended for any other purpose and any
20 unexpended, unobligated funds remaining from this
21 appropriation shall revert as provided by law on June 30,
22 2026. It is the intent of the legislature that this
23 appropriation be included in the standard budget request of

1 the office of homeland security for the immediately
2 succeeding fiscal biennium.

3

4 **Section 5.**

5

6 (a) Except as otherwise provided by subsection (b) of
7 this section, this act is effective July 1, 2024.

8

9 (b) Sections 3 through 5 of this act are effective
10 immediately upon completion of all acts necessary for a
11 bill to become law as provided by Article 4, Section 8 of
12 the Wyoming Constitution.

13

14 (END)