

SENATE FILE NO. SF0076

Protecting critical infrastructure from foreign
adversaries.

Sponsored by: Joint Appropriations Committee

A BILL

for

1 AN ACT relating to property; prohibiting conveyances near
2 critical infrastructure to prohibited foreign adversaries
3 as specified; requiring review and approval of specified
4 conveyances; authorizing the office of homeland security to
5 review and investigate specified conveyances; authorizing
6 actions for divestiture; providing an exception for
7 resident aliens; requiring notice in assessment schedules
8 and tax statements; providing and amending definitions;
9 requiring rulemaking; authorizing positions; providing an
10 appropriation; and providing for effective dates.

11

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

13

14 **Section 1.** W.S. 19-13-503 through 19-13-506 and
15 34-15-201 through 34-15-203 are created to read:

1

2 **19-13-503. Conveyances to prohibited foreign parties;**
3 **authority; rulemaking.**

4

5 The office of homeland security shall review and
6 investigate conveyances that require approval under W.S.
7 19-13-504 through 19-13-506 to prevent prohibited foreign
8 parties from gaining access or proximity to critical
9 infrastructure. The director shall promulgate any rules
10 necessary to implement W.S. 19-13-504 through 19-13-506.

11

12 **19-13-504. Conveyances to prohibited foreign parties;**
13 **application; form; initial determination; review and**
14 **investigation period.**

15

16 (a) On and after July 1, 2025, a prohibited foreign
17 party seeking a conveyance in the state of Wyoming shall
18 apply to the office of homeland security for approval of
19 the conveyance, except as provided in W.S. 19-13-506.

20

21 (b) An application for approval of a conveyance shall
22 be in a form and manner prescribed by the office of
23 homeland security and shall include all of the following:

1

2 (i) The name and complete legal address of the
3 prohibited foreign party filing the application;

4

5 (ii) The name and complete legal address of each
6 party seeking to hold an interest in the real property;

7

8 (iii) A description of each party's proposed
9 interest in the real property;

10

11 (iv) The location of the real property;

12

13 (v) The current and intended use of the real
14 property;

15

16 (vi) All documents provided in any review of the
17 conveyance conducted by the committee on foreign investment
18 in the United States;

19

20 (vii) Any other documentation or information the
21 office of homeland security deems necessary.

22

1 (c) After receipt of an application, the office of
2 homeland security shall determine if the applicant is a
3 prohibited foreign party and if the real property subject
4 to conveyance is located on, within or partially within a
5 critical infrastructure zone. Any conveyance to a
6 prohibited foreign party of real property located on,
7 within or partially within a critical infrastructure zone
8 shall require approval by the office of homeland security,
9 except as provided in W.S. 19-13-506. Not later than ninety
10 (90) days after receipt of an application, the office of
11 homeland security shall notify the applicant in writing
12 whether the conveyance requires its approval. The date the
13 applicant is notified that a conveyance requires approval
14 shall commence the review and investigation period for the
15 conveyance of real property.

16

17 (d) The review and investigation period for the
18 conveyance of real property shall not exceed one hundred
19 eighty (180) days, except as provided in this subsection
20 and subsection (e) of this section. Upon good cause, the
21 office of homeland security may reserve an additional
22 ninety (90) days for review and investigation. Upon written
23 request from an applicant specifying the need for an

1 accelerated review, the office of homeland security may
2 expedite its review and investigation.

3

4 (e) The office of homeland security shall not approve
5 or deny a conveyance that is a covered transaction under
6 the jurisdiction and review of the committee on foreign
7 investment in the United States, as provided by 50 U.S.C.
8 Section 4565, until final action for the covered
9 transaction is complete. This subsection shall not prohibit
10 the office of homeland security from conducting review or
11 investigation of a conveyance or reporting information to
12 the committee on foreign investment in the United States.

13

14 **19-13-505. Conveyances to prohibited foreign parties;**
15 **authority to investigate; factors for approval; letters of**
16 **approval; appeal.**

17

18 (a) The office of homeland security, the attorney
19 general and the division of criminal investigation may take
20 any action authorized by law to review and investigate a
21 conveyance that requires approval by the office of homeland
22 security. Any investigation and information obtained during
23 the review and investigation shall not be considered a

1 public record and shall not be open to public inspection
2 but may be released to any other state or federal
3 governmental entity when necessary to protect the public
4 interest.

5

6 (b) In determining whether to approve or deny a
7 conveyance of real property, the office of homeland
8 security shall consider the following factors:

9

10 (i) The proposed ownership or controlling
11 interests of the real property subject to conveyance;

12

13 (ii) The potential impact of the conveyance to
14 state security or critical infrastructure;

15

16 (iii) The proximity of the real property subject
17 to conveyance to any critical infrastructure;

18

19 (iv) Any other factor reasonably related to the
20 protection of state security or critical infrastructure
21 that is deemed relevant by the office of homeland security.

22

1 (c) The director shall issue an applicant an approval
2 letter for a conveyance subject to the approval of the
3 office of homeland security if any of the following
4 conditions are met:

5

6 (i) The office of homeland security determines
7 the conveyance does not pose a risk to state security or
8 critical infrastructure;

9

10 (ii) The office of homeland security failed
11 without good cause to complete the review and investigation
12 of a conveyance during the review and investigation period;

13

14 (iii) The applicant is issued a safe harbor with
15 respect to a covered transaction, as described in 31 C.F.R.
16 § 800.508(d) and section 7(f) of presidential executive
17 order 11858, as amended, for the same conveyance.

18

19 (d) The director shall notify an applicant in writing
20 if the office of homeland security denies an application
21 for the conveyance.

22

1 (e) Upon notification that a conveyance does not
2 require the approval of the office of homeland security or
3 upon the issuance of an approval letter, a conveyance shall
4 not be subject to any further review or investigation under
5 W.S. 19-13-503 through 19-13-506 unless the applicant
6 provided false or misleading information to the office of
7 homeland security, omitted material information in its
8 application or is subject to W.S. 19-13-506(b).

9

10 (f) An applicant may appeal the denial of a
11 conveyance by the office of homeland security in accordance
12 with the Wyoming Administrative Procedure Act.

13

14 **19-13-506. Conveyances to prohibited foreign parties;**
15 **exception for resident aliens.**

16

17 (a) A prohibited foreign party who is a resident
18 alien shall have the right to be conveyed real property in
19 the state of Wyoming upon the same terms as a citizen of
20 the United States during the continuance of the alien's
21 residence in the state of Wyoming.

22

1 (b) If a party exempted under subsection (a) of this
2 section ceases to be a resident alien or to have residence
3 in the state of Wyoming, and the party acquired real
4 property on or after July 1, 2025, the prohibited foreign
5 party's interest in the real property shall require
6 approval by the office of homeland security in the manner
7 provided for a conveyance under W.S. 19-13-503 through
8 19-13-505 and may be subject to divestiture as provided in
9 W.S. 34-15-201 through 34-15-203.

10

11

ARTICLE 2

12

CONVEYANCES NEAR CRITICAL INFRASTRUCTURE

13

14 **34-15-201. Definitions.**

15

16 The definitions in W.S. 19-13-501 shall apply to this
17 article.

18

19 **34-15-202. Conveyances to prohibited foreign parties**
20 **near critical infrastructure zones; prohibition;**
21 **violations; enforcement.**

22

1 (a) On and after July 1, 2025, no conveyance of real
2 property located on, within or partially within a critical
3 infrastructure zone shall be made to a prohibited foreign
4 party unless the prohibited foreign party obtains an
5 approval letter from the office of homeland security if
6 required under W.S. 19-13-503 through 19-13-506.

7

8 (b) A prohibited foreign party that is conveyed real
9 property in the state of Wyoming on or after July 1, 2025
10 in violation of subsection (a) of this section shall divest
11 of the real property that is the subject of the conveyance
12 within an amount of time determined reasonable in rule of
13 the office of homeland security for different classes of
14 real property. The office of homeland security shall
15 provide notice to the prohibited foreign party stating that
16 the party is in violation of this section and specifying
17 the date by which divestiture shall be complete. When the
18 prohibited foreign party voluntarily divests of the real
19 property either before or after receiving notice from the
20 office of homeland security or when the prohibited foreign
21 party's interest is involuntarily divested under subsection
22 (c) of this section, the proceeds of any conveyance of the
23 real property, together with the proceeds of any conveyance

1 of personal property on or within the real property, shall
2 be held in escrow by the office of state lands and
3 investments until satisfactory arrangements are made by the
4 prohibited foreign party to compromise, satisfy and pay any
5 liens on the real property. Any remaining proceeds shall be
6 remitted to the prohibited foreign party.

7

8 (c) If a prohibited foreign party does not divest of
9 the real property within the time required by subsection
10 (a) of this section, the attorney general shall commence an
11 action for divestiture in a court of appropriate
12 jurisdiction to enforce this section. If the court
13 determines that the real property interest is held in
14 violation of law, the court shall order that the real
15 property be sold at auction.

16

17 (d) The proceeds of any sale at auction of real
18 property ordered by a court under subsection (c) of this
19 section shall be disbursed to lien holders, in the order of
20 priority, except for liens which under the terms of any
21 sale are to remain on the real property. Any remaining
22 proceeds shall be remitted to the prohibited foreign party.

23

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

5
6 (i) Notice of the pendency of an action brought
7 under this section;

8
9 (ii) Any court order for the sale of the real
10 property under this section.

11
12 **34-15-203. Validity of title.**

13
14 Title to real property shall not be invalid or subject to
15 divestiture due to a violation of this article by any
16 former owner or by another person holding or owning a
17 former interest in the real property.

18
19 **Section 2.** W.S. 19-13-105(c) by creating a new
20 paragraph (viii), 19-13-501(a)(i), (iv) and by creating new
21 paragraphs (vi) through (xii), 19-13-502(d) and (e),
22 39-13-103(b)(viii) and 39-13-107(b)(i)(C) are amended to
23 read:

1

2 **19-13-105. Homeland security program.**

3

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

7

8 (viii) Shall, in conjunction with the attorney
9 general, enforce the prohibition specified in W.S.
10 34-15-202(a) for the conveyance of real property to a
11 prohibited foreign party that is located on, within or
12 partially within a critical infrastructure zone unless the
13 prohibited foreign party obtains an approval letter from
14 the office of homeland security if required under W.S.
15 19-13-503 through 19-13-506.

16

17 **19-13-501. Definitions.**

18

19 (a) As used in this article:

20

21 (i) "Conveyance" and "conveyance of real
22 property" means ~~as defined by W.S. 34-1-102 and includes~~
23 ~~conveyances of real property, surface interests, mineral~~

1 ~~interests and pore space interests~~ every instrument in
2 writing by which any interest in real property is created,
3 alienated, mortgaged, leased or assigned, or by which the
4 title to any real property may be affected in law or in
5 equity. "Conveyance" shall not include wills;
6

7 (iv) "~~Designated country or person~~ Foreign
8 adversary" means:
9

10 (A) A foreign government or foreign
11 nongovernment person now or in the future determined to be
12 a foreign adversary by the United States secretary of
13 commerce and specified in ~~15 C.F.R. 7.4(a)~~ 15 C.F.R.
14 791.4(a);
15

16 (B) A country or government now or in the
17 future designated as a state sponsor of terrorism by the
18 United States secretary of state under the federal Export
19 Administration Act of 1979, the Foreign Assistance Act of
20 1961, the Arms Export Control Act or any other provision of
21 federal law.
22

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

5
6 (vii) "Party" means any natural person, business
7 entity, corporation, company, association, firm,
8 partnership, society, joint-stock company, trust, estate or
9 any other legal entity;

10
11 (viii) "Prohibited foreign party" means:

12
13 (A) A citizen or resident of a foreign
14 adversary, who is not a citizen of the United States;

15
16 (B) A foreign government formed within a
17 foreign adversary;

18
19 (C) A party other than a natural person or
20 a government, that is created or organized under the laws
21 of a foreign government within a foreign adversary;

22

1 (D) Any party other than a natural person
2 or a government:

3
4 (I) That is created or organized under
5 the laws of any state of the United States; and

6
7 (II) In which a significant interest
8 or substantial control is directly or indirectly held or is
9 capable of being exercised by any one (1) or more of the
10 following:

11
12 (1) A citizen or resident of a
13 foreign adversary, who is not a citizen of the United
14 States;

15
16 (2) A foreign government formed
17 within a foreign adversary;

18
19 (3) A party other than a natural
20 person or a government, that is created or organized under
21 the laws of a foreign government within a foreign
22 adversary.

23

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

4
5 (ix) "Real property" means all interests in land
6 and appurtenances, including structures, affixed thereto,
7 and any intangible characteristic that contributes to the
8 fair market value thereof. "Real property" includes surface
9 interests, mineral interests and pore space interests;

10
11 (x) "Residence" means a natural person's
12 principal dwelling place where the person intends to remain
13 permanently for an indefinite period of time;

14
15 (xi) "Resident alien" means a natural person who
16 is not a citizen of the United States and is a resident of
17 a state, territory, trusteeship or protectorate of the
18 United States;

19
20 (xii) "Significant interest" or "substantial
21 control" means an interest of any of the following:

22

1 (A) Twenty-five percent (25%) or more held
2 by a natural person referred to in subparagraph (viii)(A)
3 of this subsection, a foreign government referred to in
4 subparagraph (viii)(B) of this subsection or a party
5 referred to in subparagraphs (viii)(C) and (D) of this
6 subsection;

7
8 (B) Twenty-five percent (25%) or more held
9 whenever the parties, natural persons or governments
10 referred to in subparagraph (A) of this paragraph are
11 acting in concert with respect to the interest even though
12 no single natural person, party or government holds an
13 interest of twenty-five percent (25%) or more;

14
15 (C) Twenty-five percent (25%) or more, in
16 the aggregate, held by natural persons, parties or
17 governments referred to in subparagraph (A) of this
18 paragraph even though the natural persons, parties or
19 foreign governments may not be acting in concert;

20
21 (D) Less than twenty-five percent (25%), if
22 the natural person, party or government referred to in

1 subparagraph (A) of this paragraph actually directs the
2 business and affairs of the party.

3

4 **19-13-502. Critical infrastructure zones; reporting**
5 **of conveyances; investigations; rulemaking.**

6

7 (d) Upon receiving a report from a county clerk under
8 subsection (c) of this section, the director and the
9 division of criminal investigation shall, upon reasonable
10 suspicion, investigate the conveyance to determine if the
11 conveyance involves a ~~designated country or person~~ foreign
12 adversary or if the conveyance poses a threat to national
13 or state security or to critical infrastructure. If a
14 conveyance requires approval by the office of homeland
15 security under W.S. 19-13-503 through 19-13-506, but
16 application has not been made, the director shall notify
17 all parties to the conveyance.

18

19 (e) The director, the attorney general and the
20 division of criminal investigation may take any action
21 authorized by law to determine the actual identity of any
22 party to a conveyance reported under this section if the
23 party's actual identity is not clear from the conveyance.

1 Any investigation and information obtained during the
2 investigation shall ~~remain confidential~~ not be a public
3 record and shall not be open to public inspection but may
4 be released to any other state or federal governmental
5 entity when necessary to protect the public interest.

6

7 **39-13-103. Imposition.**

8

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

10

11 (viii) Every assessment schedule sent to a
12 taxpayer shall contain the property's estimated fair market
13 value for the current and previous year, or, productive
14 value in the case of agricultural property. The schedule
15 shall also contain the assessment ratio as provided by
16 paragraph (b)(iii) of this section for the taxable
17 property, the amount of taxes assessed on the taxable
18 property from the previous year, and an estimate of the
19 taxes which will be due and payable for the current year
20 based on the previous year's mill levies and, if the
21 property is a single family residential structure, an
22 estimate of the taxes that will be avoided if the property
23 is eligible for the exemptions under W.S.

1 39-11-105(a)(xliiii) and (xliv). The schedule shall also
2 contain a statement describing the requirement in W.S.
3 19-13-503 through 19-13-506 that a prohibited foreign party
4 shall apply to the office of homeland security to determine
5 if a conveyance of real property in the state of Wyoming is
6 located on, within or partially within a critical
7 infrastructure zone. The schedule shall contain a
8 statement of the process to contest assessments as
9 prescribed by W.S. 39-13-109(b)(i);

10

11 **39-13-107. Compliance; collection procedures.**

12

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

15

16 (i) The following shall apply to the payment of
17 taxes due:

18

19 (C) Annually, on or before October 10 the
20 county treasurer shall send a written statement to each
21 taxpayer by mail at his last known address or, if offered
22 by the county and upon request of the taxpayer, by
23 electronic transmission of the total tax due, itemized as

1 to property description, assessed value and mill levies.
2 The notice shall contain information, including contact
3 information, of any property tax relief program authorized
4 by state law and, if the property is a single family
5 residential structure, the taxes that will be avoided
6 pursuant to the exemptions under W.S. 39-11-105(a)(xliii)
7 and (xliv). The notice shall also contain a statement
8 describing the requirement in W.S. 19-13-503 through
9 19-13-506 that a prohibited foreign party shall apply to
10 the office of homeland security to determine if a
11 conveyance of real property in the state of Wyoming is
12 located on, within or partially within a critical
13 infrastructure zone. Failure to send notice, or to demand
14 payment of taxes, does not invalidate any taxes due;
15

16 **Section 3.**

17
18 (a) The office of homeland security is authorized up
19 to two (2) full-time positions for the purposes of this
20 act. It is the intent of the legislature that the office of
21 homeland security include these positions in its standard
22 budget request for the immediately succeeding fiscal
23 biennium.

1

2 (b) There is appropriated two hundred nine thousand
3 eight hundred dollars (\$209,800.00) from the general fund
4 to the office of homeland security for the positions
5 authorized in subsection (a) of this section and the
6 purposes of this act. This appropriation shall be for the
7 period beginning with the effective date of this section
8 and ending June 30, 2026. This appropriation shall not be
9 transferred or expended for any other purpose and any
10 unexpended, unobligated funds remaining from this
11 appropriation shall revert as provided by law on June 30,
12 2026. It is the intent of the legislature that this
13 appropriation be doubled and included in the standard
14 budget request of the office of homeland security for the
15 immediately succeeding fiscal biennium.

16

1 **Section 4.**

2

3 (a) Except as otherwise provided in subsection (b) of
4 this section, this act is effective July 1, 2025.

5

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

10

11

(END)