

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Protecting critical infrastructure from foreign  
adversaries.

Sponsored by: HDraft 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:*

1

2           **Section 1.** W.S. 19-13-503 through 19-13-506 and 34-  
3 15-201 through 34-15-203 are created to read:

4

5           **19-13-503. Conveyances to prohibited foreign parties;**  
6 **authority; rulemaking.**

7

8 The office of homeland security shall review and  
9 investigate conveyances that require approval under W.S.  
10 19-13-504 through 19-13-506 to prevent prohibited foreign  
11 parties from gaining access or proximity to critical  
12 infrastructure. The director shall promulgate any rules  
13 necessary to implement W.S. 19-13-504 through W.S. 19-13-  
14 506.

15

16           **19-13-504. Conveyances to prohibited foreign parties;**  
17 **application; form; initial determination; review and**  
18 **investigation period.**

19

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

1

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

5

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

8

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

11

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

14

15 (iv) The location of the real property;

16

17 (v) The current and intended use of the real  
18 property;

19

20 (vi) All documents provided in any review of the  
21 conveyance conducted by the committee on foreign investment  
22 in the United States;

23

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

3

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

19

20           (d) The review and investigation period for the  
21 conveyance of real property shall not exceed one hundred  
22 eighty days (180), except as provided in this subsection  
23 and subsection (e) of this section. Upon good cause, the

1 office of homeland security may reserve an additional  
2 ninety (90) days for review and investigation. Upon written  
3 request from an applicant specifying the need for an  
4 accelerated review, the office of homeland security may  
5 expedite its review and investigation.

6

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

16

17 **19-13-505 Conveyances to prohibited foreign parties;**  
18 **authority to investigate; factors for approval; letters of**  
19 **approval; appeal.**

20

21 (a) The office of homeland security, the attorney  
22 general and the division of criminal investigation may take  
23 any action authorized by law to review and investigate a

1 conveyance that requires approval by the office of homeland  
2 security. Any investigation and information obtained during  
3 the review and investigation shall not be considered a  
4 public record and shall not be open to public inspection  
5 but may be released to any other state or federal  
6 governmental entity when necessary to protect the public  
7 interest.

8

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

12

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

15

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

18

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

21

1           (iv) Any other factor reasonably related to the  
2 protection of state security or critical infrastructure  
3 that is deemed relevant by the office of homeland security.  
4

5           (c) The director shall issue an applicant an approval  
6 letter for a conveyance subject to the approval of the  
7 office of homeland security if any of the following  
8 conditions are met:  
9

10           (i) The office of homeland security determines  
11 the conveyance does not pose a risk to state security or  
12 critical infrastructure;  
13

14           (ii) The office of homeland security failed  
15 without good cause to complete the review and investigation  
16 of a conveyance during the review and investigation period;  
17

18           (iii) The applicant is issued a safe harbor with  
19 respect to a covered transaction, as described in 31 C.F.R.  
20 § 800.508(d) and section 7(f) of presidential executive  
21 order 11858, as amended, for the same conveyance.  
22

1 (d) 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 (e) 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 \*\*\*\*\*  
 18 **STAFF COMMENT**  
 19 **Article 1, Section 29 Rights of aliens reads:**  
 20  
 21 **No distinction shall ever be made by law between resident**  
 22 **aliens and citizens as to the possession, taxation,**  
 23 **enjoyment and descent of property.**  
 24 \*\*\*\*\*  
 25 \*\*\*\*\*

26  
 27 (a) A prohibited foreign party who is a resident  
 28 alien shall have the right to be conveyed real property in



1 the state of Wyoming upon the same terms as a citizen of  
2 the United States during the continuance of the alien's  
3 residence in the state of Wyoming.

4

5 (b) If a party exempted under subsection (a) of this  
6 section ceases to be a resident alien or to have residence  
7 in the state of Wyoming, and the party acquired real  
8 property on or after July 1, 2025, the prohibited foreign  
9 party's interest in the real property shall require  
10 approval by the office of homeland security in the manner  
11 provided for a conveyance under W.S. 19-13-503 through 19-  
12 13-505 and may be subject to divestiture as provided in  
13 W.S. 34-15-201 through 34-15-203.

14

15

## ARTICLE 2

16

### CONVEYANCES NEAR CRITICAL INFRASTRUCTURE

17

18

#### **34-15-201. Definitions.**

19

20 The definitions in W.S. 19-13-501 shall apply to this  
21 article.

22

1           **34-15-202. Conveyances to prohibited foreign parties**  
2 **near critical infrastructure zones; prohibition;**  
3 **violations; enforcement.**

4

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

11

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

1 office of homeland security or when the prohibited foreign  
2 party's interest is involuntarily divested under subsection  
3 (c) of this section, the proceeds of any conveyance of the  
4 real property, together with the proceeds of any conveyance  
5 of personal property on or within the real property, shall  
6 be held in escrow by the office of state lands and  
7 investments until satisfactory arrangements are made by the  
8 prohibited foreign party to compromise, satisfy and pay any  
9 liens on the real property.

10

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

19

20 (d) The proceeds of any sale at auction of real  
21 property ordered by a court under subsection (c) of this  
22 section shall be disbursed to lien holders, in the order of  
23 priority, except for liens which under the terms of any

1 sale are to remain on the real property. Any remaining  
2 proceeds shall be remitted to the prohibited foreign party.

3

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

8

9 (i) Notice of the pendency of an action brought  
10 under this section;

11

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

14

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

16

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

21

22 **Section 2.** W.S. 19-13-105(c) by creating a new  
23 paragraph (viii), 19-13-501(a)(i), (iv)(intro) and by

1 creating new paragraphs (vi) through (xii), 19-13-502(d)  
2 and (e), 39-13-103(b)(viii) and 39-13-107(b)(i)(C) are  
3 amended to read:

4

5 **19-13-105. Homeland security program.**

6

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

10

11 (viii) Shall, in conjunction with the attorney  
12 general, enforce the prohibition specified in W.S. 34-15-  
13 202(a) for the conveyance of real property to a prohibited  
14 foreign party that is located on, within or partially  
15 within a critical infrastructure zone unless the prohibited  
16 foreign party obtains an approval letter from the office of  
17 homeland security if required under W.S. 19-13-503 through  
18 19-13-506.

19

20 **19-13-501. Definitions.**

21

22 (a) As used in this article:

23

1 (i) "Conveyance" means ~~as defined by W.S. 34-1-~~  
 2 ~~102 and includes conveyances of real property, surface~~  
 3 ~~interests, mineral interests and pore space interests~~ every  
 4 instrument in writing by which any interest in real  
 5 property is created, alienated, mortgaged, leased or  
 6 assigned, or by which the title to any real property may be  
 7 affected in law or in equity. "Conveyance" shall not  
 8 include wills;

9 \*\*\*\*\*  
 10 \*\*\*\*\*

11 STAFF COMMENT

12 W.S. 34-1-102 is copied below:

13  
 14 The term "conveyance", as used in this act, shall be  
 15 construed to embrace every instrument in writing by which  
 16 any estate or interest in real estate is created,  
 17 alienated, mortgaged or assigned, or by which the title to  
 18 any real estate may be affected in law or in equity, except  
 19 wills, leases for a term not exceeding three (3) years,  
 20 executory contracts for the sale or purchase of lands, and  
 21 certificates which show that the purchaser has paid the  
 22 consideration and is entitled to a deed for the lands, and  
 23 contain a promise or agreement to furnish said deed at some  
 24 future time.

25 \*\*\*\*\*  
 26 \*\*\*\*\*

27  
 28 (iv) "~~Designated country or person~~ Foreign  
 29 adversary" means:

30  
 31 (A) A foreign government or foreign  
 32 nongovernment person now or in the future determined to be

1 a foreign adversary by the United States secretary of  
2 commerce and specified in ~~15 C.F.R. 7.4(a)~~ 15 C.F.R.  
3 791.4(a);

4  
5 (B) A country or government now or in the  
6 future designated as a state sponsor of terrorism by the  
7 United States secretary of state under the federal Export  
8 Administration Act of 1979, the Foreign Assistance Act of  
9 1961, the Arms Export Control Act or any other provision of  
10 federal law.

11  
12 (vi) "Foreign government" means any government  
13 other than the United States federal government or any  
14 government of a state, territory, district or political  
15 subdivision thereof;

16  
17 (vii) "Party" means any natural person, business  
18 entity, corporation, company, association, firm,  
19 partnership, society, joint-stock company, trust, estate or  
20 any other legal entity;

21  
22 (viii) "Prohibited foreign party" means:

23

1                   (A) A citizen or resident of a foreign  
2 adversary, who is not a citizen of the United States;

3  
4                   (B) A foreign government formed within a  
5 foreign adversary;

6  
7                   (C) A party other than a natural person or  
8 a government, that is created or organized under the laws  
9 of a foreign government within a foreign adversary;

10  
11                   (D) Any party other than a natural person  
12 or a government;

13  
14                   (I) That is created or organized under  
15 the laws of any state of the United States; and

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

21



1                   (1) A citizen or resident of a  
2 foreign adversary, who is not a citizen of the United  
3 States;

4  
5                   (2) A foreign government formed  
6 within a foreign adversary;

7  
8                   (3) A party other than a natural  
9 person or a government, that is created or organized under  
10 the laws of a foreign government within a foreign  
11 adversary.

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

16  
17                   (ix) "Real property" means all interests in land  
18 and appurtenances, including structures, affixed thereto,  
19 and any intangible characteristic that contributes to the  
20 fair market value thereof. "Real property" includes surface  
21 interests, mineral interests and pore space interests;

22

1 \*\*\*\*\*

2 \*\*\*\*\*

3 STAFF COMMENT

4 The definition in the prior version of the bill and in  
5 Senate File 102 read: "Real property" means all interests  
6 in real property, including but not limited to, the fee  
7 estate, leasehold interests, easements, rights of way,  
8 subsurface interests, airspace interests and mineral  
9 interests;"

10  
11 The new definition is based on "real property" as defined  
12 in the taxation statutes, W.S. 39-11-101(a)(xv) with the  
13 addition of surface interests, mineral interests and pore  
14 space interests, which are moved from the definition of  
15 "conveyance".

16 \*\*\*\*\*

17 \*\*\*\*\*

18

19 (x) "Residence" means a natural person's  
20 principal dwelling place where the person intends to remain  
21 permanently for an indefinite period of time;

22

23 (xi) "Resident alien" means a natural person who  
24 is not a citizen of the United States and is a resident of  
25 a state, territory, trusteeship or protectorate of the  
26 United States;

27

28 (xii) "Significant interest" or "substantial  
29 control" means any of the following:

30

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

7

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

14

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

20

21                   (D) An interest of less than twenty-five  
22 percent (25%), if the natural person, party or government

1 referred to in paragraph (A) of this subsection actually  
2 directs the 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. The schedule  
21 shall also contain a statement describing the requirement  
22 in W.S. 19-13-503 through 19-13-506 that a prohibited  
23 foreign party shall apply to the office of homeland

1 security to determine if a conveyance of real property in  
2 the state of Wyoming is located on, within or partially  
3 within a critical infrastructure zone. The schedule shall  
4 contain a statement of the process to contest assessments  
5 as prescribed by W.S. 39-13-109(b)(i);  
6

7 **39-13-107. Compliance; collection procedures.**  
8

9 (b) The following provisions shall apply to the  
10 payment of taxes, distraint of property and deferral:  
11

12 (i) The following shall apply to the payment of  
13 taxes due:  
14

15 (C) Annually, on or before October 10 the  
16 county treasurer shall send a written statement to each  
17 taxpayer by mail at his last known address or, if offered  
18 by the county and upon request of the taxpayer, by  
19 electronic transmission of the total tax due, itemized as  
20 to property description, assessed value and mill levies.  
21 The notice shall contain information, including contact  
22 information, of any property tax relief program authorized  
23 by state law. The notice shall also contain a statement

1 describing the requirement in W.S. 19-13-503 through 19-13-  
2 506 that a prohibited foreign party shall apply to the  
3 office of homeland security to determine if a conveyance of  
4 real property in the state of Wyoming is located on, within  
5 or partially within a critical infrastructure zone.

6 Failure to send notice, or to demand payment of taxes, does  
7 not invalidate any taxes due;

8

9 **Section 3.**

10

11 (a) The office of homeland security is authorized up  
12 to two (2) full-time positions for the purposes of this  
13 act. It is the intent of the legislature that the office of  
14 homeland security include these positions in its standard  
15 budget request for the immediately succeeding fiscal  
16 biennium.

17

18 (b) There is appropriated two hundred nine thousand  
19 eight hundred dollars (\$209,800.00) from the general fund  
20 to the office of homeland security for the positions  
21 authorized in subsection (a) of this section and the  
22 purposes of this act. This appropriation shall be for the  
23 period beginning with the effective date of this section

1 and ending June 30, 2026. This appropriation shall not be  
2 transferred or expended for any other purpose and any  
3 unexpended, unobligated funds remaining from this  
4 appropriation shall revert as provided by law on June 30,  
5 2026. It is the intent of the legislature that this  
6 appropriation be included in the standard budget request of  
7 the office of homeland security for the immediately  
8 succeeding fiscal biennium.

9

10 **Section 4.**

11

12 (a) Except as otherwise provided by subsection (b) of  
13 this section, this act is effective July 1, 2025.

14

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

19

20

(END)