

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 clerks;
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 or
10 under the control of the Wyoming military department;

11

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

16

17 (vi) "Prohibited foreign party" means:

18

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

21

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

4

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

9

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

12

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

15

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

20

21 (1) A citizen or resident of a
22 country specified as a foreign adversary in 15 C.F.R. §
23 7.4;

1

2

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

5

6

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

10

11

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

14

15

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

20

21

22

23

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

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 four (4) 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. When the prohibited foreign

1 party voluntarily divests of the real property interest,
2 either before or after receiving notice from the Wyoming
3 office of homeland security or when the prohibited foreign
4 party's interest is involuntarily divested under subsection
5 (c) or subsection (d) of this section, the proceeds of any
6 sale from the real property interest, together with the
7 proceeds of any sales of personal property on or within the
8 real property, shall be held in escrow by the office of
9 state lands and investments until satisfactory arrangements
10 are made by the prohibited foreign party to compromise,
11 satisfy and pay any litigation claims and lien holders
12 associated with the divestiture of the interests.

13

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

22

1 (d) The proceeds of any sale at auction of real
2 property ordered by a court under subsection (c) of this
3 section shall be disbursed for litigation claims and to
4 lien holders, in the order of priority, except for liens
5 which under the terms of any sale are to remain on the real
6 property. Any remaining proceeds shall be forfeited to the
7 state.

8
9 (e) When pursuing an action for divestiture under
10 subsection (c) of this section, the attorney general shall
11 promptly record a copy of the following with the county
12 clerk in the county where the real property is located:

13
14 (i) Upon commencement, notice of the pendency of
15 an action brought under this section;

16
17 (ii) Any court order for the sale of the real
18 property under this section.

19
20 **34-15-203. Registration; penalties.**

21
22 (a) A prohibited foreign party that holds or acquires
23 real property in the state of Wyoming on or after July 1,

1 2024 shall register the ownership of the real property with
2 the secretary of state in accordance with the following:

3

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

6

7 (ii) The registration shall contain the
8 following:

9

10 (A) The name and complete legal address of
11 the party filing the registration;

12

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

15

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

18

19 (D) The location and current use of the
20 real property; and

21

22 (E) Any other information prescribed by the
23 secretary of state.

1

2 (iii) The initial registration shall be made not
3 more than sixty (60) days after July 1, 2024 or not more
4 than sixty (60) days after acquisition of the real
5 property, whichever is later;

6

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

9

10 (b) The secretary of state shall promptly provide a
11 copy of all registration information collected pursuant to
12 subsection (a) of this section to the Wyoming office of
13 homeland security.

14

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

21

1 (d) The secretary of state may refer any suspected
2 violation of this article to the appropriate prosecuting
3 authority or law enforcement agency.

4

5 **34-15-204. Designation of critical**
6 **infrastructure/military installation zones; county clerk**
7 **reporting; investigations; subpoena power.**

8

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

17

18 (b) Not later than July 1 of each year, the Wyoming
19 office of homeland security shall provide each county clerk
20 sufficient information about designated critical
21 infrastructure/military installation zones for the county
22 clerk to determine whether conveyances involve real

1 property located on, within or partially within a critical
2 infrastructure/military installation zone.

3

4 (c) The county clerk shall promptly report each
5 conveyance that involves real property located on, within
6 or partially within a critical infrastructure/military
7 installation zone to the Wyoming office of homeland
8 security as required by W.S. 34-1-143(b).

9

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

20

21 (e) Upon receiving notice from the Wyoming office of
22 homeland security pursuant to subsection (d) of this
23 section or upon receiving information that leads the

1 attorney general to believe that a violation of this
2 article may exist, the attorney general shall issue
3 subpoenas requiring the appearance of witnesses, production
4 of relevant records and giving of relevant testimony to
5 determine whether a prohibited foreign party holds real
6 property in violation of this article.

7

8 **34-15-205. Validity of title.**

9

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

14

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

16

17 A prohibited foreign party who knowingly acquires real
18 property after July 1, 2024 in violation of W.S.
19 34-15-202(a) shall upon conviction be guilty of a felony
20 punishable by imprisonment for not more than two (2) years,
21 a fine of not more than fifteen thousand dollars
22 (\$15,000.00), or both.

23

1 **Section 2.** W.S. 16-4-203(b)(iv)(A), 19-13-105(c) by
2 creating new paragraphs (viii) and (ix), 34-1-143,
3 39-13-103(b)(viii) and 39-13-107(b)(i)(C) are amended to
4 read:

5

6 **16-4-203. Right of inspection; grounds for denial;**
7 **access of news media; order permitting or restricting**
8 **disclosure; exceptions.**

9

10 (b) The custodian may deny the right of inspection of
11 the following records, unless otherwise provided by law, on
12 the ground that disclosure to the applicant would be
13 contrary to the public interest:

14

15 (vi) To the extent that the inspection would
16 jeopardize the security of any structure owned, leased or
17 operated by a governmental entity, facilitate the planning
18 of a terrorist attack or endanger the life or physical
19 safety of an individual, including:

20

21 (A) Vulnerability assessments, specific
22 tactics, emergency procedures, designations and
23 disseminations of information regarding critical

1 infrastructure/military installation zones or security
2 procedures contained in plans or procedures designed to
3 prevent or respond to terrorist attacks or other security
4 threats;

5

6 **19-13-105. Homeland security program.**

7

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

11

12 (viii) Shall, in conjunction with the attorney
13 general, enforce the prohibition on ownership of real
14 property by prohibited foreign parties under W.S.
15 34-15-202(a);

16

17 (ix) Shall designate the critical
18 infrastructure/military installation zones where prohibited
19 foreign parties shall not hold or acquire real property and
20 provide information about critical infrastructure/military
21 installation zones to county clerks in accordance with W.S.
22 34-15-204. The custodian of public records may deny the
23 inspection of designations and disseminations of

1 information regarding critical infrastructure/military
2 installation zones required by this paragraph, pursuant to
3 W.S. 16-4-203(b)(vi)(A), unless otherwise approved by the
4 attorney general.

5
6 **34-1-143. Information to be furnished to department**
7 **of revenue, state board of equalization and office of**
8 **homeland security.**

9
10 (a) The county clerk shall place the recording data
11 on the statement of consideration paid and deliver the
12 statement to the county assessor. The county assessor shall
13 furnish information from the statements of consideration to
14 the state board of equalization and department of revenue
15 as the board or department shall require, and when
16 disclosed under W.S. 34-1-142(g) and 39-13-109(b)(i), any
17 person or his agent wishing to review or contest his
18 property tax assessment or valuation and the county board
19 of equalization. The county assessor may furnish
20 information from the statements of consideration to a
21 county assessor in another county in this state to be used
22 as provided by law.

23

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

7
8 **39-13-103. Imposition.**

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

11
12 (viii) Every assessment schedule sent to a
13 taxpayer shall contain the property's estimated fair market
14 value for the current and previous year, or, productive
15 value in the case of agricultural property. The schedule
16 shall also contain the assessment ratio as provided by
17 paragraph (b)(iii) of this section for the taxable
18 property, the amount of taxes assessed on the taxable
19 property from the previous year, and an estimate of the
20 taxes which will be due and payable for the current year
21 based on the previous year's mill levies. The schedule
22 shall also contain information stating that prohibited
23 foreign parties are prohibited from holding or acquiring

1 real property on, within or partially within ten (10) miles
2 of any critical infrastructure or military installation in
3 this state as provided by W.S. 34-15-202 and describing the
4 requirement to register all prohibited foreign party
5 ownership of real property with the secretary of state as
6 provided by W.S. 34-15-203. The schedule shall contain a
7 statement of the process to contest assessments as
8 prescribed by W.S. 39-13-109(b)(i);

9

10 **39-13-107. Compliance; collection procedures.**

11

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

14

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

17

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

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

13

14 **Section 3.** The office of homeland security and the
15 secretary of state shall promulgate all rules necessary to
16 implement the provisions of this act.

17

18 **Section 4.**

19

20 (a) The office of homeland security is authorized up
21 to two (2) full-time positions for the period beginning
22 with the effective date of this act and ending June 30,
23 2026 for the purpose of hiring employees for the office of

1 homeland security to implement and execute the requirements
2 of sections 1 and 2 of this act. It is the intent of the
3 legislature that the office of homeland security include
4 these positions in its standard budget request for the
5 immediately succeeding fiscal biennium.

6

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

22

1 **Section 5.**

2

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

5

6 (b) Sections 3 through 5 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)