

SENATE FILE NO. SF0077

Homeland defense-infrastructure reporting and
investigating.

Sponsored by: Senator(s) Nethercott, Barlow, Kolb and
Salazar and Representative(s) Crago,
Henderson, Niemiec, Olsen and Stith

A BILL

for

1 AN ACT relating to homeland security; requiring county
2 clerks to report conveyances and property transactions to
3 the office of homeland security and the division of
4 criminal investigation as specified; requiring the
5 designation of critical infrastructure zones; authorizing
6 the office of homeland security and the division of
7 criminal investigation to investigate land transactions
8 that threaten critical infrastructure; requiring the
9 division of criminal investigation to investigate homeland
10 security incidents; providing definitions; making
11 conforming amendments; providing an appropriation;
12 specifying applicability; and providing for an effective
13 date.

14

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

2

3 **Section 1.** W.S. 19-13-501 and 19-13-502 are created
4 to read:

5

6

ARTICLE 5

7

PROPERTY CONVEYANCES NEAR CRITICAL INFRASTRUCTURE

8

9 **19-13-501. Definitions.**

10

11 (a) As used in this article:

12

13 (i) "Conveyance" means as defined by W.S.
14 34-1-102 and includes conveyances of real property, surface
15 interests, mineral interests and pore space interests;

16

17 (ii) "Critical infrastructure" means any
18 property, system and asset, whether physical or
19 cyber-based, so vital to the United States or the state of
20 Wyoming that the degradation or destruction of the
21 property, system and asset would have a debilitating impact
22 on national security, including national economic security
23 and national public health or safety;

1

2 (iii) "Critical infrastructure zone" means an
3 area of property, whether covering the surface estate,
4 mineral estate, pore space estate or nonphysical property,
5 designated by the governor in consultation with the
6 director of the office of homeland security as property
7 encompassing critical infrastructure;

8

9 (iv) "Designated country or person" means:

10

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

15

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

21

22 (v) "Director" means the director of the office
23 of homeland security appointed under W.S. 19-13-104.

1

2 **19-13-502. Critical infrastructure zones; reporting**
3 **of conveyances; investigations; rulemaking.**

4

5 (a) The governor, in consultation with the director,
6 shall designate any property or area of property that
7 qualifies under this article as a critical infrastructure
8 zone. The governor and director shall identify each
9 property designated as a critical infrastructure zone by
10 using a legal description or geographical coordinates of
11 the property. Any designation under this section shall be
12 the least restrictive designation necessary to ensure the
13 security of the critical infrastructure to be protected.
14 The director, in consultation with the governor, may remove
15 a designation of a critical infrastructure zone from any
16 property. Not later than July 1, 2025 and each July 1
17 thereafter, the director, in consultation with the
18 governor, shall review the designations made under this
19 subsection to determine whether designations should be
20 removed or amended. Any property designated as a critical
21 infrastructure zone under this subsection shall remain
22 designated until removed in accordance with this subsection
23 or by order of a court.

1

2 (b) Not later than July 1 of each year, the director
3 shall provide a list of all currently designated critical
4 infrastructure zones to each county clerk.

5

6 (c) Immediately after the conveyance is executed and
7 completed, the county clerk shall report each conveyance
8 that involves any property located within a critical
9 infrastructure zone or that is located not more than ten
10 (10) miles from a critical infrastructure zone to the
11 director and to the division of criminal investigation.

12

13 (d) Upon receiving a report from a county clerk under
14 subsection (c) of this section, the director and the
15 division of criminal investigation shall, upon reasonable
16 suspicion, investigate the conveyance to determine if the
17 conveyance involves a designated country or person or if
18 the conveyance poses a threat to national or state security
19 or to critical infrastructure.

20

21 (e) The director, the attorney general and the
22 division of criminal investigation may take any action
23 authorized by law to determine the actual identity of any

1 party to a conveyance reported under this section if the
2 party's actual identity is not clear from the conveyance.
3 Any investigation and information obtained during the
4 investigation shall remain confidential and shall not be
5 open to public inspection.

6

7 (f) The director shall promulgate any rules necessary
8 for the designation of critical infrastructure zones in
9 accordance with this section.

10

11 **Section 2.** W.S. 9-1-618(b) by creating new paragraphs
12 (vi) and (vii), 18-3-402(a) by creating a new paragraph
13 (xxvi) and 19-13-104(d) by creating a new paragraph (vi)
14 are amended to read:

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16 **9-1-618. Agents to be safeguarded as peace officers;**
17 **general assistance to state, county or local authorities;**
18 **investigative duties.**

19

20 (b) The division shall investigate:

21

22 (vi) Conveyances, leases and leasehold interests
23 within or near designated critical infrastructure zones as

1 reported by county clerks in accordance with W.S. 19-13-501
2 and 19-13-502. The division may investigate whether the
3 conveyance, lease and leasehold interest may result in a
4 threat to national or state security or whether the
5 conveyance, lease and leasehold interest involves a
6 designated country or person as defined by W.S.
7 19-13-501(a)(iv). The attorney general or, with the
8 attorney general's approval, the division may subpoena
9 witnesses, compel their attendance and require the
10 production of records and other evidence to determine:

11
12 (A) Whether a conveyance, lease and
13 leasehold interest within or near a designated critical
14 infrastructure zone threatens national or state security;

15
16 (B) Whether a conveyance, lease and
17 leasehold interest involves a designated country or person
18 as defined by W.S. 19-13-501(a)(iv);

19
20 (C) The actual identity of a party to a
21 conveyance, lease and leasehold interest within or near a
22 designated critical infrastructure zone.

23

1 (vii) Incidents involving domestic terrorism or
2 disasters related to homeland security as specified in W.S.
3 19-13-102(a)(ii).

4
5 **18-3-402. Duties generally.**

6
7 (a) The county clerk shall:

8
9 (xxvi) Report all conveyances within or near a
10 designated critical infrastructure zone to the director of
11 the office of homeland security and the division of
12 criminal investigation in accordance with W.S. 19-13-501
13 and 19-13-502.

14
15 **19-13-104. Powers of governor generally; director,**
16 **office of homeland security.**

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18 (d) The position of the director, office of homeland
19 security is created in the governor's office and shall be
20 appointed by the governor. He shall be responsible to the
21 governor and may be removed by the governor as provided in
22 W.S. 9-1-202. The director shall:

23

1 (vi) Consult the governor and assist the
2 attorney general and division of criminal investigation on
3 the designation of critical infrastructure zones and the
4 investigation of conveyances, leases and leasehold
5 interests within or near critical infrastructure zones in
6 accordance with W.S. 19-13-501 and 19-13-502.

7
8 **Section 3.** There is appropriated two hundred fifty
9 thousand dollars (\$250,000.00) from the general fund to the
10 office of state lands and investments for purposes of
11 distributing funds to county clerks to implement this act.
12 The office of state lands and investments shall distribute
13 this appropriation to counties in equal amounts. This
14 appropriation shall only be expended for technology changes
15 and upgrades and other expenses related to implementing
16 this act. This appropriation shall not be transferred or
17 expended for any other purpose and any unexpended,
18 unobligated funds remaining from this appropriation shall
19 revert as provided by law on June 30, 2026.

20
21 **Section 4.** This act shall apply to all conveyances
22 executed on and after July 1, 2024.

23

1 **Section 5.** This act is effective July 1, 2024.

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3

(END)