

ENROLLED ACT NO. 58, SENATE

SIXTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2024 BUDGET SESSION

AN ACT relating to homeland security; requiring county clerks to report conveyances and property transactions to the office of homeland security and the division of criminal investigation as specified; requiring the designation of critical infrastructure zones; authorizing the office of homeland security and the division of criminal investigation to investigate land transactions that threaten critical infrastructure; requiring the division of criminal investigation to investigate homeland security incidents; providing definitions; making conforming amendments; providing an appropriation; specifying applicability; and providing for an effective date.

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

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

ARTICLE 5

PROPERTY CONVEYANCES NEAR CRITICAL INFRASTRUCTURE

19-13-501. Definitions.

(a) As used in this article:

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

(ii) "Critical infrastructure" means any property, system and asset, whether physical or cyber-based, so vital to the United States or the state of Wyoming that the degradation or destruction of the property, system and asset would have a debilitating impact

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on national security, including national economic security and national public health or safety;

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

(iv) "Designated country or person" means:

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

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

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

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

(a) The governor, in consultation with the director, shall designate any property or area of property that qualifies under this article as a critical infrastructure zone. The governor and director shall identify each property designated as a critical infrastructure zone by using a legal description of the property. Any designation

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under this section shall be the least restrictive designation necessary to ensure the security of the critical infrastructure to be protected. The director, in consultation with the governor, may remove a designation of a critical infrastructure zone from any property. Not later than July 1, 2025 and each July 1 thereafter, the director, in consultation with the governor, shall review the designations made under this subsection to determine whether designations should be removed or amended. Any property designated as a critical infrastructure zone under this subsection shall remain designated until removed in accordance with this subsection or by order of a court.

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

(c) Within fifteen (15) days after the conveyance is executed and completed, the county clerk shall report each conveyance that involves any property located within a critical infrastructure zone or that is located not more than five (5) miles from a critical infrastructure zone to the director and to the division of criminal investigation.

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

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

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

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

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

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

(b) The division shall investigate:

(vi) Conveyances, leases and leasehold interests within or near designated critical infrastructure zones as reported by county clerks in accordance with W.S. 19-13-501 and 19-13-502. The division may investigate whether the conveyance, lease and leasehold interest may result in a threat to national or state security or whether the conveyance, lease and leasehold interest involves a designated country or person as defined by W.S. 19-13-501(a)(iv). The attorney general or, with the attorney general's approval, the division may subpoena witnesses, compel their attendance and require the production of records and other evidence to determine:

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(A) Whether a conveyance, lease and leasehold interest within five (5) miles of a designated critical infrastructure zone threatens national or state security;

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

(C) The actual identity of a party to a conveyance, lease and leasehold interest within five (5) miles of a designated critical infrastructure zone.

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

18-3-402. Duties generally.

(a) The county clerk shall:

(xxvi) Report all conveyances within five (5) miles of a designated critical infrastructure zone to the director of the office of homeland security and the division of criminal investigation in accordance with W.S. 19-13-501 and 19-13-502.

19-13-104. Powers of governor generally; director, office of homeland security.

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

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

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

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

ORIGINAL SENATE
FILE NO. SF0077

ENGROSSED

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

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the Senate.

Chief Clerk