HOUSE BILL NO. HB0051

Meat processing programs.

Sponsored by: Joint Agriculture, State and Public Lands & Water Resources Interim Committee

A BILL for

AN ACT relating to the emergency expenses of government; providing legislative findings; authorizing emergency governmental programs related to expanding and enhancing meat processing capabilities; reappropriating funds as specified; providing a sunset date for created emergency program; providing rulemaking authority; and providing for an effective date.

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

Section 1.

(a) The legislature finds that:
(i) In December 2019, a novel coronavirus known as severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) was first detected in China, leading to outbreaks of novel coronavirus disease (COVID-19) that have now spread globally;

(ii) The governor, the state health officer, local health officers, local officials and tribal leaders responded with swift measures to contain the spread of COVID-19, minimize the public's exposure to COVID-19 and protect the health, safety and well-being of Wyoming residents;

(iii) Wyoming agriculture businesses that provide critical food supply are significantly impacted by the COVID-19 public health crisis especially due to the effects of COVID-19 on the meat supply chain;

(iv) Working conditions in a meat processing facility are ideal for virus transmission and many of the major meatpacking companies have had outbreaks of COVID-19 and shut down for days, weeks or months at a time, which has put a strain on meat supply chains, with intermittent
product limitations, skyrocketing prices and occasional shortages at stores;

(v) In Wyoming, farmers and ranchers are economically negatively impacted by the COVID-19 public health crisis. The majority of Wyoming livestock producers must either sell their livestock at market prices that are between twenty percent (20%) to forty percent (40%) below normal, hold on to market-ready animals and continue to feed, maintain and protect the animals despite labor shortages or destroy the animals and lose all profit from the year's work;

(vi) Absent the COVID-19 public health crisis, the meat supply chain functioned effectively. With continuing waves of cases and the risk that large packing plants will continue to endure outbreaks, Wyoming livestock producers face uncertain meatpacking market conditions that put the producers' livelihood and business at risk;

(vii) Timely development of meat processing facilities in Wyoming will ensure a stable, available meatpacking market for livestock producers by ensuring that
local producers will have a place to sell their livestock. Development of meat processing facilities in Wyoming is a necessary cost incurred due to the public health crisis with respect to COVID-19.

Section 2.

(a) As used in this section:

(i) "Department" means the Wyoming department of agriculture;

(ii) "Eligible business" means a business that:

(A) Was established on or before the date of enactment of any order issued by the state or any local government of Wyoming that required closures of businesses in response to the COVID-19 pandemic;

(B) Is independently owned and operated;

(C) Is headquartered in Wyoming or has its principal operations located in Wyoming; and
(D) Has the means, knowledge and capability to plan, construct and maintain a new meat processing facility, upgrade equipment within an existing meat processing facility or has the ability to gain the means, knowledge and capability to plan, construct and maintain a new meat processing facility.

(b) The Wyoming business relief through enhanced meat processing program is hereby created. The Wyoming department of agriculture shall establish and administer this temporary program for eligible businesses experiencing business interruptions due to the COVID-19 public health crisis by providing stipends to eligible businesses to address COVID-19 related problems by planning, constructing, expanding and maintaining mobile and modular meat processing units or facilities, upgrading technology in meat processing units or facilities, providing workforce training and converting state inspected facilities to federally inspected facilities. Stipends under this section shall:
(i) Not be awarded until an eligible business submits, and the department approves, an application. The application shall be developed by the department and shall require each applicant to certify that the business is an eligible business as defined by this section and that knowingly making a false statement to the department on the application is prohibited and may result in the applicant being required to repay all stipends under this section;

(ii) Require each eligible business to provide a business plan and any other appropriate information as requested by the Wyoming department of agriculture;

(iii) Not exceed one million dollars ($1,000,000.00) per eligible business;

(iv) Be made only with funds provided to the state government of Wyoming under the federal CARES Act or subsequent federal act for a similar purpose. No other funds of any kind and from any source shall be expended on the payment of stipends awarded under this section;

(v) Be made on a first-come first-served basis.
(c) The department shall promulgate any emergency and regular rules necessary to administer the program authorized by this section.

(d) The attorney general shall review in writing the legality of the program and any rules established for the program authorized by this section.

(e) No expenditure of funds shall be made under this section except in accordance with state and federal laws, regulations and orders.

(f) The department may conduct and contract for random audits of eligible businesses receiving stipends under this section to ensure awarded funds are expended in compliance with state and federal law.

(g) There is reappropriated to the Wyoming department of agriculture twenty million dollars ($20,000,000.00) from any federal funds appropriated in 2020 Wyoming Special Session Laws, Chapter 1, Section 2(b) and as authorized and made available for expenditure in Section 2(c)(ii). If a
COVID-19 relief account or other similarly named account is created for the deposit of COVID-19 related emergency response funds, this appropriation shall be made from that account. The funds reappropriated under this section shall only be expended for making the stipends authorized by this act and consistent with the terms of the federal gift, stipend or appropriation from which the funds originate. This reappropriation shall not be transferred or expended for any other purpose except that on or before September 15, 2020, the Wyoming department of agriculture shall estimate the total amount of funds expended, obligated and necessary for the stipends authorized by this section. Any funds reappropriated under this section in excess of the total amount estimated by the Wyoming department of agriculture are hereby reappropriated after December 1, 2020 to the office of the governor for the purposes specified in 2020 Wyoming Special Session Laws, Chapter 1. Funds reappropriated to the office of the governor shall be subject to any limitations imposed by 2020 Wyoming Special Session Laws, Chapter 1. Any unexpended, unobligated funds remaining from this reappropriation on December 30, 2020 shall revert as provided by law.
(h) The program created by this section shall terminate on December 30, 2020.

Section 3. The department of agriculture is hereby authorized to request and the Wyoming livestock board is hereby authorized to provide the Wyoming livestock board's mailing list of agriculture businesses, producers and industry participants for use by the department of agriculture to advertise the availability of funding pursuant to the program created by Section 2 of this act.

Section 4. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.