

**DRAFT ONLY  
NOT APPROVED FOR  
INTRODUCTION**

HOUSE BILL NO.

Wyoming agricultural commodities authority.

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

A BILL

for

1 AN ACT relating to agriculture and livestock; establishing  
2 the Wyoming agricultural commodities authority; specifying  
3 duties and powers of the authority; establishing a board  
4 for the authority; providing legislative findings;  
5 providing for financing of authority projects as specified;  
6 providing rulemaking authority; and providing for an  
7 effective date.

8

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

10

11 **Section 1.**

12

1 W.S. 11-52-101 through 11-52-207 are created to read:

2

3 CHAPTER 52 - WYOMING AGRICULTURAL COMMODITIES AUTHORITY

4 ARTICLE 1 - IN GENERAL

5

6 **11-52-101. Definitions.**

7

8 (a) As used in this article:

9

10 (i) "Authority" means the Wyoming agricultural  
11 commodities authority;

12

13 (ii) "Board" means the board of the Wyoming  
14 agricultural commodities authority;

15

16 (iii) "Bonds" means notes, warrants, bonds,  
17 temporary bonds and anticipation notes issued by the  
18 authority under this chapter;

19

20 (iv) "Meat" means any product from the edible  
21 part of clean, sound striated muscle of cattle, swine,  
22 sheep, goat, turkey, duck, ratite and chicken, deer and  
23 other cervids, slaughtered in accordance with state and

1 federal law, and with or without the accompanying and  
2 overlying fat, sinew, nerve, gland and blood vessels that  
3 normally accompany the muscle tissues and which are not  
4 separated from it in the process of dressing. "Meat" shall  
5 not include items associated with the nervous system of  
6 beef cattle that are prohibited from human food and  
7 consumption as defined by federal law and regulation;

8

9 (v) "Meat processing" means the slaughtering or  
10 butchering of livestock for the preparation or processing  
11 of meat or meat products for commercial sale and for human  
12 consumption and shall include canning, salting, stuffing,  
13 rendering, boning, cutting up or otherwise manufacturing  
14 meat or meat products for commercial sale and for human  
15 consumption. Meat processing does not mean the processing  
16 of wild game;

17

18 (vi) "Meat processing facility" means any  
19 facility where meat processing occurs;

20

21 (vii) "Meat processing project" means any project  
22 related to or involving meat processing and any project  
23 included within W.S. 11-52-104(a)(iv).

1

2           **11-52-102. Wyoming agricultural commodities authority**  
3 **created; limitation on civil actions; report.**

4

5           (a) Commencing July 1, 2022, there is created the  
6 Wyoming agricultural commodities authority, which is a body  
7 politic and corporate operating as an instrumentality of  
8 the state of Wyoming, with authority to adopt an official  
9 seal and to sue and be sued.

10

11           (b) The authority shall be governed by a board  
12 composed of seven (7) voting members appointed by the  
13 governor, with the advice and consent of the senate. Except  
14 as provided in this subsection, all voting members shall be  
15 appointed for four (4) year terms. The governor shall  
16 appoint four (4) initial voting board members to a term of  
17 four (4) years and shall appoint the remaining three (3)  
18 initial voting board members to a term of two (2) years.  
19 The governor may remove any member as provided in W.S. 9-1-  
20 202. Vacancies shall be filled by appointment by the  
21 governor in accordance with W.S. 28-12-101. The members  
22 shall elect from the membership a chairman, vice-chairman  
23 and secretary. A majority of the persons appointed and

1 serving as members shall be qualified voters of the state  
 2 of Wyoming. A majority of members shall have special  
 3 knowledge, education or experience in the field of meat  
 4 processing. Voting members of the board shall be engaged  
 5 chiefly in agricultural work. As used in this section  
 6 "agricultural work" means work relating to the science, art  
 7 and business of cultivating soil, producing crops and  
 8 raising livestock. Members of the board may receive the  
 9 same per diem, expenses and travel allowance as members of  
 10 the legislature under W.S. 28-5-101 while in attendance at  
 11 meetings of the board and while performing their duties as  
 12 members of the board.

13

14 \*\*\*\*\*

15 STAFF COMMENT

16

17 Similar to the Energy Authority, the composition of voting  
 18 members contemplates that up to one-half can be from  
 19 outside of Wyoming. If there is a preference to have all  
 20 voting members be from Wyoming, the following sentences  
 21 could be used instead of the residence sentence above:

22

23 "Voting members shall be appointed from each of the seven  
 24 (7) appointment districts pursuant to W.S. 9-1-218.  
 25 Appointments in each appointment district shall be rotated  
 26 among the several counties comprising the district."

27

28 \*\*\*\*\*

29

1           (c) The following members shall serve as ex officio  
2 members of the board:

3

4           (i) The governor or a designee from his office;

5

6           (ii) The director of the department of  
7 agriculture or his designee;

8

9           (iii) The dean of the University of Wyoming  
10 college of agriculture or his designee;

11

12           (iv) The chief executive officer of the Wyoming  
13 business council or his designee.

14

15           (d) The board shall meet not less than two (2) times  
16 each year to conduct its business and to consider issues  
17 related to meat processing and the livestock industry in  
18 Wyoming.

19

20           (e) The authority may request the assistance of any  
21 agency, board, commission, department or institution of the  
22 state and the governing authorities of political  
23 subdivisions to make surveys, reports and investigations,

1 furnish records, information and other assistance and  
2 advice upon mutually agreeable terms and conditions.

3

4 (f) Appointments and terms under this section shall be  
5 as provided in W.S. 28-12-101 through 28-12-103.

6

7 (g) The authority is subject to the requirements of:

8

9 (i) W.S. 16-3-101 through 16-3-105;

10

11 (ii) W.S. 16-4-201 through 16-4-205;

12

13 (iii) W.S. 16-4-401 through 16-4-408.

14

15 \*\*\*\*\*

16 **STAFF COMMENT**

17

18 **The three statutory references above are to the: (1)**  
19 **Administrative Procedure Act; (2) the Public Records Act;**  
20 **and (3) the Public Meetings Act.**

21 \*\*\*\*\*

22

23 (h) The sole recourse of any party contracting with  
24 the authority shall be against the authority, and there  
25 shall be no cause of action against the state or any  
26 county, municipality or other political subdivision of the  
27 state.

1

2 (j) The authority shall annually submit a  
3 comprehensive report of the programs, objectives,  
4 activities and condition covering the previous fiscal  
5 period to the joint agriculture, state and public lands &  
6 water resources committee.

7

8 **11-52-103. Purposes.**

9

10 (a) The authority is created to:

11

12 (i) Diversify and expand the Wyoming economy and  
13 its livestock industry through support for the meat  
14 processing industry in the state of Wyoming;

15

16 (ii) Coordinate strategies with the department of  
17 agriculture to improve meat processing facilities and  
18 capabilities, including:

19

20 (A) Assisting processors seek federal grants  
21 and loans;

22



1                   (B) Increasing participation in applicable  
2 federal programs; and

3

4                   (C) In accordance with applicable federal  
5 program guidelines, implementing, administering and  
6 expanding federally funded programs for meat processing and  
7 meat processing facilities in Wyoming.

8

9           **11-52-104. Powers of the authority.**

10

11           (a) The authority may:

12

13                   (i) Employ officers, agents and employees as it  
14 deems necessary for the performance of its duties and  
15 prescribe the powers and duties and fix the compensation of  
16 the officers, agents and employees;

17

18                   (ii) Contract, upon terms as it may agree upon,  
19 for legal, financial, engineering and other professional  
20 services necessary or expedient in the conduct of its  
21 affairs;

22

1           (iii) Utilize the services of executive agencies  
2 of the state upon mutually agreeable terms and conditions;

3  
4           (iv) Provide loans, grants, technical assistance  
5 or expertise to assist producers plan, finance, construct,  
6 develop, acquire, own, lease, operate, maintain, modernize,  
7 upgrade or dispose, within and outside the state of  
8 Wyoming, meat processing facilities and all other property,  
9 structures, equipment, utilities and works of public  
10 improvement necessary or useful to facilitate the  
11 production, transportation, distribution and delivery of  
12 meat that is produced within or outside this state,  
13 including obtaining permits and acquiring necessary rights-  
14 of-way;

15  
16           (v) Provide technical assistance and expertise to  
17 assist producers with permitting, siting and other  
18 regulatory requirements;

19  
20           (vi) Receive by gift, grant, donation or  
21 otherwise, any sum of money, aid or assistance from the  
22 United States, the state of Wyoming, any political

1 subdivision or any other public or private entity to the  
2 extent permitted by law;

3

4 (vii) Provide technical assistance or expertise  
5 to assist producers acquire light, water, communications,  
6 security and other services for facilities as the authority  
7 deems advisable;

8

9 (viii) After consultation with any relevant state  
10 or federal authority, establish and collect fees, rates,  
11 tariffs or other charges and prepare a schedule of charges  
12 for all services rendered by the authority;

13

14 (ix) Investigate, plan and establish priorities  
15 for meat processing facilities in Wyoming;

16

17 (x) Engage with international and domestic  
18 stakeholders on potential market opportunities and meat  
19 processing projects to identify, develop and promote  
20 projects and market opportunities to increase the value of  
21 Wyoming livestock and meat;

22

1           (xi) Enter into partnerships with public or  
2 private entities;

3

4           (xii) Conduct hearings and gather and develop  
5 relevant data consistent with the duties and powers of the  
6 authority;

7

8           (xiii) Advocate for or against any meat  
9 processing project before any regulatory body tasked with  
10 the oversight of the project;

11

12           (xiv) Develop and administer programs to educate  
13 producers and the public on meat processing and the Wyoming  
14 livestock industry including tours, academic programs and  
15 communication plans;

16

17           (xv) Do any and all things necessary or proper  
18 for the development, regulation and accomplishment of the  
19 purposes of the authority within the limitations of  
20 authority granted by this article.

21

1           (b) Any producer receiving assistance from the  
2 authority shall comply with all applicable state and  
3 federal regulations.

4

5           (c) The authority may borrow funds for the execution  
6 of the purposes of the authority, and mortgage and pledge  
7 any contracts granted, assigned or subleased by the  
8 authority.

9

10          (d) Except as provided in this section, the authority  
11 shall not exercise any of the rights or powers granted to  
12 it in this section if private persons, firms or  
13 corporations are performing the acts, constructing or have  
14 constructed the facilities or are providing the services  
15 contemplated by the authority.

16

17          (e) Before exercising any rights or powers granted to  
18 it in this section, the authority shall publish in a  
19 newspaper of general circulation in Wyoming, and in a  
20 newspaper in the area where the authority contemplates  
21 providing financing or services, in the manner prescribed  
22 by law, a notice describing the acts or services  
23 contemplated by the authority. Private persons, firms or

1 corporations wishing to perform the acts, construct the  
2 facilities or provide the services described in the notice  
3 shall have ninety (90) days from the date of last  
4 publication of the notice within which to notify the  
5 authority of their intention to perform the acts or provide  
6 the services described in the notice. A person or entity  
7 giving notice to the authority shall include an anticipated  
8 timeline for completion of the acts or services. In the  
9 absence of notification by a private person, firm or  
10 corporation, or if a person, firm or corporation, having  
11 given notice of intention to perform the acts or provide  
12 the services contemplated by the authority, fails to  
13 commence the same within one hundred eighty (180) days from  
14 the date of last publication, the authority may proceed to  
15 perform the acts, or provide the services for which notice  
16 was given. A private person, firm or corporation that has  
17 made necessary applications to acquire any federal, state,  
18 local or private permits, certificates or other  
19 authorizations necessary to perform the acts or provide the  
20 services included in the authority's notice within the time  
21 required is deemed to have commenced the same. When a  
22 private person, firm or corporation has given notice of  
23 intent to perform or is performing the acts or providing

1 the services that the authority contemplated, the authority  
2 may conduct hearings or meetings with the person, firm or  
3 corporation to assess progress toward completion of the  
4 intended acts to be performed or the services to be  
5 provided. If it appears to the authority that progress or  
6 completion of any or all of the intended acts or services  
7 may be delayed for one (1) year or more, the authority may  
8 proceed to perform the acts or provide the services  
9 originally contemplated.

10

11 (f) the authority shall promulgate rules to carry out  
12 the provisions of this chapter.

13

14 **11-52-105. Authority loan and grant program.**

15

16 (a) The authority shall establish and administer a  
17 loan and grant program under this chapter and may contract  
18 for necessary professional services. Loans and grants  
19 authorized under the program shall not exceed five hundred  
20 thousand dollars (\$500,000.00) per project. Any person may  
21 submit an application to the authority to participate in  
22 the program on forms prescribed by and subject to rules  
23 promulgated by the authority.

1

2           (b)       The authority shall establish all fees and  
3 interest rates to be charged for each loan as it is  
4 underwritten for this program. The interest rate for loans  
5 made under this program shall be not less than three  
6 percent (3%) per annum. Fees on loans under the program  
7 shall be paid monthly and deposited into a program  
8 administration account which is continuously appropriated  
9 to the authority to be expended solely for the purpose of  
10 administering this chapter and loans and grants authorized  
11 under it.

12

13           (c)       Grants may be awarded by the authority to provide  
14 funding to producers to create, maintain or expand  
15 infrastructure for meat processing facilities that will  
16 increase capacity for meat processing in the state. The  
17 authority shall establish requirements for grants awarded  
18 under this subsection.

19

20           **11-52-106. Confidential information.**

21

22 All information obtained by the authority in connection  
23 with any hearing or investigation under this article that



1 contains or that might reveal proprietary data shall be  
2 considered as confidential for the purposes of this  
3 article. The authority shall not disclose confidential  
4 information to any person, governmental entity or agency  
5 without prior written consent from the owner of the  
6 confidential information. Any board or staff member who  
7 discloses or causes to be disclosed any confidential  
8 information is guilty of a misdemeanor punishable by  
9 imprisonment for not more than one (1) year, a fine of not  
10 more than one thousand dollars (\$1,000.00), or both.

11

12

## ARTICLE 2

13

## PROJECT FINANCING ASSISTANCE

14

15 **11-52-201. Legislative findings; applicability.**

16

17 (a) The legislature finds that:

18

19 (i) Beginning when Wyoming was only a territory,  
20 the livestock industry has been an integral part of  
21 Wyoming's economy and agricultural heritage;

22

1           (ii) Because of market conditions, both in  
2 Wyoming and across the nation, producers are facing  
3 challenges getting livestock to meat processing facilities  
4 in a timely, efficient and cost-effective manner;

5

6           (iii) Timely development of meat processing  
7 facilities in Wyoming will help increase revenue to the  
8 state;

9

10           (iv) New infrastructure for meat processing will  
11 increase development of Wyoming's livestock industry;

12

13           (v) It is in the public interest of the citizens  
14 of this state to promote the economic welfare of the state  
15 and its residents by increasing employment, stimulating  
16 economic activity, augmenting sources of tax revenue,  
17 fostering economic stability, improving the balance of the  
18 state's economy and enhancing the food supply chain to  
19 ensure adequate quantities of wholesome foods are  
20 available;

21

22           (vi) This article constitutes a valid public  
23 purpose of primary benefit to all citizens of this state.

1

2       **11-52-202. Authority revenue bonds; issuance; amount.**

3

4       (a) The authority may issue and have outstanding bonds  
5 to finance meat processing facilities and meat processing  
6 projects consistent with the purposes of W.S. 11-52-103(a),  
7 in an amount not to exceed ten million dollars  
8 (\$10,000,000.00). The authority shall have contracts  
9 sufficient to justify the issuance of bonds.

10

11       (b) The principal amount of any bonds that have been  
12 retired, redeemed, defeased or refunded by the authority  
13 need not be taken into account in computing compliance with  
14 the maximum amounts of bonds authorized to be issued under  
15 subsection (a) of this section.

16

17       (c) Subject to subsection (a) of this section, the  
18 authority may issue bonds in principal amounts the  
19 authority determines necessary to provide sufficient funds  
20 for achieving its purposes under this article, including  
21 the reduction of principal, the payment of interest, the  
22 establishment of reserves, the costs of administration and  
23 for the purpose of defraying all other associated costs.

1 All bonds issued under this article are negotiable  
2 instruments under the laws of this state unless expressly  
3 provided to the contrary on the face of the bonds. The  
4 authority may enter into contracts to insure the payment of  
5 principal and interest, for interest rate exchange  
6 contracts and for financial guarantees to lower the cost of  
7 its borrowing.

8

9 (d) All bonds issued by the authority are payable  
10 solely out of special funds consisting of all or part of  
11 its revenues, receipts, monies and assets, as designated in  
12 the proceedings under which the bonds are authorized. All  
13 bonds shall bear interest at fixed or variable rates, be  
14 executed and delivered at times and in denominations, be of  
15 terms and maturities, be in registered form as to principal  
16 and interest or principal alone and bear manual or  
17 facsimile signatures and seals as the authority determines.  
18 Bonds issued by the authority are not general obligations  
19 of this state nor of any political subdivision of this  
20 state. The bonds shall solely be the obligation of the  
21 authority and shall recite on their face that they do not  
22 constitute obligations of the state or any political  
23 subdivisions of the state.

1

2 (e) Bonds may be payable in installments and may bear  
3 maturities not exceeding forty (40) years from the date  
4 issued as the authority determines. Bonds may contain other  
5 provisions not inconsistent with this article.

6

7 (f) Any bonds that the authority issues may contain  
8 an option to redeem all or any part as may be specified.  
9 The price of redemption, the terms and conditions and the  
10 procedure of notice shall be set forth by the authority and  
11 may appear on the face of the bonds.

12

13 (g) Any bonds of the authority may be sold at, above  
14 or below par value, at public or private sale, in a manner  
15 and from time to time as determined by the authority. The  
16 authority may pay legal fees, expenses, premiums and  
17 commissions that it finds necessary or advantageous to this  
18 state in connection with the issuance and sale.

19

20 (h) The authority may provide for the issuance of  
21 bonds to refund any bonds of the authority then  
22 outstanding, including for the payment of any redemption  
23 premium and any interest or premium accrued or to accrue

1 to, the earliest or subsequent date of redemption, purchase  
2 or maturity of the bonds. Refunding shall be accomplished  
3 in the manner prescribed by W.S. 16-5-101 through 16-5-119  
4 to the extent it is not inconsistent with this article.

5

6 **11-52-203. Authority revenue bonds; security; payments**  
7 **after retirement.**

8

9 (a) The principal and interest on any bonds that the  
10 authority issues shall be secured by a pledge of revenues  
11 from the operation of the meat processing facility or meat  
12 processing project financed, by a first mortgage on the  
13 facilities, by guarantees and pledges of the entity owning  
14 the project or facility, or of the parent corporation  
15 owning said entity or by any combination thereof or other  
16 security as the authority may determine to be reasonable  
17 and prudent. The guarantees and pledges shall be no less  
18 favorable to the authority than those granted other lenders  
19 of the same class.

20

21 (b) The authority may require additional payments, as  
22 negotiated, to bondholders to be made either in a lump sum  
23 at the time of retirement of the bonds or annually from the

1 time of retirement of the bonds until use of the meat  
2 processing facility or meat processing project is  
3 terminated or may require additional incentives from the  
4 owner of the project or facility to prospective bondholders  
5 so long as the incentives are not contrary to the Wyoming  
6 constitution.

7

8 (c) The authority may require such other security for  
9 repayment of the bonds as it deems necessary.

10

11 (d) Each pledge, agreement, mortgage or other  
12 instrument made for the benefit or security of any bonds of  
13 the authority is valid and binding from the time when made.  
14 The revenues, receipts, monies and assets pledged are  
15 immediately subject to the lien of the pledge without  
16 delivery or further act. The lien is valid and binding  
17 against persons having claims of any kind against the  
18 authority whether or not the persons have actual notice of  
19 the lien. The resolution or the indenture or other  
20 instrument by which a pledge is created need not be  
21 recorded or filed.

22

23 **11-52-204. Exemptions from taxation.**

1

2 The exercise of the powers granted by this article  
3 constitutes the performance of an essential governmental  
4 function. Any bonds issued under this article and the  
5 income therefrom shall be free from taxation of every kind  
6 by the state, municipalities and political subdivisions of  
7 the state.

8

9 **11-52-205. Bonds as legal investments.**

10

11 The bonds of the authority are legal investments that may  
12 be used as collateral for public funds of the state,  
13 insurance companies, banks, savings and loan associations,  
14 investment companies, trustees and other fiduciaries that  
15 may properly and legally invest funds in their control or  
16 belonging to them in bonds of the authority. With the  
17 written approval of the state loan and investment board and  
18 the attorney general, the state treasurer may invest monies  
19 from the permanent Wyoming mineral trust fund in bonds of  
20 the authority in an amount specified by the state loan and  
21 investment board and the attorney general but not to exceed  
22 the amount specified in W.S. 11-52-202(a). The interest  
23 payable on the bonds shall be not less than four percent



1 (4%), and revenue under W.S. 11-52-202(a) shall be credited  
2 as received to the general fund. The limitation on specific  
3 public purpose investments under W.S. 9-4-715(n) shall not  
4 apply to investments made under this section.

5

6 **11-52-206. State pledge not to impair bondholder's**  
7 **rights and remedies.**

8

9 The state pledges to the holders of any bonds issued under  
10 this article that the state will not limit or alter the  
11 rights vested in the authority to fulfill the terms of  
12 agreements made with the holders, or in any way impair the  
13 rights and remedies of the holders until the bonds together  
14 with the interest, with interest on any unpaid installments  
15 of interest and all costs and expenses in connection with  
16 any action or proceeding by or on behalf of the holders are  
17 fully met and discharged. The authority is authorized to  
18 include this pledge of the state in any agreement with the  
19 holders of the bonds.

20

21 **11-52-207. Powers; duties; limitations.**

22

1           (a) The authority has the powers granted by W.S. 11-  
2 52-101 through 11-52-106 as necessary to carry out the  
3 purposes of this article, including the power to hire  
4 technical consultants, financial advisors and legal  
5 advisors and specifically the powers granted by W.S. 11-52-  
6 104(a)(ii). In addition to the powers otherwise granted to  
7 the authority, the authority shall have the power to:

8

9           (i) Enter into loans or other agreements with  
10 respect to one (1) or more meat processing projects or  
11 projects for meat processing facilities, upon terms and  
12 conditions the authority considers advisable;

13

14           (ii) Make and execute agreements, contracts and  
15 other instruments necessary or convenient in the exercise  
16 of its powers and functions, including contracts with any  
17 individual, firm, corporation, governmental agency or other  
18 entity.

19

20           (b) The authority may assess and collect fees that are  
21 nonrefundable from applicants seeking to obtain authority  
22 financing of a meat processing facility or meat processing  
23 project in total amounts not to exceed five hundred

1 thousand dollars (\$500,000.00), which shall be credited to  
2 the state general fund.

3

4 (c) The authority shall maintain such records and  
5 accounts of revenues and expenditures as required by the  
6 director of the state department of audit. The director of  
7 the state department of audit or his designee shall conduct  
8 an annual financial and legal compliance audit of the  
9 accounts of the authority and file copies of the audit with  
10 the governor and the legislature.

11

12 (d) The authority shall require that any project  
13 owner receiving a loan under this chapter shall maintain  
14 records and accounts relating to the receipt and  
15 disbursements of loan proceeds, costs associated with the  
16 meat processing facility or meat processing project and  
17 sales and deliveries associated therewith and make the  
18 records available to the state auditor for inspection.

19

20 (e) The sole recourse of any party contracting with  
21 the authority shall be against the authority, and there  
22 shall be no cause of action against the state, or any

1 county, municipality or other political subdivision of the  
2 state.

3

4 **Section 2.** W.S. 9-4-715(n)(intro) is amended to read:

5

6 **9-4-715. Permissible investments.**

7

8 (n) The state treasurer shall not invest state funds  
9 for a specific public purpose authorized or directed by the  
10 legislature in excess of a total of one billion dollars  
11 (\$1,000,000,000.00), excluding investments made pursuant to  
12 W.S. 37-5-406, ~~or 37-5-605~~ or 11-52-205. By November 1 of  
13 each calendar year, the state treasurer, in consultation  
14 with the board, the Wyoming water development office, the  
15 Wyoming business council and the office of state lands and  
16 investments, shall provide a report to the select committee  
17 on capital financing and investments on all state funds  
18 invested for a specific public purpose authorized or  
19 directed by the legislature. The report shall include:

20

21 **Section 3.** This act is effective July 1, 2021.

22

23

(END)