

SENATE FILE NO. SF0109

Producer protection.

Sponsored by: Senator(s) Meier and Representative(s) Buchanan, Childers, Harshman and Teeters

A BILL

for

1 AN ACT relating to agricultural producer's liens; providing
2 that a processor includes a person who produces ethanol
3 from farm products; prohibiting an ethanol producer from
4 receiving certain tax credits if the producer has an
5 outstanding lien; and providing for an effective date.

6

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

8

9 **Section 1.** W.S. 29-8-101(a)(v), 29-8-104(a)(iii) and
10 by creating a new subsection (c) and 39-17-109(d)(i)(intro)
11 are amended to read:

12

13 **29-8-101. Definitions.**

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15 (a) As used in this article:

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1 (v) "Processor" means any person engaged in the
2 business of processing or manufacturing any farm product
3 and who takes possession or control of any farm product for
4 the purpose of processing, cleaning, selling or storing it
5 and includes, without limitation, a person who produces
6 ethanol from corn or other farm products;

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8 **29-8-104. Extent of lien; priority; tax credits for**
9 **ethanol.**

10
11 (a) The lien shall be to the extent of:

12
13 (iii) If the farm product is sold or processed
14 by the processor, contractor, warehouse operator or
15 commodity dealer the lien shall be on the cash proceeds
16 from the sale and any tax credit issued pursuant to W.S.
17 39-17-109(d). For purposes of this paragraph, cash proceeds
18 held by the processor, contractor, warehouse operator or
19 commodity dealer shall be deemed to be cash proceeds from
20 the sale regardless of whether it is identifiable cash
21 proceeds;

22
23 (c) If a producer has an outstanding lien pursuant to
24 this act which has attached to a processor who produces

1 ethanol from farm products, the processor shall not be
2 eligible to receive the tax credit provided in W.S.
3 39-17-109(d) until the producer is paid in full all amounts
4 due the producer for its assignment, sale, transfer,
5 exchange, other disposition or production of the farm
6 products. The tax credit provided in W.S. 39-17-109(d)
7 shall be tolled and may be issued to the processor after a
8 producer has been paid in full as provided in this section.

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10 **39-17-109. Taxpayer remedies.**

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12 (d) Credits. The following shall apply:

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14 (i) Except as provided in W.S. 29-8-104(c), the
15 department shall grant a credit to producers of ethanol in
16 the amount of forty cents (\$.40) per gallon of ethanol
17 produced in Wyoming provided the producer submits a report
18 to the department in a format required by the department
19 containing information which will assist the department in
20 determining:

21
22 **Section 2.** This act is effective July 1, 2009.

23
24 (END)