

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 542 of the Regular Session

1 State of Arkansas

As Engrossed: H2/16/05 H2/17/05

2 85th General Assembly

A Bill

3 Regular Session, 2005

HOUSE BILL 1543

4  
5 By: Representatives Key, J. Hutchinson, Petrus

6 By: Senators Altes, Womack

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8  
9 **For An Act To Be Entitled**

10 AN ACT TO ENHANCE THE ECONOMIC DEVELOPMENT OF  
11 BIOBASED PRODUCTS; TO REQUIRE STATE AGENCIES TO  
12 CONSIDER BIOBASED PRODUCTS IN PURCHASING; AND FOR  
13 OTHER PURPOSES.

14  
15 **Subtitle**

16 THE BIOBASED PRODUCTS ACT OF 2005.

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19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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21 SECTION 1. Arkansas Code Title 8, Chapter 1 is amended to add an  
22 additional subchapter to read as follows:

23 8-1-401. Definitions.

24 For purposes of this subchapter:

25 (1) "Biobased product" means a product determined by the United  
26 States Secretary of Agriculture to be a commercial or industrial product,  
27 other than food or feed, that is composed, in whole or in significant part,  
28 of biological products or renewable domestic agricultural materials,  
29 including plant, animal, and marine materials, or forestry materials;

30 (2)(A) "Biomass" means any organic material that is available on  
31 a renewable or recurring basis.

32 (B) "Biomass" includes:

33 (i) Agricultural crops;

34 (ii) Trees grown for energy production;

35 (iii) Wood waste and wood residues;



1                   (iv) Plants, including aquatic plants and grasses;  
2                   (v) Residues;  
3                   (vi) Fibers;  
4                   (vii) Animal wastes and other waste materials; and  
5                   (viii) Fats, oils, and greases, including recycled  
6 fats, oils, and greases.

7                   (C) "Biomass" does not include:

8                   (i) Paper that is commonly recycled; or

9                   (ii) Unsegregated solid waste; and

10                   (3) "State agency" means any agency, institution,  
11 authority, department, board, commission, bureau, council, or other agency of  
12 the state supported by appropriation of state or federal funds, including,  
13 but not limited to:

14                   (A) The constitutional departments of the state;

15                   (B) The elected constitutional offices of the state;

16                   (C) The General Assembly, including, but not limited to:

17                   (i) The Legislative Council;

18                   (ii) The Legislative Joint Auditing Committee; and

19                   (iii) Any supporting agencies and bureaus of the  
20 Legislative Council and the Legislative Joint Auditing Committee;

21                   (D) The Supreme Court of Arkansas;

22                   (E) The Court of Appeals;

23                   (F) The circuit courts;

24                   (G) The prosecuting attorneys, and

25                   (H) The Administrative Office of the Courts.

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27                   8-1-402. Procurement of biobased products.

28                   (a) After the date specified in the guidelines prepared under  
29 subsection (b) of this section, each state agency that procures any items  
30 designated in the guidelines shall give preference in making procurement  
31 decisions to the items composed of the highest percentage of biobased  
32 products that are:

33                   (1) Practicable; and

34                   (2) Consistent with maintaining a satisfactory level of  
35 competition.

36                   (b)(1)(A) The Office of State Procurement of the Department of Finance

1 and Administration shall prepare and from time to time revise guidelines for  
2 the use of procuring agencies in complying with the requirements of this  
3 section.

4 (B) The guidelines shall:

5 (i) Be developed using federal guidelines that  
6 designate biobased products that qualify for preferred procurement as  
7 authorized by section 9002 of the Farm Security and Rural Investment Act of  
8 2002, 7 U.S.C. § 8102, as those federal guidelines and that federal law  
9 existed on January 1, 2005;

10 (ii) Provide direct or indirect access to  
11 information regarding items identified or certified by federal rules, as they  
12 existed on January 1, 2005, that are or can be produced with biobased  
13 products and whose procurement by procuring agencies will carry out the  
14 objectives of this section;

15 (iii) Set forth recommended practices with respect  
16 to the procurement of biobased products and items containing biobased  
17 materials; and

18 (iv) Provide direct or indirect access to  
19 information on availability, relative price, performance, and environmental  
20 and public health benefits of biobased materials and items.

21 (2) The office shall prepare final procurement guidelines under  
22 this section within one hundred eighty (180) days based on the federal  
23 regulations pursuant to 7 U.S.C. § 8102 as they existed on January 1, 2005.

24 (c)(1) The office shall implement the requirements of this section.

25 (2) Every two (2) years beginning on or before June 30, 2006,  
26 the office shall report to the Joint Budget Committee during each regular  
27 session of the General Assembly on:

28 (A) Actions taken by state agencies with regard to  
29 purchases of biobased products; and

30 (B) Progress made in the implementation of this section,  
31 including agency compliance with subsection (b) of this section.

32 (3)(A) Every two (2) years on or before March 31 each state  
33 agency shall report to the office on the effectiveness of the agency's  
34 procurement program.

35 (B) The office shall prepare and make available to each  
36 state agency a procedure for presenting the report required under subdivision

1 (c)(3)(A) of this section.

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*/s/ Key, et al*

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*APPROVED: 3/03/2005*

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