

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.

1 State of Arkansas  
2 85th General Assembly  
3 Regular Session, 2005  
4  
5 By: Representative Key  
6  
7

# A Bill

HOUSE BILL 1543

## For An Act To Be Entitled

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

## Subtitle

13  
14 THE BIOBASED PRODUCTS ACT OF 2005.  
15  
16  
17

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

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

22 8-1-401. Definitions.

23 For purposes of this subchapter:

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

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

31 (B) "Biomass" includes:

32 (i) Agricultural crops;

33 (ii) Trees grown for energy production;

34 (iii) Wood waste and wood residues;

35 (iv) Plants, including aquatic plants and grasses;

36 (v) Residues;



- 1                   (vi) Fibers;
- 2                   (vii) Animal wastes and other waste materials; and
- 3                   (viii) Fats, oils, and greases, including recycled
- 4 fats, oils, and greases.

5                   (C) "Biomass" does not include:

- 6                   (i) Paper that is commonly recycled; or
- 7                   (ii) Unsegregated solid waste;

8                   (3) "Renewable energy" means energy derived from:

9                   (A) A wind, solar, biomass, or geothermal source; or

10                   (B) Hydrogen derived from biomass or water using an energy  
 11 source described in subdivision (3)(A) of this section;

12                   (4) "Rural small business" has the meaning that shall be  
 13 prescribed by the federal regulations pursuant to 7 U.S.C. § 8102 as they  
 14 existed on January 1, 2005; and

15                   (5) "State agency" means any agency, institution, authority,  
 16 department, board, commission, bureau, council, or other agency of the state  
 17 supported by appropriation of state or federal funds, including, but not  
 18 limited to:

19                   (A) The constitutional departments of the state;

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

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

22                   (i) The Legislative Council;

23                   (ii) The Legislative Joint Auditing Committee; and

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

26                   (D) The Supreme Court of Arkansas;

27                   (E) The Court of Appeals;

28                   (F) The circuit courts;

29                   (G) The prosecuting attorneys, and

30                   (H) The Administrative Office of the Courts.

31

32                   8-1-402. Procurement of biobased products.

33                   (a) After the date specified in the guidelines prepared under  
 34 subsection (b) of this section, each state agency that procures any items  
 35 designated in the guidelines shall give preference in making procurement  
 36 decisions to the items composed of the highest percentage of biobased

1 products that are:

2 (1) Practicable; and

3 (2) Consistent with maintaining a satisfactory level of  
4 competition.

5 (b)(1)(A) The Office of State Procurement of the Department of Finance  
6 and Administration shall prepare and from time to time revise guidelines for  
7 the use of procuring agencies in complying with the requirements of this  
8 section.

9 (B) The guidelines shall:

10 (i) Be developed using federal guidelines that  
11 designate biobased products that qualify for preferred procurement as  
12 authorized by section 9002 of the Farm Security and Rural Investment Act of  
13 2002, 7 U.S.C. § 8102, as those federal guidelines and that federal law  
14 existed on January 1, 2005;

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

20 (iii) Set forth recommended practices with respect  
21 to the procurement of biobased products and items containing biobased  
22 materials; and

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

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

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

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

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

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

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

4                   (B) The office shall prepare and make available to each  
5 state agency a procedure for presenting the report required under subdivision  
6 (c)(3)(A) of this section.

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36