

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
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As Engrossed: H2/16/05

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

15 THE BIOBASED PRODUCTS ACT OF 2005.

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

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

12 (A) The constitutional departments of the state;

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

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

15 (i) The Legislative Council;

16 (ii) The Legislative Joint Auditing Committee; and

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

19 (D) The Supreme Court of Arkansas;

20 (E) The Court of Appeals;

21 (F) The circuit courts;

22 (G) The prosecuting attorneys, and

23 (H) The Administrative Office of the Courts.

24
25 8-1-402. Procurement of biobased products.

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

31 (1) Practicable; and

32 (2) Consistent with maintaining a satisfactory level of
33 competition.

34 (b)(1)(A) The Office of State Procurement of the Department of Finance
35 and Administration shall prepare and from time to time revise guidelines for
36 the use of procuring agencies in complying with the requirements of this

1 section.

2 (B) The guidelines shall:

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

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

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

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

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

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

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

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

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

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

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

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/s/ Key