

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 86th General Assembly
3 Regular Session, 2007
4

A Bill

SENATE BILL 237

5 By: Senators R. Thompson, J. Jeffress, G. Jeffress, Broadway
6 By: Representatives Sullivan, Thyer, Petrus, Wells, Abernathy, Allen, Berry, Blount, Cooper, Cornwell,
7 L. Cowling, Dickinson, Dunn, L. Evans, Everett, Garner, Gaskill, Kenney, Kidd, Lovell, Lowery,
8 Maxwell, Medley, Patterson, Ragland, Saunders
9

For An Act To Be Entitled

12 AN ACT TO DEVELOP THE ALTERNATIVE FUELS INDUSTRY
13 IN ARKANSAS BY ESTABLISHING GOALS FOR THE
14 PRODUCTION OF ALTERNATIVE FUELS, STANDARDS FOR
15 THE PERCENTAGE OF ALTERNATIVE FUELS IN THE DIESEL
16 FUEL USED IN MOTOR VEHICLES, AND STANDARDS FOR
17 QUALITY OF ALTERNATIVE FUELS; AND FOR OTHER
18 PURPOSES.
19

Subtitle

21 TO DEVELOP THE ALTERNATIVE FUELS
22 INDUSTRY IN ARKANSAS BY ESTABLISHING
23 GOALS FOR THE PRODUCTION OF AND
24 STANDARDS FOR ALTERNATIVE FUELS USED IN
25 MOTOR VEHICLES.
26
27

28 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
29

30 SECTION 1. Arkansas Code Title 15 is amended to add an additional
31 chapter to read as follows:

32 15-13-101. Title.

33 This chapter shall be known and may be cited as the "Arkansas
34 Alternative Fuels Development Act".
35

36 15-13-102. Definitions.



1 As used in this subchapter:

2 (1) "Alternative fuels" means biodiesel fuel or ethanol;

3 (2) "Biodiesel fuel" means a renewable, biodegradable, mono
 4 alkyl ester combustible liquid fuel derived from agricultural plant oils or
 5 animal fats that meets American Society for Testing and Materials
 6 Specification D6751-02 for biodiesel fuel, or B100, blend stock for
 7 distillate fuels, as in effect January 1, 2007; and

8 (3) "Ethanol" means fermentation ethyl alcohol derived from
 9 agricultural products, including potatoes, cereal grains, cheese whey, and
 10 sugar beets; forest products; or other renewable resources, including residue
 11 and waste generated from the production, processing, and marketing of
 12 agricultural products, forest products, and other renewable resources, that:

13 (A) Meets the American Society for Testing and Materials
 14 Specification D4806-04a for ethanol as in effect on January 1, 2007; and

15 (B) Is denatured as specified in 27 C.F.R. Part 20 and Part
 16 21 as in effect on January 1, 2007.

17
 18 15-13-103. Alternative fuels production goals.

19 The per annum goal for alternative fuels production at production
 20 facilities in the state is:

21 (1) Fifty million gallons (50,000,000 gal.) in 2007;

22 (2) Eighty-five million gallons (85,000,000 gal.) in 2008;

23 (3) One hundred million gallons (100,000,000 gal.) in 2009;

24 (4) One hundred fifty million gallons (150,000,000 gal.) in
 25 2010; and

26 (5) Two hundred million gallons (200,000,000 gal.) in 2011 and
 27 subsequent years.

28
 29 15-13-104. Biodiesel fuel standard.

30 (a) A distributor licensed under the Motor Fuel Tax Law, § 26-55-201
 31 et seq., shall provide evidence to the Secretary of the Arkansas Agriculture
 32 Department that all diesel fuel sold or offered for sale in Arkansas for use
 33 in internal combustion engines contains at least two percent (2%) biodiesel
 34 fuel by volume beginning on July 1, 2008, subject to:

35 (1) A change made by the secretary under § 15-13-105;

36 (2) The quality determinations and testing under § 15-13-106;

1 and

2 (3) A finding by the Secretary of the Department of Agriculture
3 that the alternative fuels production goals under § 15-13-103 have been met.

4 (b) A distributor licensed under the Motor Fuel Tax Law, § 26-55-201
5 et seq., shall provide evidence to the Secretary of the Department of
6 Agriculture that all diesel fuel sold or offered for sale in Arkansas for use
7 in internal combustion engines contains at least five percent (5%) biodiesel
8 fuel by volume beginning on July 1, 2009, subject to:

9 (1) A change made by the secretary under § 15-13-105;

10 (2) The quality determinations and testing under § 15-13-106;

11 and

12 (3) A finding by the Secretary of the Department of Agriculture
13 that the alternative fuels production goals under § 15-13-103 have been met.

14
15 15-13-105. Change in the biodiesel fuel standard.

16 (a) If the Secretary of the Arkansas Agriculture Department determines
17 that the availability of biodiesel fuel produced from feedstock grown in
18 Arkansas cannot satisfy the current requirement, the secretary may reduce the
19 biodiesel fuel standard under § 15-13-104 by rule to a standard that the
20 secretary determines can be satisfied by feedstock grown in Arkansas or
21 remove the standard by rule if the standard becomes unreasonable due to
22 economic circumstances.

23 (b)(1) The secretary shall publish notice that sets forth the proposed
24 rule or a concise summary of the proposed rule to change the biodiesel fuel
25 standard under § 15-13-104 for three (3) consecutive days in a newspaper of
26 general circulation in the state.

27 (2) The rule shall not be effective until thirty (30) days after
28 the first publication of the notice.

29
30 15-13-106. Quality determinations and testing.

31 (a) The Arkansas Bureau of Standards of the State Plant Board shall
32 make the determination that alternative fuels used in this state:

33 (1) Are useable in motor vehicles;

34 (2) Meet the specifications for biodiesel fuel and ethanol as
35 provided under § 15-13-102; and

36 (3) Undergo quality assurance testing to ensure fuel quality and

1 continued consumer confidence in alternative fuels.

2 (b) The director of the Arkansas Bureau of Standards may:

3 (1) Establish a fuel testing laboratory;

4 (2) Contract with a laboratory for testing;

5 (3) Adopt rules on false and misleading advertising, labeling,
6 and posting of prices; and

7 (4) Adopt the standards for alternative fuels.

8
9 15-13-107. Notice to consumers.

10 A fuel pump that offers alternative fuels shall be identified by a
11 label stating the percentage of biodiesel fuel or ethanol in the fuel
12 mixture.

13
14 15-13-108. Rules.

15 The Secretary of the Arkansas Agriculture Department shall promulgate
16 rules to provide for the administration of this subchapter.

17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36