

1 State of Arkansas  
2 91st General Assembly  
3 Regular Session, 2017  
4

# A Bill

HOUSE BILL 1839

5 By: Representatives Beck, Bentley, Brown, Davis, Farrer, Henderson, Hillman, G. Hodges, Lemons,  
6 Magie, Payton, Sabin, Sullivan, Vaught  
7

## For An Act To Be Entitled

9 AN ACT TO CREATE THE LOCAL FOOD, FARMS, AND JOBS ACT;  
10 AND FOR OTHER PURPOSES.  
11

## Subtitle

14 TO CREATE THE LOCAL FOOD, FARMS, AND JOBS  
15 ACT.  
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18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
19

20 SECTION 1. Arkansas Code Title 15, Chapter 4, is amended to add an  
21 additional subchapter to read as follows:

### Subchapter 38 – Local Food, Farms, and Jobs Act

#### 15-4-3801. Title.

25 This subchapter shall be known and may be cited as the "Local Food,  
26 Farms, and Jobs Act".  
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#### 15-4-3802. Legislative intent.

29 The General Assembly intends for this subchapter to:

30 (1) Create, strengthen, and expand local farm and food economies  
31 throughout the state; and

32 (2) Support and encourage the procurement of local farm or food  
33 products as a significant portion of all food products purchased by the  
34 state.  
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#### 15-4-3803. Definitions.

  
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1 As used in this subchapter:

2 (1)(A) "Agency" means an entity that:

3 (i) Is funded in whole or in part by the state; and

4 (ii) Receives at least twenty-five thousand dollars  
 5 (\$25,000) a year from the state for the purchase of food products.

6 (B) "Agency" includes without limitation a:

7 (i) Institution of higher education;

8 (ii) Child care facility;

9 (iii) State park;

10 (iv) After-school program;

11 (v) Hospital;

12 (vi) State agency or other entity of the state; and

13 (vii) Contractor operating an on-campus cafeteria  
 14 for any of the entities stated in subdivision (1)(B)(i)-(vi) of this section;

15 (2) "Food product" means a substance, whether in liquid,  
 16 concentrated, solid, frozen, dried, or dehydrated form, that is sold for  
 17 ingestion or chewing by humans and is consumed for its taste or nutritional  
 18 value; and

19 (3) "Local farm or food products" means food products that are  
 20 grown in Arkansas or packaged and processed in Arkansas, or both.

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 22 15-4-3804. Procurement goal – Preference.

23 (a)(1) For the fiscal year 2018, each agency shall make it a goal to  
 24 ensure that ten percent (10%) of the amount budgeted for the agency's  
 25 purchases of food products is spent on local farm or food products.

26 (2) For fiscal years beginning on and after July 1, 2018, each  
 27 agency shall make it a goal to ensure that twenty percent (20%) of the amount  
 28 budgeted for the agency's purchases of food products is spent on local farm  
 29 or food products.

30 (b) In awarding a contract for the purchase of food products, an  
 31 agency shall give preference to a provider of local farm or food products  
 32 when:

33 (1) The contract is to be awarded to the lowest bidder;

34 (2) A responsible and responsive bidder that is a provider of  
 35 local farm or food products submits a bid that does not exceed the lowest bid  
 36 by more than ten percent (10%); and

1           (3) The responsible and responsive bidder submitting the lowest  
2 bid is not a provider of local farm or food products.

3           (c) Each agency shall:

4           (1) Identify the percentage of funds spent on local farm or food  
5 products purchased for fiscal year 2017 to establish a baseline; and

6           (2) Develop a system for tracking and reporting purchases of  
7 local farm or food products each fiscal year.

8           (d) This section does not require an agency to use any specific  
9 procurement method for obtaining food products.

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11          15-4-3805. Reporting requirements.

12          (a) By October 1 of each year, an agency shall submit a compliance  
13 report to the Bureau of Legislative Research stating:

14           (1) The name of the agency;

15           (2) A policy statement signed by the executive head of the  
16 agency expressing a commitment to complying with this subchapter;

17           (3) The name of the person in the agency who is responsible for  
18 developing and administering the compliance report required under this  
19 section;

20           (4) The manner in which the agency intends to reach the  
21 procurement goals stated in this subchapter;

22           (5) The dollar value of the contracts the agency awarded to  
23 providers of local farm or food products in the previous fiscal year; and

24           (6) The percentage of the total dollar value of contracts the  
25 agency awarded for purchases of food products that were awarded to providers  
26 of local farm or food products.

27          (b) By December 31 of each year, the bureau shall:

28           (1) Prepare a report compiling the information received under  
29 subsection (a) of this section; and

30           (2) Make the report required under this subsection available to  
31 the Governor and the cochairs of Legislative Council or, if the General  
32 Assembly is in session, the cochairs of the Joint Budget Committee.

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34          15-4-3806. Promotion.

35          (a) The Arkansas Agriculture Department may use its internet resources  
36 to:

1           (1) Promote, create, and expand local farm and food economies in  
 2 this state;

3           (2) Maintain a list of local farm or food products and the  
 4 providers of local farm or food products; and

5           (3) Facilitate compliance with this subchapter.

6           (b)(1) The Arkansas Agriculture Department shall establish a program  
 7 coordinator position, which shall be responsible for developing partnerships  
 8 among vendors, agencies, and providers of local farm or food products to  
 9 support the goals of this subchapter.

10          (2) The program coordinator shall:

11           (A) Provide support and assistance to providers of local  
 12 farm or food products that wish to compete for a contract with an agency by:

13                   (i) Assisting the provider of local farm or food  
 14 products in developing a business plan;

15                   (ii) Working with distribution representatives; and

16                   (iii) Using available resources, including without  
 17 limitation agencies and other public and private entities;

18           (B) Be a resource for agencies to use to assist in  
 19 tracking and reporting their progress in satisfying the procurement goals  
 20 stated in this subchapter;

21           (C) Be a liaison between agencies and providers of local  
 22 farm or food products to facilitate access to local farm or food products;

23           (D) Encourage and facilitate involvement and participation  
 24 in the Farm to School Program administered by the United States Department of  
 25 Agriculture by working with providers of local farm or food products,  
 26 vendors, and distributors to assess the need for and availability of local  
 27 farm and food products; and

28           (E) Cooperate with the Arkansas Agriculture Department and  
 29 providers of local farm or food products to promote, encourage, and increase  
 30 participation in the Arkansas Grown program administered by the Arkansas  
 31 Agriculture Department.

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 33          15-4-3807. Relationship to federal law.

34          (a) If this subchapter conflicts with federal law pertaining to a  
 35 federal aid program, the conflicting provision or provisions of this  
 36 subchapter do not apply to a contract that is subject to that federal law,

1 rule, or regulation to the extent of the conflict.

2 (b) To the extent a conflict does not exist with federal law, this  
3 subchapter applies to contracts paid, in whole or in part, with federal  
4 funds.

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6 15-4-3808. Rules.

7 The Office of State Procurement may promulgate rules to implement and  
8 administer this subchapter, including without limitation a method for:

9 (1) Identifying and certifying vendors as providers of local  
10 farm or food products; and

11 (2) Determining the means of satisfying and tracking the  
12 procurement goals stated in this subchapter.

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