

1 State of Arkansas  
2 94th General Assembly  
3 Regular Session, 2023  
4

# A Bill

SENATE BILL 407

5 By: Senators M. McKee, J. Boyd, A. Clark, Crowell, B. Davis, J. Dismang, Flippo, Gilmore, Hester,  
6 Hickey, Hill, B. Johnson, G. Leding, J. Petty, Rice, Stone, D. Wallace  
7 By: Representatives Beaty Jr., Andrews, Barker, M. Berry, Brooks, K. Brown, C. Cooper, Eubanks,  
8 Fortner, Gazaway, Gramlich, Haak, Holcomb, Jean, McClure, B. McKenzie, S. Meeks, Pilkington, Ray,  
9 Richmond, Wardlaw

## For An Act To Be Entitled

10  
11 AN ACT REGARDING BIOENERGY AND CARBON CAPTURE  
12 TECHNOLOGY; TO REQUIRE ENERGY PRODUCED FROM CERTAIN  
13 SOURCES BE CONSIDERED CARBON NEUTRAL; TO REQUIRE  
14 ENERGY PRODUCED FROM CERTAIN SOURCES IN CONJUNCTION  
15 WITH CARBON CAPTURE TECHNOLOGIES BE CONSIDERED CARBON  
16 NEGATIVE; AND FOR OTHER PURPOSES.  
17  
18  
19

## Subtitle

20  
21 TO REQUIRE ENERGY PRODUCED FROM CERTAIN  
22 SOURCES BE CONSIDERED CARBON NEUTRAL; AND  
23 TO REQUIRE ENERGY PRODUCED FROM CERTAIN  
24 SOURCES IN CONJUNCTION WITH CARBON  
25 CAPTURE TECHNOLOGIES BE CONSIDERED CARBON  
26 NEGATIVE.  
27  
28

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

30  
31 SECTION 1. Arkansas Code Title 15, Chapter 10, Subchapter 1, is  
32 amended to add an additional section to read as follows:

33 15-10-102. Bioenergy and carbon capture technology.

34 (a) As used in this section:

35 (1) "Biomass" means bioenergy feedstocks from forest products  
36 manufacturing, including without limitation:



1                   (A) Forest products manufacturing residuals, including  
2 without limitation:

3                   (i) Pulping liquors;

4                   (ii) Pulping byproducts;

5                   (iii) Woody manufacturing residuals;

6                   (iv) Paper recycling residuals;

7                   (v) Wastewater and process water treatment plant  
8 residuals; and

9                   (vi) Anaerobic digester biogas;

10                  (B) Harvest residues, including without limitation trees  
11 or portions of harvested trees that are too small or too poor of quality to  
12 be utilized for wood or paper products;

13                  (C) Downed wood from extreme weather events or natural  
14 disasters;

15                  (D) Nonhazardous landscape or right-of-way trimmings and  
16 municipal trimmings;

17                  (E) Plant material removed for purposes of invasive or  
18 noxious plant species control;

19                  (F) Biowaste, including without limitation landfill gas;

20                  (G) Forest biomass derived from residues created as a  
21 byproduct of timber harvesting;

22                  (H) Forest management activities conducted for timber  
23 stand improvement or to increase yield, ecological restoration, or to  
24 maintain or enhance forest health;

25                  (I) Biomass materials described by the United States  
26 Environmental Protection Agency as fuels under 40 C.F.R. § 241.1 et seq., as  
27 it existed on January 1, 2023; and

28                  (J) Other used wood products, including without limitation  
29 crates or pallets; and

30                  (2) "Bioenergy with carbon capture and storage" means the  
31 process of capturing and permanently storing carbon dioxide from biomass  
32 energy generation.

33                  (b)(1) Bioenergy produced from biomass is considered renewable and  
34 carbon neutral.

35                  (2) When the bioenergy produced from biomass is paired with  
36 bioenergy with carbon capture and storage, the bioenergy is carbon negative.

1           (c)(1) Bioenergy produced from agricultural harvesting is considered  
2 renewable and carbon neutral.

3           (2) When the bioenergy produced from agricultural harvesting is  
4 paired with bioenergy with carbon capture and storage, the bioenergy is  
5 carbon negative.

6  
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