

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

As Engrossed: S3/27/23

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.
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Subtitle

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20 TO REQUIRE ENERGY PRODUCED FROM CERTAIN
21 SOURCES BE CONSIDERED CARBON NEUTRAL; AND
22 TO REQUIRE ENERGY PRODUCED FROM CERTAIN
23 SOURCES IN CONJUNCTION WITH CARBON
24 CAPTURE TECHNOLOGIES BE CONSIDERED CARBON
25 NEGATIVE.
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29 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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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;

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

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

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

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

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

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

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

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

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

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

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

36 (c)(1) Bioenergy produced from agricultural harvesting is considered

1 renewable and carbon neutral.

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

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/s/M. McKee

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