

**Arkansas
Biobased Product Act of 2005**

25-37-101. Definitions.

As used in this chapter:

(1) "Biobased product" means a product determined by the United States Secretary of Agriculture to be a commercial or industrial product, other than food or feed, that is composed, in whole or in significant part, of biological products or renewable domestic agricultural materials, including plant, animal, and marine materials or forestry materials;

(2)(A) "Biomass" means any organic material that is available on a renewable or recurring basis.

(B) "Biomass" includes:

- (i) Agricultural crops;
- (ii) Trees grown for energy production;
- (iii) Wood waste and wood residues;
- (iv) Plants, including aquatic plants and grasses;
- (v) Residues;
- (vi) Fibers;
- (vii) Animal wastes and other waste materials; and
- (viii) Fats, oils, and greases, including recycled fats, oils, and greases.

(C) "Biomass" does not include:

- (i) Paper that is commonly recycled; or
- (ii) Unsegregated solid waste; and

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

- (A) The constitutional departments of the state;
- (B) The elected constitutional offices of the state;
- (C) The General Assembly, including, but not limited to:
 - (i) The Legislative Council;
 - (ii) The Legislative Joint Auditing Committee; and
 - (iii) Any supporting agencies and bureaus of the Legislative Council and the Legislative Joint Auditing Committee;
- (D) The Arkansas Supreme Court;
- (E) The Court of Appeals;
- (F) The circuit courts;
- (G) The prosecuting attorneys; and
- (H) The Administrative Office of the Courts.

25-37-102. Procurement of biobased products.

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

- (1) Practicable; and

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

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

(B) The guidelines shall:

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

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

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

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

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

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

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

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

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

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

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

History. Acts 2005, No. 542, § 1.

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE ENROLLED ACT No. 1281

AN ACT to amend the Indiana Code concerning state and local administration.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 5-22-1-2, AS AMENDED BY P.L.184-2005, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. Except as provided in this article, this article does not apply to the following:

- (1) The commission for higher education.
- (2) A state educational institution. However, **IC 5-22-5-9 and IC 5-22-15 applies apply** to a state educational institution.
- (3) Military officers and military and armory boards of the state.
- (4) An entity established by the general assembly as a body corporate and politic. However, IC 5-22-15 applies to a body corporate and politic.
- (5) A local hospital authority under IC 5-1-4.
- (6) A municipally owned utility under IC 8-1-11.1 or IC 8-1.5.
- (7) Hospitals established and operated under IC 16-22-1 through IC 16-22-5, IC 16-22-8, IC 16-23-1, or IC 16-24-1.
- (8) A library board under IC 36-12-3-16(b).
- (9) A local housing authority under IC 36-7-18.
- (10) Tax exempt Indiana nonprofit corporations leasing and operating a city market owned by a political subdivision.
- (11) A person paying for a purchase or lease with funds other than public funds.
- (12) A person that has entered into an agreement with a

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governmental body under IC 5-23.

(13) A municipality for the operation of municipal facilities used for the collection, treatment, purification, and disposal in a sanitary manner of liquid and solid waste, sewage, night soil, and industrial waste.

SECTION 2. IC 5-22-5-9 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 9. (a) This section applies to a purchase of supplies by any of the following:**

- (1) A governmental body.
- (2) A state educational institution.

(b) As used in this section, "biobased product" refers to an item designated by the United States Department of Agriculture as a biobased product for federal procurement under Section 9002 of the federal Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8102).

(c) A governmental body or a state educational institution shall, whenever possible, purchase biobased products if all of the following apply:

- (1) Biobased products are available at the time of the purchase.
- (2) It is economically feasible to purchase biobased products.
- (3) The purchase of biobased products is not inappropriate because of:
 - (A) federal regulations or policy in matters involving the federal government; or
 - (B) the special requirements of scientific uses.

SECTION 3. [EFFECTIVE JULY 1, 2007] (a) As used in this SECTION, "biobased product" refers to a product:

- (1) produced from plant or animal sources; and
- (2) that would otherwise be produced from petroleum based sources.

The term does not include food, feed, or fuel and other energy related products.

(b) As used in this SECTION, "commission" refers to the Indiana biobased products advisory commission established by this SECTION.

(c) As used in this SECTION, "department" refers to the department of agriculture established by IC 15-9-2-1.

(d) The Indiana biobased products advisory commission is established.

(e) The commission consists of eleven (11) members appointed

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by the governor.

(f) Not more than six (6) commission members may be members of the same political party.

(g) When making appointments to the commission, the governor shall appoint individuals to represent the following interests:

- (1) Agriculture.
- (2) Business.
- (3) Chemical manufacturing.
- (4) Environmental organizations.
- (5) Forestry.
- (6) Higher education research.

The governor may appoint individuals representing other interests that the governor considers to be related to the commission's purpose.

(h) The governor shall appoint one (1) commission member to be the chair of the commission.

(i) The commission shall meet at the call of the chair.

(j) Each commission member who is not a state employee is not entitled to the minimum salary per diem provided by IC 4-10-11-2.1(b). Such a member is, however, entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency. Each commission member who is a state employee is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the member's duties as provided in the state policies and procedures established by the Indiana department of administration and approved by the budget agency.

(k) Each member of the commission who is a member of the general assembly is entitled to receive the same per diem, mileage, and travel allowances paid to legislative members of interim study committees established by the legislative council. Per diem, mileage, and travel allowances paid under this subsection shall be paid from appropriations made to the legislative council or the legislative services agency.

(l) Each member of the commission who is a member of the general assembly is a nonvoting member.

(m) The affirmative votes of a majority of the voting members appointed to the commission are required for the commission to

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take action on any measure, including final reports.

(n) The commission shall do the following:

(1) Recommend short term and long term policy and commercialization strategies to the governor and the general assembly, outlining overall state goals, actions, and strategies to:

(A) promote the development and use of biobased products in an environmentally sound manner; and

(B) position Indiana as a national leader in manufacturing biobased products.

(2) Propose the means by which the goals recommended under subdivision (1) can best be achieved through federal and state programs, integrated planning, and regional cooperation.

(3) Identify mechanisms to encourage and support private sector initiatives to develop biobased products.

(4) Advise on policies at the state and national level to support:

(A) development of biobased products; and

(B) development and support of new and expanding biobased product markets.

(o) The commission shall report its findings and recommendations to the governor and, in an electronic format under IC 5-14-6, to the general assembly.

(p) The commission's report under subsection (o) must do the following:

(1) Cover a broad spectrum of biobased products.

(2) Include the following:

(A) A description of priorities for research, development, demonstration, and investments in biobased products.

(B) A current list of federal research programs and funding relating to biobased products.

(C) Proposals for using the existing authority of state government to encourage the adoption and use of biobased products.

(D) Any recommendations for legislation to modify existing authority or create new authority for state government to encourage the adoption and use of biobased products.

(q) The department shall provide staff and administrative support to the commission.

(r) The department shall pay the commission's expenses from appropriations made for the department's operations.

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(s) This SECTION expires July 1, 2008.

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Speaker of the House of Representatives

President of the Senate

President Pro Tempore

Governor of the State of Indiana

Date: _____ Time: _____

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1 AN ACT concerning procurement.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Illinois Procurement Code is amended by
5 adding Section 45-75 as follows:

6 (30 ILCS 500/45-75 new)

7 Sec. 45-75. Biobased products. When a State contract is to
8 be awarded to the lowest responsible bidder, an otherwise
9 qualified bidder who will fulfill the contract through the use
10 of biobased products may be given preference over other bidders
11 unable to do so, provided that the cost included in the bid of
12 biobased products is not more than 5% greater than the cost of
13 products that are not biobased.

14 For the purpose of this Section, a biobased product is
15 defined as in the federal Biobased Products Preferred
16 Procurement Program.

17 This Section does not apply to contracts for construction
18 projects awarded by the Capital Development Board or the
19 Department of Transportation.

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The State of Wisconsin

OFFICE OF THE GOVERNOR

EXECUTIVE ORDER # 101

Relating to the Development and Promotion of Biobased Industry

WHEREAS, current biobased product and bioenergy technology has the potential to make renewable farm and forest resources major sources of affordable electricity, fuel, chemicals, pharmaceuticals and other materials; and

WHEREAS, technical advances in these areas can create an expanding array of new business and employment opportunities for farmers, forest products companies and other businesses in Wisconsin; and

WHEREAS, these technologies can create new markets for farm and forest bi-products and residuals, new economic opportunities for underused land and new value-added business opportunities; and

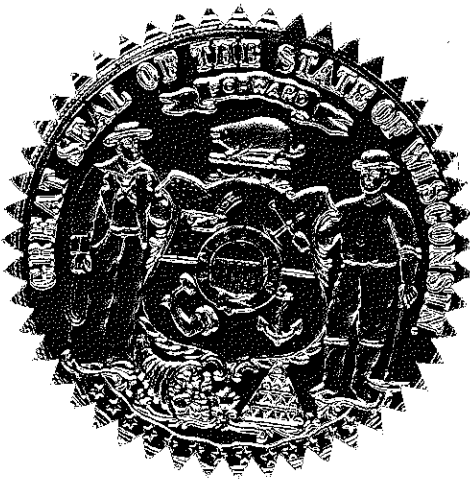
WHEREAS, they also have the potential to reduce Wisconsin's dependence on foreign oil, improve air quality, water quality and flood control, decrease erosion and help minimize net production of greenhouse gases; and

WHEREAS, it is the policy of this Administration, to develop a comprehensive state strategy, including research, development and private sector incentives, to stimulate the creation and early adoption of technologies needed to make biobased products and bioenergy cost-competitive in large national and international markets;

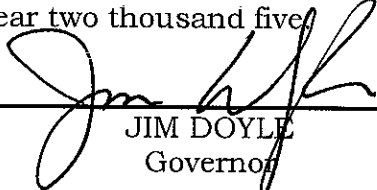
NOW, THEREFORE, I, JIM, DOYLE, Governor of the State of Wisconsin by the authority vested in me by the Constitution and the Laws of this State, and specifically by Wis. Stat. § 14.019, do hereby:

1. Establish the Consortium on Biobased Industry (the "Consortium"); and
2. Direct the Secretaries of Agriculture, Trade and Consumer Protection, Natural Resources and the Administrator of the Department of Administration Division of Energy to consult with the Governor regarding potential members of the Consortium; and
3. Provide that the Consortium will include up to 20 members of stakeholders including representatives from the farm, forestry, chemical manufacturing and other businesses, energy companies, electric utilities, environmental organizations, the university research community and other critical sectors; and
4. Provide that members of the Consortium may serve on the Consortium through designees; and
5. Provide that the Consortium shall have the following mission:
 - a. Recommend short-term and long-term policy and commercialization strategies for the Governor outlining overall state goals and actions that promote the development and use of biobased products and bioenergy in an environmentally sound manner; and

- b. Propose how these goals can best be achieved through federal and state programs, integrated planning and regional cooperation; and
 - c. Identify mechanisms that would encourage and support private sector initiatives in biobased product development; and
 - d. Advise on policies at the state and federal level that would support development of biobased products and energy and new and expanding markets to support them; and
6. Provide that these recommendations shall:
- a. Cover biobased products, including commercial and industrial chemicals, pharmaceuticals, products with large carbon sequestering capacity and other materials; and
 - b. Cover biomass used in the production of energy (electricity, liquid, solid and gaseous fuels and heat); and
 - c. Include a description of priorities for research, development, demonstration and other investments in biobased products and bioenergy; and
 - d. Include a list of current federal research programs and funding to target; and
 - e. Include proposals for using existing agency authorities to encourage the adoption and use of biobased products and bioenergy and recommended legislation for modifying these authorities or creating new authorities if needed; and
7. Require the Consortium to submit a final report on its findings and recommendations to the Governor and that the Consortium shall dissolve when its final report is accepted by the Governor.




IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Wisconsin to be affixed. Done at the Capitol in the City of Madison this twenty-seventh day of May in the year two thousand five



JIM DOYLE
Governor

By the Governor:



DOUGLAS LA FOLLETTE
Secretary of State