

Stricken language would be deleted from and underlined language would be added to present law.  
Act 617 of the Regular Session

State of Arkansas  
91st General Assembly  
Regular Session, 2017

As Engrossed: H3/9/17  
**A Bill**

HOUSE BILL 1839

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

By: Senator D. Sanders

### For An Act To Be Entitled

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

### Subtitle

TO CREATE THE LOCAL FOOD, FARMS, AND JOBS  
ACT.

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

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

Subchapter 38 – Local Food, Farms, and Jobs Act

15-4-3801. Title.

This subchapter shall be known and may be cited as the "Local Food, Farms, and Jobs Act".

15-4-3802. Legislative intent.

The General Assembly intends for this subchapter to:

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

(2) Support and encourage the procurement of local farm or food products as a significant portion of all food products purchased by the state.



15-4-3803. Definitions.

As used in this subchapter:

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

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

(ii) Receives at least twenty-five thousand dollars

(\$25,000) a year from the state for the purchase of food products.

(B) "Agency" includes without limitation a:

(i) Institution of higher education;

(ii) Child care facility;

(iii) State park;

(iv) After-school program;

(v) Hospital;

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

(vii) Contractor operating an on-campus cafeteria

for any of the entities stated in subdivision (1)(B)(i)-(vi) of this section;

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

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

15-4-3804. Procurement goal – Preference.

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

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

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

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

(2) A responsible and responsive bidder that is a provider of local farm or food products submits a bid that does not exceed the lowest bid

by more than ten percent (10%); and

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

(c) Each agency shall:

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

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

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

15-4-3805. Reporting requirements.

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

(1) The name of the agency;

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

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

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

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

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

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

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

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

15-4-3806. Promotion.

(a) The Arkansas Agriculture Department may use its internet resources

to:

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

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

(3) Facilitate compliance with this subchapter.

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

(2) The program coordinator shall:

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

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

(ii) Working with distribution representatives; and

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

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

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

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

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

15-4-3807. Relationship to federal law.

(a) If this subchapter conflicts with federal law pertaining to a federal aid program, the conflicting provision or provisions of this

subchapter do not apply to a contract that is subject to that federal law, rule, or regulation to the extent of the conflict.

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

15-4-3808. Rules.

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

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

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

*/s/Beck*

**APPROVED: 03/24/2017**