

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas  
94th General Assembly  
Regular Session, 2023

As Engrossed: S3/27/23  
**A Bill**

SENATE BILL 407

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

### **For An Act To Be Entitled**

AN ACT REGARDING BIOENERGY AND CARBON CAPTURE TECHNOLOGY; TO REQUIRE ENERGY PRODUCED FROM CERTAIN SOURCES BE CONSIDERED CARBON NEUTRAL; TO REQUIRE ENERGY PRODUCED FROM CERTAIN SOURCES IN CONJUNCTION WITH CARBON CAPTURE TECHNOLOGIES BE CONSIDERED CARBON NEGATIVE; AND FOR OTHER PURPOSES.

### **Subtitle**

TO REQUIRE ENERGY PRODUCED FROM CERTAIN SOURCES BE CONSIDERED CARBON NEUTRAL; AND TO REQUIRE ENERGY PRODUCED FROM CERTAIN SOURCES IN CONJUNCTION WITH CARBON CAPTURE TECHNOLOGIES BE CONSIDERED CARBON NEGATIVE.

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

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

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

(a) As used in this section:

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



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

(i) Pulping liquors;

(ii) Pulping byproducts;

(iii) Woody manufacturing residuals;

(iv) Paper recycling residuals;

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

(vi) Anaerobic digester biogas;

(B) Harvest residues, including without limitation trees or portions of harvested trees;

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

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

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

(F) Biowaste, including without limitation landfill gas;

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

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

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

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

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

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

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

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

renewable and carbon neutral.

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

*/s/M. McKee*