

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

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1494

By: Representative Hawk

By: Senator Hill

For An Act To Be Entitled

AN ACT TO CREATE THE ARKANSAS GUIDANCE OUT OF THE DARKNESS ACT; TO REQUIRE STATE AGENCIES TO PUBLISH FEDERAL GUIDANCE DOCUMENTS ONLINE; AND FOR OTHER PURPOSES.

Subtitle

TO CREATE THE ARKANSAS GUIDANCE OUT OF THE DARKNESS ACT; AND TO REQUIRE STATE AGENCIES TO PUBLISH FEDERAL GUIDANCE DOCUMENTS ONLINE.

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

SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an additional subchapter to read as follows:

Subchapter 13 – Arkansas Guidance Out of the Darkness Act

25-1-1301. Title.

This subchapter shall be known and cited as the "Arkansas Guidance Out of the Darkness Act" or "Ark-GOOD Act".

25-1-1302. Legislative findings and intent.

(a) The General Assembly finds that:

(1) Transparency in government is essential to ensuring accountability and maintaining public trust;

(2) Despite lacking the force of law, guidance from the United States Government often:



(A) Influences state agency decision-making and regulatory enforcement; and

(B) Provides insight into the interpretation of the law by federal agencies; and

(3) The public has a right to know what federal guidance documents are received by state agencies and how those documents might impact state policies and procedures.

(b) It is the intent of the General Assembly to require state agencies to:

(A) Publish all federal guidance documents received by the state agency from the United States Government; and

(B) Organize the federal guidance documents in an online format to promote transparency and accountability.

25-1-1303. Definitions.

As used in this subchapter:

(1) "Federal agency" means the same as "agency" as defined under 5 U.S.C. § 551 as it existed on January 1, 2025;

(2)(A) "Federal guidance document" means a statement issued by a federal agency that:

(i) Sets forth a policy on a statutory, regulatory, or technical issue; or

(ii) Provides an interpretation of a federal statute or regulation.

(B) A federal guidance document may include without limitation a written or electronic directive, memorandum, notice, bulletin, letter, or policy statement.

(C) "Federal guidance document" does not include a rule promulgated under 5 U.S.C. § 553 as it existed on January 1, 2025;

(3) "Publicly accessible website" means a website maintained by a state agency that is available to the public with no login, subscription, or payment requirement; and

(4) "State agency" means every agency, authority, board, bureau, commission, council, department, division, and officer of this state, including without limitation a state-supported institution of higher education.

25-1-1304. Publication of a federal guidance document.

(a) A state agency shall create a webpage on its publicly accessible website to publish a federal guidance document received by the state agency that:

(1) Seeks to influence the state agency's:

(A) Interpretation, enforcement, or implementation of state laws, rules, or policies; or

(B) Administration of federal funds; or

(2) Provides recommendations or instructions to the state agency on compliance with federal laws or regulations.

(b) A state agency that publishes a webpage under subsection (a) of this section to display a federal guidance document shall provide:

(1) The full text or an electronic copy of the federal guidance document;

(2) The date that the federal guidance document was received by the state agency; and

(3) A brief content summary of the federal guidance document and its potential impact on the operations or policies of the state agency.

25-1-1305. Timeliness of Publication.

(a) A state agency shall publish a federal guidance document required under § 25-1-1304 within thirty (30) days of receipt.

(b) A state agency that receives a federal guidance document that is marked as confidential or restricted by the issuing federal agency shall:

(1) Publish a notice on its website indicating the existence of the confidential or restricted federal guidance document; and

(2) Submit a written inquiry to the issuing federal agency asking what, if any, portions of the document may be disclosed.

25-1-1306. Exemptions.

(a) Notwithstanding the provisions of § 25-1-1305, this subchapter does not require the publication of:

(1) A federal guidance document that has been properly classified under an executive order from the President of the United States;

(2) A federal guidance document that has been exempted from

public disclosure by a federal statute;

(3) Personally identifiable information;

(4) Sensitive security information; and

(5) Internal state agency communication pertaining to a federal guidance document.

(b) Reasonably identifiable portions of a federal guidance document that do not contain exempt information under subsection (a) of this section shall be published.

25-1-1307. Enforcement and compliance.

(a) The director of a state agency shall oversee the agency's compliance with the provisions of this subchapter.

(b) The Auditor of State shall:

(1) Annually conduct a review of state agency compliance with this subchapter; and

(2) Prepare and submit a written report regarding compliance with this subchapter on or before July 1 of each year to the Legislative Council.

SECTION 2. DO NOT CODIFY. SEVERABILITY.

If any provision of this act or the application of this act to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end, the provisions of this act are declared severable.