

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1494

5 By: Representative Hawk
6 By: Senator Hill
7

For An Act To Be Entitled

8
9 AN ACT TO CREATE THE ARKANSAS GUIDANCE OUT OF THE
10 DARKNESS ACT; TO REQUIRE STATE AGENCIES TO PUBLISH
11 FEDERAL GUIDANCE DOCUMENTS ONLINE; AND FOR OTHER
12 PURPOSES.
13

Subtitle

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16 TO CREATE THE ARKANSAS GUIDANCE OUT OF
17 THE DARKNESS ACT; AND TO REQUIRE STATE
18 AGENCIES TO PUBLISH FEDERAL GUIDANCE
19 DOCUMENTS ONLINE.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an
24 additional subchapter to read as follows:

25 Subchapter 13 – Arkansas Guidance Out of the Darkness Act
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27 25-1-1301. Title.

28 This subchapter shall be known and cited as the "Arkansas Guidance Out
29 of the Darkness Act" or "Ark-GOOD Act".
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31 25-1-1302. Legislative findings and intent.

32 (a) The General Assembly finds that:

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

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



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

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

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

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

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

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

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 15 25-1-1303. Definitions.

16 As used in this subchapter:

17 (1) "Federal agency" means the same as "agency" as defined under
 18 5 U.S.C. § 551 as it existed on January 1, 2025;

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

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

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

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

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

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

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

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2 25-1-1304. Publication of a federal guidance document.

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

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

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

9 (B) Administration of federal funds; or

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

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

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

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

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

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21 25-1-1305. Timeliness of Publication.

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

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

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

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

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31 25-1-1306. Exemptions.

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

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

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

1 public disclosure by a federal statute;

2 (3) Personally identifiable information;

3 (4) Sensitive security information; and

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

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

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 10 25-1-1307. Enforcement and compliance.

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

13 (b) The Auditor of State shall:

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

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

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 20 SECTION 2. DO NOT CODIFY. SEVERABILITY.

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

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