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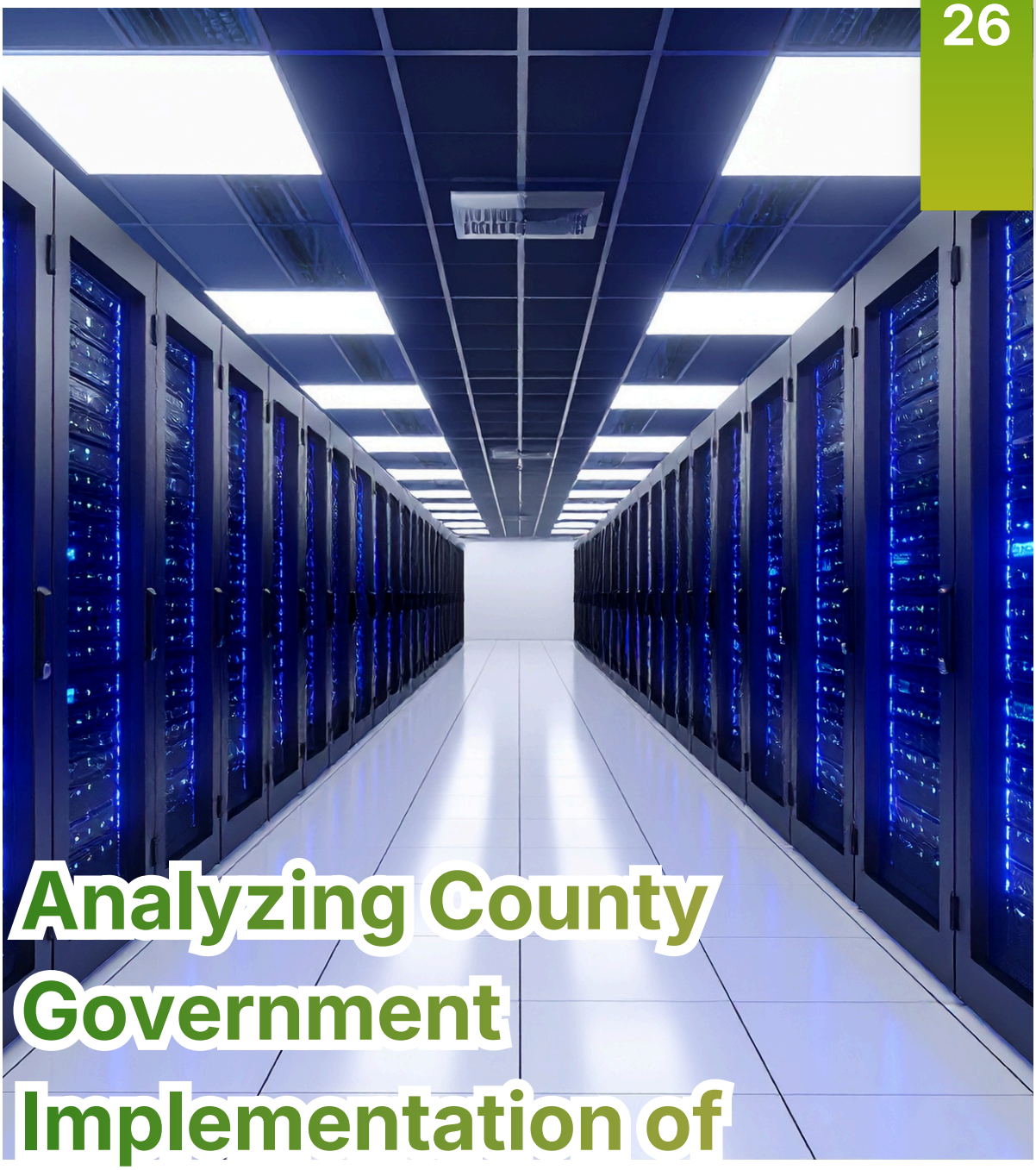

Analyzing County Government Implementation of Act 848 of 2025

White Paper: Arkansas County Government Implementation of AI Law

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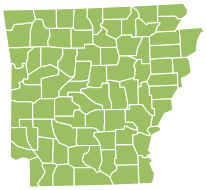

An Analysis of County Government Implementation of Arkansas Act 848 of 2025

Introduction

As artificial intelligence (AI) becomes increasingly embedded in government decision-making, states are being forced to define clear rules for how these technologies may be used. As AI develops, it is critical for state and local policy makers to react. Subsequently, it is important to track the definitions and regulations passed. Multiple states have passed legislation defining and regulating how AI can be used in the private and public sectors. However, there exists a wide range of what each state and legislature addresses (Parinandi et al., 2024). In April 2025, the Arkansas General Assembly passed Act 848, the state's first attempt at AI regulation.

This white paper analyzes how county governments in Arkansas are implementing Act 848, which became law in August 2025. An analysis of how Arkansas counties are responding to a policy on an emerging issue is required to assess preparedness and capacity at the local level. To fulfill this, we selected a sample of 20 counties and analyzed their quorum court meeting minutes and agendas, ordinances, and contacted their county attorneys if applicable. Additionally, we contacted the Arkansas Association of Counties to understand what recommendations they had shared with counties about Act 848.

Based on this research, very little implementation has been done at the county level, and the singular county that passed a policy did so using the template provided by the Association of Arkansas Counties.

Act 848 of 2025

Act 848 of 2025 amends existing Arkansas law related to the use of technology resources and cybersecurity by public entities. The additions to Arkansas Code § 25-1-128 made through Act 848 require Arkansas public entities to adopt formal policies governing the authorized use of artificial intelligence and automated decision tools. The existing code uses a broad definition of public entity to include most taxpayer funded governmental bodies in Arkansas. The definition of public entities includes state agencies, political subdivisions such as counties and municipalities, public school districts and charter schools, institutions of higher education, and offices of constitutional officers. Act 848 requires a written policy to specify authorized uses of artificial intelligence and automated decision tools, establish application guidelines, and integrate these standards into existing technology governance frameworks.

An important aspect of this legislation is how it defines artificial intelligence and automated decision tools. Act 848 defines artificial intelligence as "a machine-based system that, based on human-defined objectives, is capable of making predictions, recommendations, or decisions that influence a real or virtual environment." This definition appears intentionally broad. Automated decision tools, however, are given a stricter definition. The legislation describes automated decision tools as "a system or service that uses artificial intelligence and has been specifically developed or modified to serve as a controlling factor in making consequential decisions."

A central feature of this legislation is the requirement for human oversight in the usage of AI. The exact language in the law states that it "requires an authorized human employee or designee to make any final decision in the course of his or her employment, regardless of what artificial intelligence or automated decision tool the employee or designee recommends."

An interesting factor for local implementation is the requirement that public entities must train their employees on AI and automated decision-making tools during their employment. This creates another hurdle for county governments in a small, rural, and poor state. During research, it was uncovered that several counties do not operate websites in general. This finding highlights disparities in technological capacity and digital infrastructure that could make the implementation of this section difficult.

Additionally, it is interesting to note the support this bill received in the legislature. While it only had one cosponsor, it passed the Arkansas Senate unanimously and passed the house with 93% in favor with zero votes against. While AI regulation in other states has proven divisive, Arkansas did not follow this trend (Parinandi et al., 2024). Future research may be useful to understand this phenomenon.

County Implementation

Twenty of Arkansas' 75 counties were chosen at random, ensuring a wide range of geography and demographics were included in the study. Table 1 shows the selected counties, whether they implemented an AI policy as of April 2026, if they have a website, and the percentage of the county's population with access to 250/25 MBPS broadband as of June 2023 as reported in the 2025 Rural Profile of Arkansas (Seo & Goodman, 2025).

Of the 20 counties reviewed, only one had implemented an AI policy required by Act 858. Benton County is a wealthy, highly educated, and fast-growing county in northwest Arkansas. The county is home to Walmart and J.B. Hunt, both of which are known for being technologically driven companies. We suspect these factors play a part in why they had the capacity to implement the policy sooner than others. The enacted policy, a copy of the template ordinance sent by the Association of Arkansas Counties, was part of a larger update to the county's personnel policy approved in December 20205 (No. O-2025-56).

We also contacted county attorneys representing counties that have not yet implemented a policy. For most, we did not get a response back. However, one attorney stated that their county had been focused on other issues and has not addressed this. They stated they would implement the Association of Arkansas Counties' recommended ordinance in the near future.

Act 848 defines artificial intelligence as "a machine-based system that, based on human-defined objectives, is capable of making predictions, recommendations, or decisions that influence a real or virtual environment."

Table 1. County Implementation of Act 858

County	Implemented AI Policy?	Public Website	Population with Broadband Access
Arkansas	No	No	15.00%
Baxter	No	Yes	97.60%
Benton	Yes	Yes	78.30%
Boone	No	Yes	59.70%
Clark	No	Yes	89.30%
Craighead	No	Yes	91.60%
Drew	No	Yes	3.50%
Faulkner	No	Yes	77.60%
Garland	No	Yes	86.20%
Greene	No	Yes	99.50%
Johnson	No	Yes	83.70%
Little River	No	Yes	52.50%
Miller	No	Yes	97.60%
Mississippi	No	Yes	91.80%
Polk	No	No	39%
Pope	No	Yes	70.10%
Pulaski	No	Yes	94.80%
Sebastian	No	Yes	92.60%
Washington	No	Yes	96.60%
Yell	No	Yes	66.30%

Impacts and Recommendations

Overall, a lack of implementation means that statutory guidance on artificial intelligence has not yet been translated into consistent county level practice. In the absence of formal policies, AI and automated decision tools may be adopted informally, reducing consistency. A lack of implementation and consistency could also bring legal liability to Arkansas counties. If counties are not implementing, and therefore not complying with statutory requirements, they may be vulnerable to legal challenges arising from administrative decisions influenced by artificial intelligence or automated decision tools. This could cause financial costs to county governments.

We posit that the lack of implementation is due to recency of implementation and/or counties lack the capacity. Act 848 passed approximately one year prior to this research being conducted. A possible explanation for recency is a lack of communication about this Act and its provisions. The studied county which implemented the policy did so within the last six months. This also follows closely to when the Association of Arkansas Counties began distributing their template ordinance. However, even if counties are aware of Act 858, they may not have the capacity to implement this law. A county attorney we communicated with stated that they were aware of the requirement, but they had other issues they viewed as more pressing which led them not to implement the policy yet. Additionally, counties with limited technological capacity may choose not to implement the legislation due to gaps in technical understanding or insufficient resources to enforce its requirements, subsequently resulting in non-implementation.

These theories bring up important points for future research to cover, including the influence of local government associations on emerging issues. Local government associations in other states have also begun distributing tool kits and recommendations for their members, such as Michigan's Municipal League. We recommend that future studies investigate how local government associations drive implementation of artificial intelligence policy, and how they address governments that lack implementation capacity.

The most important recommendation we pose is that this analysis be conducted again in the future. If either theory is correct, more time might allow a higher number of counties to implement. This would allow larger scale trends to be seen, and more holistic data obtained.

With the fast pace of artificial intelligence growth, periodic reassessment of local government policy implementation can evaluate whether existing governance frameworks remain adequate and responsive. This applies not just to the technology itself, but to the changing policy landscape with national policy makers getting involved as of recent with The White House releasing a national framework prioritizing national AI policy over state and local (The White House, 2026).

Finally, this paper recommends that counties consider establishing citizen-led advisory boards to support the implementation of artificial intelligence governance at the local level. Such boards could provide a structured mechanism for public input while assisting county governments in navigating the technical and administrative challenges associated with AI policy implementation. This initiative has the potential to increase both implementation rates and civic engagement. Additionally, these boards may help counties with limited technological capacity to leverage the skills and expertise present within their local populations, reducing implementation barriers in rural Arkansas.

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Additional Resources

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