



Sarah Huckabee Sanders

Governor

Shea Lewis

Secretary

## 2023 Arkansas State Parks Alcoholic Beverage Permit Rule Public Comment Summary

14 against  
1 general  
15 total

### **AGAINST:**

Lonnie Siler, Hindsville, AR; Myrna Siler, Hindsville, AR; Elsie White, Hindsville, AR; Floyd Nelson, Hindsville, AR; Rita Nelson, Hindsville, AR; Melissa Nelson, Hindsville, AR; Emily Kritz, Hindsville, AR; Alison Frazier, Elkins, AR; Joyce Eubanks, Huntsville, AR; Morris Lawson, Farmington, AR; Henry Hawley, Huntsville, AR; Luther Cline, Elkins, AR:

**Summary:** Act 655 is unconstitutional with respect to overriding local option elections. Act 655 is a departure from and a liability to Arkansas's natural beauty and recreational resources. Act 655 allows State Parks to operate without rules for control of alcohol.

**Agency Response:** These comments are appreciated. Act 655 is presumed constitutional, and these proposed rules provide for implementation of the state parks permitting process. While the Act creates an exception to Alcoholic Beverage Control permitting, it still requires the agency follow all other applicable laws for distribution and sale of alcohol that do not conflict with the Act. This is referenced in Section V of the proposed rules. These comments are primarily aimed at the Act, not the language of the proposed rules. The agency did not make changes based on these comments.

### **Connie Burks, Huntsville, AR:**

**Summary:** This comment is appreciated. This comment expresses dissatisfaction with the passage of Act 655 and the ability of State Parks to serve alcohol in a dry areas. It asserts the Act is unconstitutional, and requests the agency and commission seek repeal of Act 655 and refuse to promulgate rules for this reason. The comment is primarily directed at the potential for an alcohol permit at Ozark Folk Center in Mt. View, asserting that there could be liability concerns, and that potential harm from alcohol sales should outweigh any potential increased revenue and attention to the park. Further, it asserts that the Act and proposed rules use vague terms and that State Parks are exempted from Alcoholic Beverage Control Rules.

**Agency Response:** These comments are appreciated. Act 655 is presumed constitutional, and these proposed rules provide for implementation of the state parks permitting process. While the Act creates an exception to Alcoholic Beverage Control permitting, it still requires the agency follow all other applicable laws for distribution and sale of alcohol that do not conflict with the Act. This is referenced in Section V of the proposed rules. These comments are primarily aimed at the Act and the potential for a permit at Ozark Folk Center, not the language of the proposed rule. The agency did not make changes based on this comment.

**Donna Franks, Mt. View, AR:**

**Summary:** This comment is appreciated. This comment primarily expresses dissatisfaction with the passage of Act 655 and the ability of State Parks to serve alcohol in a dry areas. Further, it asserts that Act 655 is unconstitutional with respect to overriding local option elections.

**Agency Response:** These comments are appreciated. Act 655 is presumed constitutional, and these proposed rules provide for implementation of the state parks permitting process. These comments are primarily aimed at the Act, not the language of the proposed rules. The agency did not make changes based on this comment.

**GENERAL:**

**Eric Pendergrass, Burford Distributing, Inc., Fort Smith, AR:**

Suggested enhanced procurement models and specifying retail location within Parks.

**Agency Response:** This comment is appreciated. While these comments are very practical, the agency determined the procurement suggestions are more operational in nature and better addressed once permitting begins. Additionally, the agency may be able to address the location concerns by its ability to designate Secretary permits in Section III(A). The agency did not make changes based on this comment.