

STATE OF MISSISSIPPI

Office of the Governor



April 23, 2012

TO THE MISSISSIPPI SENATE:

GOVERNOR'S MESSAGE FOR SENATE BILL 2497

After full consideration, I am signing Senate Bill 2497, "AN ACT TO AMEND SECTION 67-1-14, MISSISSIPPI CODE OF 1972, TO PROVIDE THAT ANY MUNICIPALITY HAVING A POPULATION OF NOT LESS THAN 5,000 ACCORDING THE LATEST FEDERAL CENSUS AND WHICH IS LOCATED IN A COUNTY WHICH HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY LAW, OR ANY MUNICIPALITY THAT IS A COUNTY SEAT AND IS LOCATED IN A COUNTY WHICH HAS VOTED AGAINST COMING OUT FROM UNDER THE DRY LAW, MAY, AT AN ELECTION HELD FOR THAT PURPOSE, EITHER PROHIBIT OR PERMIT THE SALE, AND THE RECEIPT, STORAGE AND TRANSPORTATION FOR THE PURPOSE OF SALE, ALCOHOLIC BEVERAGES; TO AUTHORIZE MUNICIPALITIES THAT HAVE VOTED TO COME OUT FROM UNDER THE DRY LAWS AFTER THE EFFECTIVE DATE OF THIS ACT TO BY ORDINANCE PROVIDE THAT ALCOHOLIC BEVERAGES MAY BE SOLD IN SUCH MUNICIPALITY ONLY BY THE HOLDER OF AN ON-PREMISIS RETAILER'S PERMIT; AND FOR RELATED PURPOSES," and, though I have concerns about certain elements of the measure, assign the following reasons for approving this legislation.

The bill allows two classes of municipalities located in "dry" counties to vote to come out from under the dry laws: first, any city with a population of at least 5,000 according to the most recent census and, second, any county seat of a dry county, no matter how small its population. I have serious concerns that language including county seats of any size (that is to say far fewer than the 5000 person threshold) may cause significant law-enforcement challenges and administrative burdens on small local governments.

The President of the Senate and the Speaker of the House of Representatives have assured me that concerns regarding county seats that do not meet the 5000 person threshold will be addressed in the 2013 Legislative Session.

My chief reason for signing the bill is local autonomy. As often as is prudent, all decisions that impact citizens at a local level should be made at the local level through the self-determination of the People's right to vote. Though I take issue with certain points of this legislation, the right to self-government must be held in the highest regard, and local governments, at the behest of their citizens, must be granted authority to make their own policy.

Additionally, it is also my hope that this legislation will bring an end to the patchwork approach by many municipalities regarding the sale of alcohol and make more efficient the State's approach to governing alcohol regulations at the local level. Now that citizens have the local right to vote on this issue, this should end the disingenuous practice of seeking resort area status for the sole purpose of alcohol sales.

Respectfully submitted,

Phil Bryant
Governor