STATE OF MISSISSIPPI

Office of the Governor

April 12, 2013

TO THE MISSISSIPPI SENATE:

GOVERNOR'S VETO MESSAGE FOR SENATE BILL 2526

I am returning Senate Bill 2526, "AN ACT TO AMEND SECTION 67-1-9, MISSISSIPPI CODE OF 1972, TO AUTHORIZE THE TRANSPORT THROUGH AREAS THAT ARE DRY OF A CERTAIN AMOUNT OF ALCOHOLIC BEVERAGES THAT ARE LEGALLY PURCHASED IN THIS STATE IF SUCH ALCOHOLIC BEVERAGES ARE IN UNOPENED BOTTLES OR CONTAINERS; TO AMEND SECTIONS 67-3-7 AND 67-3-13, MISSISSIPPI CODE OF 1972, AS AMENDED BY SENATE BILL NO. 2183, 2013 REGULAR SESSION, TO AUTHORIZE THE TRANSPORT THROUGH AREAS THAT ARE DRY OF LEGALLY PURCHASED LIGHT WINE AND BEER IF SUCH LIGHT WINE OR BEER IS IN UNOPENED CONTAINERS; AND FOR RELATED PURPOSES", without my approval, and assign the following reasons for my veto.

Senate Bill 2526 would legalize the non-commercial transportation of alcoholic beverages through otherwise dry jurisdictions. I am vetoing the bill for two primary reasons. First, changes made to the bill in conference appear to create a conflict between two of the bill's provisions. In paragraph (a) of subsection (3) of section 1, the bill authorizes the transportation through a dry jurisdiction of "not more than" a carefully defined amount of alcohol, if it is in unopened containers and is "being transported to a location in which the possession of alcoholic beverages is legal." In other words, this provision establishes a clear maximum amount of alcohol that a person may transport through a dry jurisdiction. But then in paragraph (b) of the same subsection, the bill provides that "[i]f a person is found to be transporting alcoholic beverages in an amount greater than the amount provided for in this subsection, the burden of proof in any judicial or administrative proceeding shall be upon that person to prove that he or she was transporting the alcoholic beverages to a location in which the possession of alcoholic beverages is legal." Paragraph (b) is inconsistent with paragraph (a) because, even as amended by paragraph (a), the statute would still prohibit the transportation of "an amount greater than the amount provided for in this subsection" <u>regardless of the person's destination</u>. Therefore, there would be no reason for a person carrying such a quantity of alcohol to attempt to prove his or her destination "in any judicial or administrative proceeding"; put simply, <u>that fact would be legally irrelevant</u>. At the very least, the apparent conflict between these two provisions would lead to uncertainty and confusion regarding the law.

Second, the bill would undermine the efforts of state and local law enforcement to enforce the State's alcohol control laws. Currently, enforcement of the law prohibiting possession of alcohol in a dry jurisdiction is a relatively straightforward matter. However, if the law is amended to permit the carrying of alcohol through such jurisdictions, then officers will be required to question every person they encounter who is in possession of alcohol to determine whether the person is merely passing through on his or her way to a wet jurisdiction. Further, such a person could create an issue of fact, and probably require a full-blown trial, simply by claiming that he or she was on his way to a wet county. Consequently, the prohibitions applicable in dry counties would be much more difficult to enforce. This is not a burden that we should impose on our already overburdened state and local law enforcement agencies. For this and other reasons, multiple law enforcement agencies charged with enforcing the state's alcohol control laws have asked me to veto this bill.

For these reasons, I am vetoing Senate Bill 2526.

Respectfully submitted,

PHIL BRYANT
GOVERNOR