

STATE OF MISSISSIPPI

Office of the Governor



February 29, 2012

TO THE MEMBERS OF THE MISSISSIPPI HOUSE OF
REPRESENTATIVES AND THE MISSISSIPPI STATE SENATE

SIGNING STATEMENT OF HOUSE BILL 9

I am signing House Bill 9, "AN ACT TO AMEND CHAPTER 1019, LOCAL AND PRIVATE LAWS OF 1996, AS LAST AMENDED BY CHAPTER 937, LOCAL AND PRIVATE LAWS OF 2011, TO EXTEND THE REPEAL DATE FROM MARCH 1, 2012, TO JULY 1, 2014, ON THE PROVISIONS OF LAW THAT CREATE THE HANCOCK COUNTY TOURISM DEVELOPMENT BUREAU AND PRESCRIBES ITS POWERS AND DUTIES AND AUTHORIZES THE BOARD OF SUPERVISORS OF HANCOCK COUNTY, MISSISSIPPI, TO ENTER INTO CONTRACTS WITH NOT-FOR-PROFIT ORGANIZATIONS FOR CERTAIN PURPOSES; AND FOR RELATED PURPOSES," on February 29, 2012, after receiving it from the Legislature on February 28, 2012, because the law it amends will repeal on March 1, 2012, unless I extend the repeal date to July 1, 2014, as provided therein, by expeditiously approving it, assuring that Hancock County's tourism development efforts continue uninterrupted. If the tourism bureau and its funding sources are allowed to expire, tourism efforts in the county could suffer unless local general funds are used for that purpose, causing a burden on the taxpaying citizens of the county.

Adding repeal dates to legislation and then timely extending those dates on laws is common practice, but I find the law creating the bureau objectionable because when it was enacted in 1996, it did not require an election by the people of Hancock County to impose a tax on the gross proceeds of sales derived from room rentals by hotels, motels and similar establishments in the county. It appears that many members in the House had objections to this bill because it passed by only two votes more than required for final passage, even though no nay votes were cast in the Senate on final passage.

Similar laws have been "reauthorized" in previous sessions, but now is the time to address philosophical concerns and change this common practice. I realize that some of these laws that impose taxes on hotels, motels, restaurants and related businesses require an election, which I favor, and some provide for a petitioned election to ratify the tax.

I strongly propose that going forward any local and private law that authorizes taxes on hotels, motels, restaurants and related businesses without requiring an election thereon, and which comes before the Legislature for amendment in any manner whatsoever, shall include, or be amended to include, a provision that authorizes the holding of an election, where one was not previously held, to either continue or discontinue the tax, upon protest of the lesser of 20% or 1500 of the qualified electors of the applicable political subdivision or some other reasonable threshold as the legislature may determine. This will give the people a second chance to call for a referendum on the issue in cases where an election was not required or held on the issue.

Any new local and private bill imposing a tax for the purposes described above should include a provision requiring the affirmative vote of 60% of the electorate voting in the applicable political subdivision to ratify the tax. This is consistent with the 3/5 vote that is required in the Legislature to pass revenue bills.

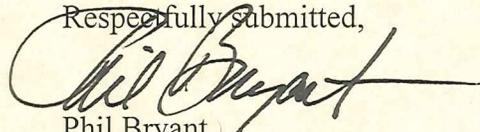
More generally, House Bill 882, jointly referred to Ways and Means and Local and Private Legislation this session, requires a referendum to "impose, increase or extend" any local tax by

local and private bill. That bill appears to have merit, and I suggest that it be given serious consideration.

It is my firm belief that people in our counties and cities should be given the right to decide whether to raise these taxes in their communities.

Again, emphasizing that House Bill 9 was received by me on February 28, 2012, and having a repealer effective March 1, 2012, if not amended by enactment, I am signing the bill while urging that my criteria for similar legislation be met in the future, as well as a new bill this session amending this House Bill 9 consistent with my signing statement.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Phil Bryant", with a long horizontal flourish extending to the right.

Phil Bryant
Governor