

April 18, 2017

TO THE MISSISSIPPI STATE SENATE:

GOVERNOR'S PARTIAL VETO MESSAGE FOR SENATE BILL 2956

I am returning Senate Bill 2956, "AN ACT MAKING AN APPROPRIATION TO THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING FOR THE SUPPORT AND MAINTENANCE OF FINANCIAL AID SCHOLARSHIP, LOAN AND GRANT PROGRAMS AND THE MISSISSIPPI OFFICE OF STUDENT FINANCIAL AID, FOR FISCAL YEAR 2018," partly approved and partly not approved pursuant to the authority of Article IV, Section 73 of the Mississippi Constitution and assign the following reasons for partial veto of this bill:

After full consideration, I am vetoing Section 15 of Senate Bill 2956.

Section 15 states that "in the event that funds are insufficient to fully fund all undergraduate grants according to expressed legislative intent, the undergraduate grants of students attending private universities only shall be prorated." My veto is based on legal and policy grounds.

First, Section 15 of Senate Bill 2956 violates Article IV, Section 69 of the Constitution, which provides in part: "Legislation shall not be engrafted on the appropriation bills...." The provision is unconstitutional in that, by attempting to exempt public university students from financial aid reductions, it purports to engraft substantive legislation onto an appropriations bill.

Miss. Code Ann. Section 37-106-14 states that "[i]f funds are insufficient to fully fund grant awards to eligible students, grant awards shall be prorated among *all* eligible students. (emphasis added). Section 15 carves out an exception to the general law by providing that grant awards would be prorated among *some* eligible students. An appropriation bill cannot repeal or amend general law.

Second, Section 15 establishes separate rules for private university students. While students at private universities would still be subject to reductions in financial aid if funds were not available, the bill would protect students at public universities from any pro rata reductions. There is no compelling reason to protect grant awards of certain university students while refusing such benefits to other university students, when all have met the criteria of the law for the financial aid.

For these reasons, I am vetoing Section 15 of Senate Bill 2956 pursuant to the authority of Article IV, Section 73 of the Mississippi Constitution, which provides: "The governor may veto parts of any appropriation bill, and approve parts of the same, and the portions approved shall be law."

Respectfully submitted,

PHIL BRYANT
GOVERNOR