

official executive action by the Governor taken pursuant to Article IV, Section 15 because that is the only authorization for returning a bill to this Legislature with his objections without his signature. Now I don't care what arguments people may have as to what the Constitution means when it says a majority of elected people have to do this or that or the other, I am talking about what the Governor did and I was talking to some of the lawyers earlier to try to make clear my point. If people enter into a contract they can characterize it any way they want to but what the law will look at is the facts that are actually involved in that contractual relationship and the law will impose the proper name or description on it. The Constitution tells us what has happened when a Governor returns a bill without his signature which is what this man has done. The reason I must do this is that I don't want to see form elevated over substance. We know the Governor is afraid to handle this bill. He is shilly-shallying. He is playing wimpy again but I, as a member of the Legislature, cannot let it go by. So I think the motion that I am making is in order but whether you vote it up or down doesn't make me any difference because the record that I would want to compile is complete. I have vindicated my responsibility as a member of this Legislature and one other thing I will say. The Legislature, by taking any action it wants to and characterizing it a certain way cannot impose a duty on anybody else other than what the Constitution imposes on that person. And as far as the form of this letter, that is not what determines whether a veto has occurred. It doesn't matter whether it says, Dear Clerk of the Legislature, Dear Clerk, Mr. President, Mr. Speaker, and names each one of us by name. That is not the significant thing. The important thing is that the bill was returned to the authorized agent of the Legislature who receives such communications. It stated the objections of the Governor, did not carry his signature so, as a matter of fact and law, he has vetoed that bill and I think the Chair ought to be overruled for declaring that the motion to override was out of order. Thank you.

PRESIDENT: The Chair recognizes Senator Hoagland.

SENATOR HOAGLAND: Mr. President and colleagues, I rise to present argument to support the ruling of the Chair in this particular case. You know, the Governor has created a very interesting and sticky legal question I think in returning this bill in the fashion that he has. If you read the letter carefully, which I have done several times the last few hours, I think it is clear that what he is doing is rendering a legal opinion to us just like the Attorney General renders legal opinions and just like a lot of other people render a legal opinion, either in writing or orally, and his letter is really