

discussed cannot be applied to this situation. We are not even in a position to reconsider. But the first comment that I made is that after a bill has been passed pursuant to law and delivered to the Governor, the legislative function is completed. There is nothing more for the Legislature to do on that bill. Two, the Governor's powers and duties relative to the handling of a bill are set by the Constitution at Article IV, Section 15. Number three, no rule of the Legislature can supplant or alter the Constitution or take priority over it. Number four, the Constitution lists specifically only three courses of action open to the Governor respecting a lawfully passed bill; one, he can sign it into law; two, he can veto it, and that is done by returning it without his signature and with his objections; three, he may hold it five days with the exception of Sunday, in which case if he does not sign it or veto it, it becomes law without his signature. The fifth proposition, completion of the legislative function lawfully passing a bill and delivery of the bill to the Governor causes the bill to become the "property" of the executive branch. Number six, when the conditions contained in number five above are met, the provisions of the Constitution are triggered and no legislative act can nullify constitutional requirements. Number seven, the Nebraska Supreme Court in *Center Bank against the Department of Banking*, 210 Nebraska 227, 1981 ruled that "The Nebraska Constitution does not give the Governor the power to return a bill to the Legislature as a 'clerical function'". That is found on page 232 of that case. Number eight, any bill returned by the Governor, therefore, must fit into one of the three categories established by the Constitution at Article IV, Section 15. There are no ifs, ands, and buts about it. The Constitution gives three possibilities of action for the Governor. The State Supreme Court has clarified that by saying there is no such thing as a "clerical function" for the Legislature in returning the bill. In order to deal further with a bill that has been lawfully passed by the Legislature, the only legislative alternative open is to use another bill to amend that other one, because if the Governor sends it back here without his signature, even if he says it is because the Legislature asked for it, he is stating an objection or a reason as to why he sent it back without his signature and without signing it. So if the bill comes back even at the request of the Legislature, I think the bill will have been vetoed.

SENATOR CLARK: Now for your edification what I ruled was that the Governor is not sending the bill back. I am ruling on a section of our rules stating that we are asking to have it back for clerical functions, not the Governor. Senator Wesely.