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JUL 19 2007

OPINION COMMITTEE

WILL HARTNETT

July 19, 2007

FILE # ML-45274-07

I.D. # 45274

The Honorable Greg Abbott
Attorney General of Texas
209 W. 14th Street
Austin, Texas 78701

RQ-0605-GA

Re: Pending Opinion Request RQ-0589-GA; and
Request for Additional Opinion on Related Questions

Dear General Abbott:

In the June 18 opinion request referenced above, Representatives Jim Keffer and Byron Cook present significant questions regarding the offices of speaker and president pro tempore of the senate, but omit the office of president of the senate from the scope of their questions. Because of the significance of the Representatives' questions with regard to the orderly operation of our entire bicameral legislature, I request that you also answer the following additional, related questions regarding the office of president of the senate.¹

(1) Do the Texas Constitution and/or the rules of the senate give the members of the senate the power to remove the president of the senate by a majority vote, and at any time? Or is the president of the senate only subject to removal pursuant to Section 2, Article XV?

(2) Do the Texas Constitution and/or the rules of the senate give the president of the senate the power to refuse to recognize a motion by a member of the senate to vacate the chair?

¹ It is my opinion that all of the questions presented in Opinion Request RQ-0589-GA and in this letter are political questions reserved exclusively to the legislature by the separation of powers clause in Section 1, Article II. In case you do not agree, I submit this letter to obtain a complete picture regarding the standing of the presiding officers of both houses of the legislature vis-à-vis their respective members, and to avoid a future patchwork of rulings.



The Honorable Greg Abbott
July 19, 2007
Page 2

I request your opinion pursuant to Government Code §402.042 in my capacity as chairman of the House Committee on Judiciary. Because the questions that I present are very similar to questions presented in Opinion Request RQ-0589-GA, I ask that you respond to my questions and Opinion Request RQ-0589 at the same time.

Thank you for your consideration of these questions and of my request for prompt action by your office. Please contact me if you have any questions or need further information.

Sincerely,

A handwritten signature in black ink that reads "Will Hartnett". The signature is written in a cursive style with a long horizontal stroke at the end.

Will Hartnett
Chairman, Committee on Judiciary
Texas House of Representatives

WH/ab