

The State of Texas
House of Representatives



TERRY KEEL
HOUSE PARLIAMENTARIAN

August 10, 2007

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

Re: RQ-0589-GA – Geren Letter Dated August 9, 2007

Dear General Abbott:

The above letter stated:

"One must remember that the election of a House Speaker occurs before the adoption of the House rules. To amend the rules requires a speaker to recognize a member to offer an amendment or a resolution. . . . The Speaker would never be required to recognize anyone for a motion regarding anything that he or she didn't already support. The will of the House, including changes to the House Rules, would forever be subjugated to the wishes of one individual." Geren, August 9, 2007 letter, page 2 (emphasis in original).

That statement is incorrect as it applies to the Speaker of the House.

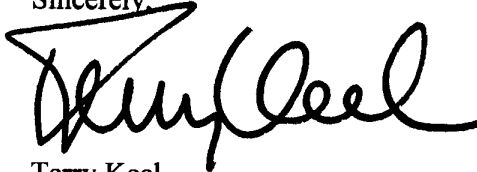
The debate and adoption of the permanent rules of the House occur under the aegis of temporary rules, adopted while the Secretary of State presides over the House. ("The House of Representatives shall, when it first assembles, organize temporarily. . . .") [Tex. Const. Art. III, Sec. 9(b)]. ("The secretary of state shall attend the convening of each regular legislative session and shall preside.") (Tex. Govt. Code Sec. 302.003). A newly-elected speaker operates under those temporary rules until permanent rules are adopted.



The members could decide in adopting the temporary rules to include a rule mandating recognition of any proposals to change the permanent rules. This temporary rule would be determined by the members of the House while the Secretary of State holds the gavel.

Because permanent rules do not exist until they are adopted, temporary rules are in effect during the entire debate and during all votes leading up to the adoption of the permanent rules of the House. The conclusion expressed in the Geren letter, above, is therefore in error.

Sincerely,

A handwritten signature in black ink, appearing to read "Terry Keel". The signature is fluid and cursive, with a large, stylized "T" and "K".

Terry Keel

Cc: Opinion Committee, Office of the Attorney General