



HOUSE OF REPRESENTATIVES

IN THE NAME AND BY THE AUTHORITY OF THE
HOUSE OF REPRESENTATIVES, STATE OF TEXAS

TO: The Sergeant-At-Arms of the Texas House of Representatives and to any Peace Officer of the State
of Texas:

GREETINGS:

Pursuant to Art. 3, Sec. 10, Texas Constitution and in accordance with the Rule 2, Section 4(6) and Rule 5,
Section 8, Rules of the Texas House of Representatives, by order of the majority of the members of the
Texas House of Representatives present:

You are hereby directed to send for and arrest The Honorable Juan Escobar, Member of the Texas House of
Representatives, wherever he may be found, and to return that person to the Hall of the Texas House of
Representatives and there secure and retain that person.

Herein fail not. So ordered this 12th day of May, 2003.



Tom Craddick
Speaker, Texas House of Representatives

Attested by:



Robert Haney
Chief Clerk, Texas House of Representatives



TEXAS HOUSE OF REPRESENTATIVES
OFFICE OF THE SERGEANT-AT-ARMS

Rod Welsh
Sergeant-at-Arms

May 12, 2003

Colonel Tommy Davis
Director, Texas Department of Public Safety
PO Box 4087
Austin, Texas 78733-0001

Dear Colonel Davis:

The House of Representatives was scheduled to convene at 10:00 a.m. this morning, May 12, 2003. At that time, a quorum of the members was not present. The Constitution of the State of Texas requires that two-thirds of each House constitutes a quorum to do business, but a smaller number of members may compel the attendance of absent members in such a manner and under such penalties as each House may provide. TEX. CONST. art. III, § 10.

Pursuant to the Constitution of the State of Texas, the Rules of the Texas House of Representatives, and the laws of this state, I ask that you secure, by any available means and including extradition if an absentee or absentees are outside the State of Texas, the attendance of those absent members and return them to the House so that a quorum may be obtained for the purpose of conducting business in this 78th Regular Session of the Texas Legislature.

After a verification vote but before the roll call on verification begins, a Motion For Call Of The House is in order, per House Rule 5, Section 57. TEX. H.R. RULE 5, § 57, Tex. H.R. 5, 78th Leg., R.S., 2003. In accordance with this rule, Representative Mike Krusee was recognized on a Motion For Call Of The House To Secure A Quorum, per House Rule 5, sections 7 and 8, copies of which are attached for your reference. TEX. H.R. RULE 5, §§ 7, 8, Tex. H.R. 5, 78th Leg., R.S., 2003. In short, Section 7 of Rule 5 states that a Motion For Call Of The House is in order at any time to secure and maintain a quorum for three purposes, those being for consideration of a specific bill, resolution, motion, or other measure; for consideration of any designated class of bills; or for a definite period of time. TEX. H.R. RULE 5, § 7, Tex. H.R. 5, 78th Leg., R.S., 2003. Representative Krusee's motion was made for the purpose of considering "any designated class of bills," as the intention is to consider the day's calendar.

Further, Section 8 of Rule 5, regarding Securing A Quorum, states that once a Motion For Call Of The House has been appropriately moved, seconded, and ordered by a majority vote, the main entrance to the hall and all other doors leading out of the hall shall be locked, and no member



TEXAS HOUSE OF REPRESENTATIVES
OFFICE OF THE SERGEANT-AT-ARMS

Rod Welsh
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shall be permitted to leave the chamber without the written permission of the speaker. TEX. H.R. RULE 5, § 8, Tex. H.R. 5, 78th Leg., R.S., 2003. The rule also states that, upon a majority vote of those present, absentees for whom no sufficient excuse is made may *"be sent for and arrested, wherever they may be found, by the sergeant-at-arms or an officer appointed by the sergeant-at-arms for that purpose, and their attendance shall be secured and retained."* *Id.* (emphasis added).

I respectfully ask that you exercise all due diligence in regard to this matter. Your prompt attention to this matter is very much appreciated, as important business of the State of Texas awaits.

Sincerely,

R. Welsh



ATTORNEY GENERAL OF TEXAS
GREG ABBOTT

May 12, 2003

Colonel Tommy Davis
Director, Texas Department of Public Safety
Post Office Box 4087
Austin, TX 78733-0001

Dear Colonel Davis:


We have been asked by Speaker Craddick to review the law underlying the letter to you of this date from Rod Walsh, Sergeant-at-Arms of the Texas House of Representatives, in which the Texas Department of Public Safety has been asked to secure, by any available means, the attendance of absent members of the House and to return them to the House so that a quorum may be obtained for the purpose of conducting business in the 78th Regular Session of the Texas Legislature:

The Constitution of the State of Texas requires that two-thirds of each House constitutes a quorum to do business, but a smaller number of members may compel the attendance of its absent members in such a manner and under such penalties as that House may provide. TEX. Const. Art. III, Section 10.

Rule 5 of the Texas House of Representatives, TEX. H.R. Rule 5, Section 8, 78th Legislature, R.S. 2003, provides that the authority to secure such attendance includes the power to arrest absentees wherever they may be found by the sergeant-at-arms or an officer appointed by the sergeant-at-arms for that purpose, which would include the Texas Department of Public Safety.

This is a serious legal matter for the State of Texas. I trust that all persons with any information or knowledge whatsoever of the whereabouts of any absent member of the House will assist you and offer their full cooperation in your efforts to execute the directive of the House.

Sincerely,


Greg Abbott
Attorney General of Texas

GA:bm