

By: Slaton

H.R. No. 133

R E S O L U T I O N

1 WHEREAS, The House of Representatives of the Texas
2 Legislature has exclusive power to present articles of impeachment
3 against a state officer under Section 1, Article XV, Texas
4 Constitution, and Chapter 665, Government Code; and

5 WHEREAS, The fundamental principle of separation of powers is
6 guaranteed by Section 1, Article II, Texas Constitution, which
7 provides that "no person, or collection of persons, being of one of
8 these departments, shall exercise any power properly attached to
9 either of the others, except in the instances herein expressly
10 permitted"; and

11 WHEREAS, The power to compel the attendance of absent members
12 of either house of the legislature is expressly granted to that
13 house by Section 10, Article III, Texas Constitution, which
14 provides that "a smaller number may adjourn from day to day, and
15 compel the attendance of absent members, in such manner and under
16 such penalties as each House may provide"; and

17 WHEREAS, Each house of the legislature is given the power to
18 determine the rules of its own proceedings by Section 11, Article
19 III, Texas Constitution; and

20 WHEREAS, The House of Representatives of the 87th Legislature
21 authorized the arrest of absent members as necessary to secure a
22 quorum in Rule 5, Section 8, of its permanent rules, which provides
23 that "[a]ll absentees for whom no sufficient excuse is made may, by
24 order of a majority of those present, be sent for and arrested,

1 wherever they may be found, by the sergeant-at-arms or an officer
2 appointed by the sergeant-at-arms for that purpose, and their
3 attendance shall be secured and retained"; and

4 WHEREAS, Judge Brad Urrutia, Judge of the 450th Judicial
5 District, demonstrated gross disregard for the constitutional
6 separation of powers when, as a member of the judicial department,
7 Judge Urrutia prevented the House of Representatives from
8 exercising its exclusive constitutional power to arrest absent
9 members as necessary to secure a quorum; now, therefore, be it

10 RESOLVED, That the Texas House of Representatives impeach
11 Judge Brad Urrutia, Judge of the 450th Judicial District; and, be it
12 further

13 RESOLVED, That in accordance with Section 5, Article XV,
14 Texas Constitution, Judge Brad Urrutia, Judge of the 450th Judicial
15 District, be suspended from the exercise of the duties of his office
16 during the pendency of his impeachment, and that the governor may
17 make a provisional appointment to fill the vacancy occasioned by
18 the suspension of Judge Urrutia until the conclusion of his trial by
19 the Senate on the impeachment charges; and, be it further

20 RESOLVED, That the House of Representatives of the 87th Texas
21 Legislature conduct an investigation under Section 1, Article XV,
22 Texas Constitution, and Chapter 665, Government Code, prepare
23 appropriate articles of impeachment against Judge Brad Urrutia,
24 Judge of the 450th Judicial District, and consider those articles
25 for presentment to the Texas Senate.