

By: Pitts

H.R. No. 230

R E S O L U T I O N

1           WHEREAS, The House of Representatives of the State of Texas  
2 has the responsibility and authority under Chapter 665, Government  
3 Code, as authorized by Section 7, Article XV, Texas Constitution,  
4 to present articles of impeachment to the Texas Senate calling for  
5 the removal from office of a member, regent, trustee, or  
6 commissioner having control or management of a state institution or  
7 enterprise for misconduct, malfeasance, abuse of office, or  
8 incompetency; and

9           WHEREAS, The Texas Supreme Court in *Ferguson v. Maddox*, 263  
10 S.W. 888 (Tex. 1924), established that impeachable offenses need  
11 not be violations of the law, finding that "[t]he purposes of an  
12 impeachment lie wholly beyond the penalties of the statute or the  
13 customary law.' The Constitution, in relation to impeachment, has  
14 in mind the protection of the people from official delinquencies or  
15 malfeasances"; and

16           WHEREAS, Wallace L. Hall Jr., a member of the Board of  
17 Regents of The University of Texas System, may have obtained that  
18 office through misrepresentation of material facts regarding his  
19 experience and qualifications in a manner that violates the penal  
20 laws of this state, including Section 37.10, Penal Code, and casts  
21 doubt on his fitness to hold public office and ability to carry out  
22 the responsibilities of that office with the integrity expected of  
23 a person holding a position of public trust in this state; and

24           WHEREAS, Mr. Hall, through ongoing concealment of that

1 misrepresentation, may have continued to violate the public trust  
2 and demonstrate continuing unfitness to hold office throughout his  
3 service on the board of regents; and

4 WHEREAS, Mr. Hall, while holding office as a member of the  
5 Board of Regents of The University of Texas System, may have abused  
6 that office by making numerous unreasonably burdensome, wasteful,  
7 and intrusive requests for information of certain University of  
8 Texas System institutions as a member of the board of regents as  
9 well as on his own behalf; and

10 WHEREAS, Mr. Hall has exhibited behavior that calls into  
11 question his fitness for office by giving the incorrect and  
12 misleading impression to certain institutions and personnel of The  
13 University of Texas System that certain actions taken and requests  
14 for information made by him were approved by the board of regents,  
15 when in fact the actions taken or requests made were without  
16 approval of the board of regents; and

17 WHEREAS, Mr. Hall may have violated the duties and  
18 responsibilities of his office and interfered with the proper  
19 functioning of The University of Texas System and its component  
20 institutions by disregarding the processes and procedures of the  
21 board of regents concerning the gathering and handling of  
22 information from institutions of the system; now, therefore, be it

23 RESOLVED, That the House of Representatives of the 83rd Texas  
24 Legislature initiate impeachment proceedings under Chapter 665,  
25 Government Code, including the investigation of matters related to  
26 a contemplated impeachment, against Wallace L. Hall Jr., a member  
27 of the Board of Regents of The University of Texas System, and any

1 other state officer that the investigation of the matters described  
2 by this resolution reveals may have engaged in misconduct,  
3 malfeasance, abuse of office, or incompetency; and, be it further

4       RESOLVED, That the house of representatives adopt the  
5 following procedures for investigating the matters described by  
6 this resolution and, if appropriate, preparing appropriate  
7 articles of impeachment and acting on those articles of  
8 impeachment:

9       SECTION 1. SPECIAL COMMITTEE ON IMPEACHMENT. The speaker  
10 of the house of representatives shall appoint the House Special  
11 Committee on Impeachment composed of seven members of the house of  
12 representatives appointed by the speaker. The speaker shall  
13 designate a committee member to serve as chair of the committee and  
14 a committee member to serve as vice chair of the committee.

15       SECTION 2. INVESTIGATION; ARTICLES OF IMPEACHMENT. The  
16 committee shall conduct a full and fair investigation under Chapter  
17 665, Government Code, of the matters described by this resolution  
18 and, if warranted, propose appropriate articles of impeachment  
19 against Wallace L. Hall Jr., a member of the Board of Regents of The  
20 University of Texas System, and any other state officer that the  
21 investigation of the matters described by this resolution reveals  
22 may have engaged in misconduct, malfeasance, abuse of office, or  
23 incompetency, and present those articles to the Texas House of  
24 Representatives to consider for presentment to the Texas Senate.

25       SECTION 3. POWERS; ADMINISTRATION. (a) The committee  
26 shall meet at the call of the chair and may meet in executive  
27 session if approved by a majority of the members of the committee.

1           (b) The committee has all the powers granted to a standing  
2 committee under the Rules of the House of Representatives and under  
3 Subchapter B, Chapter 301, Government Code, including the power to  
4 issue process to procure testimony or other evidence, and any  
5 powers provided to a legislative committee by Subchapter B, Chapter  
6 301, or Chapter 665, Government Code, or other law. The committee  
7 is a general investigating committee of the house for purposes of  
8 Subchapter B, Chapter 301, Government Code.

9           (c) On the request of the committee, the Texas House of  
10 Representatives or the Texas Legislative Council shall provide the  
11 staff necessary to assist the committee in carrying out its duties.

12           (d) The operating expenses of the committee shall be paid as  
13 determined by the Committee on House Administration.