87S20996 BEF-D

By:  Slaton H.R. No. 133

R E S O L U T I O N

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

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

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

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

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

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

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

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

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