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## FISCAL IMPACT REPORT

SPONSOR Begaye DATE TYPED 3/7/05 HR 5

SHORT TITLE Impeachment of Elizabeth Shirley Baca SB \_\_\_\_\_

ANALYST Rosen

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	NFI		NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Regulation Commission (PRC)  
Secretary of State (SOS)

No Responses Received From

Attorney General's Office (AGO)

### SUMMARY

Synopsis of Bill

House Resolution 5 provides a mechanism to begin impeachment proceedings against New Mexico Public Regulation Commissioner E. Shirley Baca.

Significant Issues

Public Regulation Commissioner Elizabeth Shirley Baca has not been convicted of any crime or misdemeanor. This Resolution does not take into account her right to due process under the law.

PRC notes under Article IV, Section 36 of the New Mexico Constitution, state officers are liable to impeachment for crimes, misdemeanors and malfeasance in office.

**ADMINISTRATIVE IMPLICATIONS**

Under Section 35, Article IV of the New Mexico Constitution, a majority vote of all members elected to the House of Representatives is required for impeachment. All impeachments are tried by the Senate and no person shall be convicted without a two-thirds vote of all members elected to the Senate.

**TECHNICAL ISSUES**

Can an elected official who has not been convicted of a crime be impeached?

**JR/njw**