

1 HOUSE RESOLUTION 05

2 47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

3 INTRODUCED BY

4 Ray Begaye

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10 A RESOLUTION

11 CONSTITUTING ARTICLES OF IMPEACHMENT OF ELIZABETH SHIRLEY BACA,
12 A PUBLIC REGULATION COMMISSIONER; BEING A RECITATION OF THE
13 GROUNDS UPON WHICH THE HOUSE OF REPRESENTATIVES FINDS THAT
14 ELIZABETH SHIRLEY BACA HAS COMMITTED CRIMES, MISDEMEANORS AND
15 MALFEASANCE IN OFFICE AND SHOULD BE REMOVED FROM OFFICE
16 PURSUANT TO SECTIONS 35 AND 36 OF ARTICLE 4 OF THE CONSTITUTION
17 OF NEW MEXICO.

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19 WHEREAS, Elizabeth Shirley Baca was elected to the
20 position of public regulation commissioner on November 5, 2002
21 for a term of four years; and

22 WHEREAS, Elizabeth Shirley Baca took the office of public
23 regulation commissioner on January 1, 2003; and

24 WHEREAS, prior to taking office, Elizabeth Shirley Baca
25 swore an oath required by Article 20, Section 1 of the

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1 constitution of New Mexico to support the laws of the state;
2 and

3 WHEREAS, on December 8, 2004, Elizabeth Shirley Baca was
4 arrested in the city of Albuquerque for possession of a
5 controlled substance, less than one ounce of marijuana, in
6 violation of Section 30-31-23 NMSA 1978, a petty misdemeanor,
7 and for possession of drug paraphernalia in violation of
8 Section 30-31-25.1 NMSA 1978, a misdemeanor; and

9 WHEREAS, on December 8, 2004, Elizabeth Shirley Baca
10 admitted to the arresting officer that she occasionally smokes
11 marijuana, a controlled substance; and

12 WHEREAS, Article 4, Section 36 of the constitution of New
13 Mexico provides, in pertinent part, that "All state officers .
14 . . shall be liable to impeachment for crimes, misdemeanors and
15 malfeasance in office";

16 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
17 REPRESENTATIVES OF THE STATE OF NEW MEXICO that there are three
18 grounds for impeachment of Elizabeth Shirley Baca, public
19 regulation commissioner:

20 Ground 1. Elizabeth Shirley Baca committed the
21 petty misdemeanor of possession of a controlled substance by
22 both action and admission;

23 Ground 2. Elizabeth Shirley Baca committed the
24 misdemeanor of possession of drug paraphernalia; and

25 Ground 3. Elizabeth Shirley Baca committed

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1 malfeasance in office by violating her constitutional oath to
2 support the laws of the state; and

3 BE IT FURTHER RESOLVED that the house of representatives
4 direct the speaker to appoint a committee of three members, any
5 one of whom may act for the committee, not all of the same
6 political party, to inform the senate of the passage of these
7 articles and to prosecute the removal of Elizabeth Shirley Baca
8 from the office of public regulation commissioner in the name
9 of the house.