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HOUSE BILL 276

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

INTRODUCED BY

Brian K. Moore

AN ACT

RELATING TO MUNICIPALITIES; PROVIDING FOR REMOVAL OF MUNICIPAL OFFICERS IN COMMISSION-MANAGER GOVERNMENTS; REPEALING PROVISIONS FOR RECALL OF ELECTED MUNICIPAL OFFICIALS IN COMMISSION-MANAGER GOVERNMENTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Municipal Code is enacted to read:

"~~[NEW MATERIAL]~~ COMMISSION-MANAGER--REMOVAL FROM OFFICE-- PROCEDURES.--A person elected or appointed to an elective office in a ~~commission-manager~~ municipality may be removed from office:

A. for malfeasance in office by the district court upon complaint of the governing body of the municipality. The officeholder against whom a complaint is filed is entitled to a

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1 hearing at a time fixed by the court after not less than ten
2 days' notice of the proceedings by service, as in the case of
3 summons in civil actions, with a copy of the complaint filed in
4 the proceedings; or

5 B. in accordance with the procedures for removal
6 from office of local officers as provided in Chapter 10,
7 Article 4 NMSA 1978. "

8 Section 2. REPEAL. --Section 3-14-16 NMSA 1978 (being Laws
9 1965, Chapter 300, Section 14-13-16) is repealed.

10 Section 3. EFFECTIVE DATE. --The effective date of the
11 provisions of this act is July 1, 2005.