

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 940

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Roberto J. Gonzales

AN ACT

RELATING TO CIVIL LAW; MAKING OFFICERS OF NONPROFIT
CORPORATIONS SUBJECT TO A CIVIL LAW ACTION BROUGHT BY THE
STATE.

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

Section 1. Section 44-3-4 NMSA 1978 (being Laws 1919,
Chapter 28, Section 4) is amended to read:

"44-3-4. WHO MAY BRING ACTION. --An action may be brought
by the attorney general or district attorney in the name of the
state, upon his information or upon the complaint of any
private person, against the parties offending in the following
cases:

[~~(a)~~] A. when any person [~~shall usurp, intrude~~]
usurps, intrudes into or unlawfully [~~hold~~] holds or [~~exercise~~]
exercises any public office, civil or military, [~~or~~] any

underscored material = new
[bracketed material] = delete

underscored material = new
[bracketed material] = delete

1 franchise within this state or any office [~~or offices~~] in a
2 corporation or nonprofit corporation created by authority of
3 this state; [~~or~~

4 ~~(b)~~ B. when any public officer, civil or military,
5 [~~shall have~~] has done or suffered an act which, by the
6 provisions of law, [~~shall work~~] works a forfeiture of his
7 office; or

8 ~~(c)~~ C. when any association or number of persons
9 [~~shall act~~] acts within this state as a corporation without
10 being duly incorporated or, in case of a foreign corporation,
11 without being duly authorized to do business within this state.

12 The district attorneys in their respective judicial
13 districts shall exercise the same power and right given by this
14 section to the attorney general in cases which may be limited
15 in their operation to [~~the said district~~] their respective
16 districts.

17 When the attorney general or district attorney refuses to
18 act or when the office usurped pertains to a county,
19 incorporated village, town or city or school district, [~~such~~]
20 the action may be brought in the name of the state by a private
21 person on his own complaint. "

22 Section 2. EFFECTIVE DATE. --The effective date of the
23 provisions of this act is July 1, 2003.