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HOUSE MEMORIAL 8

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Manuel G. Herrera

A MEMORIAL

**REQUESTING HEARINGS ON THE LOSS OF PRODUCTION DUE TO
REGULATORY ENFORCEMENT.**

**WHEREAS, federal and state laws and regulations enacted
for the purpose of public health, safety and welfare have
caused a loss in production capacity for numerous New Mexico
businesses and are adversely affecting the revenue of the
state and local governments and the general economy; and**

**WHEREAS, the United States and New Mexico constitutions
require compensation for property taken for public purposes;
and**

**WHEREAS, the United States supreme court has declared
investment-backed expectations as property that is due
compensation under the United States constitution's fifth and
fourteenth amendments; and**

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WHEREAS, productive capacity is classified as an investment-backed expectation and therefore considered private property;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF NEW MEXICO that the appropriate legislative interim committee be requested to conduct hearings concerning the loss of production due to required compliance with regulations enacted for public purposes and to report its findings and recommendations to the first session of the forty-sixth legislature; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the New Mexico congressional delegation and the New Mexico legislative council.