

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 MEMORIAL 33

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Nora Espinoza

A MEMORIAL

REQUESTING THAT THE CONGRESSIONAL DELEGATION OF THE STATE OF  
NEW MEXICO WORK TO PROTECT INTELLECTUAL AND PHYSICAL PROPERTY  
RIGHTS.

WHEREAS, the Fifth Amendment of the United States  
constitution states "nor shall private property be taken for  
public use, without just compensation"; and

WHEREAS, *Kelo vs. the City of New London* gave local  
governments and municipalities the power to seize private  
property for private enterprises in order to increase tax  
revenue and stimulate economic development, not for any public  
use or purpose; and

WHEREAS, this interpretation of the eminent domain power  
infringes upon the most fundamental of rights and endangers  
property owners across the nation; and

.168046.1

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1           WHEREAS, Article I, Section 8 of the United States  
2 constitution states "Congress shall have the power to...  
3 promote the progress of science and useful arts, by securing  
4 for limited times to authors and inventors the exclusive right  
5 to their respective writings and discoveries"; and

6           WHEREAS, the exclusive right of authors and inventors to  
7 their intellectual property is being subjected to increasing  
8 infringement and threats of infringement by both public and  
9 private entities, ranging from global piracy to illegal sharing  
10 of content files on college campuses and to governmental  
11 abrogation; and

12           WHEREAS, state legislatures have the duty to limit both  
13 public and private infringements of private entities' rights to  
14 the use and enjoyment of physical and intellectual property on  
15 matters within the authority of the legislatures, and to oppose  
16 such violations on matters outside their authority;

17           NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF  
18 REPRESENTATIVES OF THE STATE OF NEW MEXICO that governmental  
19 takings of either physical or intellectual property for  
20 nonpublic uses or purposes, governmental abrogation of physical  
21 or intellectual property rights without compensation and  
22 illegal use of physical or intellectual property by private  
23 entities are violations of the fundamental rights of the owners  
24 of physical and intellectual property; and

25           BE IT FURTHER RESOLVED that the house of representatives

.168046.1

underscoring material = new  
[bracketed material] = delete

1 work to restore, protect and enhance intellectual and physical  
2 property rights by reviewing present law and pending  
3 legislation; and

4 BE IT FURTHER RESOLVED that the United States senate and  
5 house of representatives be instructed to restore, protect and  
6 enhance intellectual and physical property rights in present  
7 federal law, pending federal legislation and all trade  
8 agreements; and

9 BE IT FURTHER RESOLVED that copies of this memorial be  
10 transmitted to members of the New Mexico congressional  
11 delegation.