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SENATE MEMORIAL 3

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

Joseph J. Carraro

A MEMORIAL

REQUESTING THAT THE NEW MEXICO CONGRESSIONAL DELEGATION BE REQUESTED TO 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 purpose without just compensation"; and

WHEREAS, despite there being no definite public purpose, *Kelo v. 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; and

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

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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 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 legislatures, and to oppose
16 such violations on matters without their authority; and

17 WHEREAS, government takings of either physical or
18 intellectual property for nonpublic uses or purposes,
19 governmental abrogation of physical or intellectual property
20 rights without compensation and the illegal use of physical and
21 intellectual property by private entities are violations of the
22 fundamental rights of the owners of physical and intellectual
23 property;

24 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
25 OF NEW MEXICO that the New Mexico congressional delegation be

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1 requested to work to limit violations against protected
2 intellectual and physical property in the recognition that
3 unauthorized use of either intellectual or physical property is
4 a violation of an entity's protected property rights; and

5 BE IT FURTHER RESOLVED that copies of this memorial be
6 transmitted to the members of the New Mexico congressional
7 delegation.