

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 3/5/07

SPONSOR Espinoza LAST UPDATED _____ HM 33

SHORT TITLE Protect Intellectual and Physical Property Rights SB _____

ANALYST Leger

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

House Memorial 33 requests that the Congressional Delegation of the State of New Mexico work to protect intellectual and physical property rights.

SIGNIFICANT ISSUES

House Memorial 33 states that:

- According to the Fifth Amendment of the United States, “nor shall private property be taken for public use, without just compensation”
- 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 and revenue and stimulate economic development, not for any public use or purpose;
- Article I, section 8 of the United States constitution states “Congress shall have the power to...promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their writings and discoveries;
- State legislatures have the duty to limit both public and private infringements of private entities’ rights to the use and enjoyment of physical and intellectual property on matters within the authority of the legislatures, and to oppose such violations on matters outside their authority;

House Memorial 33 – Page 2

HM 33 further reads that:

- the House of Representatives of the State of New Mexico that governmental takings of either physical or intellectual property for nonpublic uses or purposes, governmental abrogation of physical or intellectual property rights without compensation and illegal use of physical or intellectual property by private entities are violations of the fundamental rights of the owners of physical and intellectual property; and
- Be it further resolved that the house of representatives work to restore, protect and enhance intellectual and physical property rights by reviewing present law and pending legislation; and
- Be it further resolved that the United States senate and house of representative be instructed to restore, protect and enhance intellectual and physical property rights in present federal law, pending federal legislation and all trade agreements; and
- Be it further resolved that copies of this memorial be transmitted to members of the New Mexico congressional delegation.

JL/nt