

By: Senator(s) White

To: Rules

SENATE CONCURRENT RESOLUTION NO. 568

1 A CONCURRENT RESOLUTION REQUESTING THAT THE CONGRESSIONAL
2 DELEGATION OF THE STATE OF MISSISSIPPI WORK TO PROTECT
3 INTELLECTUAL AND PHYSICAL PROPERTY RIGHTS.

4 WHEREAS, the Fifth Amendment of the Constitution states "nor
5 shall private property be taken for public use, without just
6 compensation"; and

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

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

15 WHEREAS, Article I, Section 8 of the Constitution states
16 "Congress shall have the power to...promote the progress of
17 science and useful arts, by securing for limited times to authors
18 and inventors the exclusive right to their respective writings and
19 discoveries"; and

20 WHEREAS, the exclusive right of authors and inventors to
21 their intellectual property is being subjected to increasing
22 infringement and threats of infringement by both public and
23 private entities, ranging from global piracy to illegal sharing of
24 content files on college campuses to governmental abrogation; and

25 WHEREAS, state legislatures have the duty to limit both
26 public and private infringements of private entities' rights to
27 the use and enjoyment of physical and intellectual property on

28 matters within the authority of the legislatures, and to oppose
29 such violations on matters without their authority; and

30 WHEREAS, that governmental takings of either physical or
31 intellectual property for nonpublic uses or purposes, and
32 governmental abrogation of physical or intellectual property
33 rights without compensation, and illegal use of physical or
34 intellectual property by private entities, are violations of the
35 fundamental rights of the owners of physical and intellectual
36 property:

37 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF
38 MISSISSIPPI, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN, That
39 the Legislature of the State of Mississippi work to restore,
40 protect and enhance intellectual and physical property rights by
41 reviewing present law and pending legislation.

42 BE IT FURTHER RESOLVED, That we hereby instruct the Senate
43 and House of Representatives to restore, protect and enhance
44 intellectual and physical property rights in present federal law,
45 pending federal legislation and all trade agreements.

46 BE IT FURTHER RESOLVED, That this resolution be transmitted
47 to the State of Mississippi's Congressional Delegation and the
48 President of the United States, and be made available to the
49 Capitol Press Corps.