

Resolution Concerning MIDA, Quasi-Governmental and Independent Entities

WHEREAS, Article 1, Section 2 of the Utah Constitution states that, "All political power is inherent in the people; and all free governments are founded on their authority for their equal protection and benefit, and they have the right to alter or reform their government as the public welfare may require." The Utah Republican Party and the Utah Legislature have an obligation to protect the equal rights of all people, promote free enterprise on a level playing field, never transfer governmental or taxing power to corporations, and ensure full accountability for public funds; and

WHEREAS, the Utah Constitution guarantees equal protection and uniform operation of laws (Article I, Sections 2 and 24); prohibits legislators from holding any other office of trust (Article VI, Section 6); forbids delegation of municipal powers, taxation, or functions to special commissions or private entities (Article VI, Section 28); and bars lending public credit to private enterprises (Article VI, Section 29); and

WHEREAS, Article XII, Section 20 of the Utah Constitution declares it the policy of the State of Utah that a free market system shall govern trade and commerce "to promote the dispersion of economic and political power and the general welfare of all the people," and expressly prohibits any contract, combination, or conspiracy in restraint of trade, as well as any monopolization or attempted monopolization of trade or commerce, except as otherwise provided by statute; and

WHEREAS, major quasi-governmental entities—including, but not limited to, the Military Installation Development Authority (MIDA), the Point of the Mountain State Land Authority (The Point), the Utah Inland Port Authority, and the State Fair Park Authority—exercise significant powers of taxation, bonding (PIDs and IFDs, for example), land-use authority, and public-private partnerships under Titles 11, 17, 63E, and 63H; and

WHEREAS, the structure, powers, and operations of these entities violate Utah Code, the Utah State Constitution, and the Constitution of the United States that require equal treatment, non-delegation, dual office prohibitions, representation in taxation, and a level playing field.

NOW, THEREFORE, BE IT RESOLVED that we urge the Utah Legislature to thoroughly examine MIDA and all similar quasi-governmental and independent entities for compliance with the Utah Constitution (including Article VI, Sections 6, 28, and 29, and Article XII, Section 20), accountability to the people, and equal treatment under the law;

BE IT FURTHER RESOLVED that if any such entity is found to be unconstitutional, to exceed lawful authority, or to create special privileges inconsistent with a level playing field, the Utah Legislature should take appropriate action, including repeal or elimination, to restore constitutional government;

BE IT FURTHER RESOLVED that state and local policymakers prioritize competitive bidding, full transparency, and strict accountability in all dealings involving these entities;

BE IT FURTHER RESOLVED that copies of this resolution be sent to all members of the Utah State Legislature in Davis County, to all Davis County Commissioners, and to all city council members in Davis County; that it be posted on relevant platforms to encourage public support and participation for these constitutional safeguards. Copies of this Resolution shall be transmitted by the DCRP Secretary within 14 days.

Sponsor: Jennifer Garner, State Central Committee member
801-513-8488, helpmejen@yahoo.com
Original author: Cristy Henshaw, Utah County Chair