

Idaho Republican Party State Central Committee Resolutions

2012 Winter State Central Committee Meeting

1. Redistricting Commission Resolution

Whereas, the current composition of the 2011 redistricting commission being made up of 6 members, three Republican and three Democrat, have no ability to break a deadlock based on political party lines,

And whereas, the current redistricting commission(s) in 2011 has demonstrated its inability to function in a manner to represent all voters in the state of Idaho equitably,

And whereas, the 1991 redistricting commission made up of legislative members also failed in its ability to function in a non partisan manner,

And whereas, the 2011 redistricting commission having proposals for legislative and congressional redistricting that met all the parameters of the laws and policies of the State of Idaho and federal laws, which was developed by overwhelming public input and comments, was unable to adopt those proposals due to political partisanship in an attempt to create a redistricting plan to protect their party held seats, create stronghold areas and intentionally disenfranchise the rural conservative voters.

And whereas, the commission then developed a new proposal and voted to adopt this plan after the first 2011 redistricting commission had been decommissioned. This proposal yielded a plan that knowingly violated the laws and policies of the State of Idaho and federal laws, creating gerrymandered districts that have the appearance of being drawn based on political biases.

And whereas, it is known that paid lobbyists for special interest groups, that ultimately benefited by the adopted legislative redistricting proposal at the disadvantage of a majority of Idaho voters, had been in Boise and working to influence the commissioners or their selecting official.

Therefore be it resolved, that the number of seated commissioners for redistricting shall be seven members.

Furthermore be it resolved, that the redistricting commissions formed in the state of Idaho shall have seated members of the commission assigned to reflect the will of the people as evidenced by the political make up of the legislative body. The total number of legislative seats (105) shall be divided by 7 seats. One seat shall be assigned for every 15 seats held by a political party.

And be it resolved that Commission members shall only be selected by the appointing legislators from a list of candidates that have been vetted and put forth by regional taskforce groups convened by Party Region Chairs for each defined geographical area of the State.

And be it further resolved that those defined areas for the purpose of redistricting shall be Northern, which shall consist of all the counties in the Idaho Panhandle from the Idaho - Valley County line northward. Southwestern, which shall consist of those Counties from the Idaho - Oregon border eastward to the eastern borders of Twin Falls, Camas, Custer and Lemhi Counties. And Southeastern, which shall consist of the counties from the eastern border of Twin Falls, Camas, Custer and Lemhi Counties eastward to the Wyoming and Montana Border.

And be it further resolved that Commission members shall be selected to evenly represent those defined geographic areas of the state. If only two seats are available then one seat shall be from the northern portion of the state and one from the south. All seats shall be evenly divided between the respective defined portions of the state.

Be it resolved that if the Redistricting Commission is unable to complete its duties in its assigned time, then the commission shall be disbanded and the task of redistricting shall revert to the legislative body. The legislative body shall assign a taskforce for redistricting made up of the same party affiliation and geographic area makeup of the Citizens Commission for Redistricting.

Be it further resolved, the seated redistricting commissioners shall be subjected to the same ethics rules and sunshine reporting rules as any other public servant. These rules and reporting requirements shall become effective from the time that the Commission member is considered for appointment to the commission and continues for 2 full years after the appointment ends. To avoid any appearance of special interest influence members may not take any form of gift, gratuity, promised favors, or monetary compensation from any lobbyist, legislator, special interest group, political party, or person in general. Any attempt of a paid lobbyist or special interest group, or lobbying by a legislator for personal benefit, outside of the public input and hearings process in an attempt to influence the commission to create and/ or adopt proposals that violate any portion of the Idaho laws and policies for redistricting, shall be immediately reported to the Secretary of State and forwarded for investigation by the SOS and Idaho Attorney general. The legislature shall determine what sanctions and fines will be imposed on entities found in violation.

2. Asking the Idaho Legislature to Reinstate Suffrage of Its Counties

Whereas, the Founders of our nation, meeting in Philadelphia in 1787, after due consideration of the relative merits of democracies and republics, presented the nation with the most successful form of government yet devised by man, their republic:

The Constitution of the United States of America,

Whereas, their ingenious system was a compendium of checks and balances upon the power of the branches of government, directed at giving the majority its prerogatives, but providing due deference to minorities; and

Whereas, the government could have never been formed without enfranchising both the people and their property ... a problem which they solved in the way that they made up the Congress, a compromise which resulted in the equal representation of the States in the Senate (no matter how

small) and the guaranteed representation of each State (no matter how small) in the House of Representatives; and

Whereas, the national model provided by the Founders for successful government lay in recognizing distinct political entities solving distinct local problems, such as those known to the Founders to be manifested in the diverse original 13 Colonies, was subsequently venerated as a viable model for the make-up of state governments; and

Whereas, the Federal Constitution guarantees under Article IV Section 4 to each state "...a Republican Form of Government..." it is undeniable that the Forefathers of the State of Idaho were correct in deciding that the political subdivisions of this state, namely the counties, were entitled, following the Federal model, to enfranchise each county with one senator and at least one Representative in the House of Representatives in the State Legislature; and

Whereas, the Supreme Court of the United States of America misapplied their ruling under the 14th Amendment in Reynolds v. Sims, 377 U.S. 533, as was proved by the erudite dissent of Justice John Marshall Harlan II, when they ruled that the 14th Amendment required the Senates of State Legislatures be apportioned on the basis of population rather on the basis of political subdivisions ... the Counties; and

Whereas, the imposition of Federal Court Ordered reapportionment of State Legislatures is beyond argument a tyranny of the Federal Government, the child of the States, being imposed upon its Father and Superior, the Sovereign States; and

Whereas, it is impossible to conceive and historically inaccurate to believe that the states would have ratified an Amendment to the Constitution that abrogated their ability to apportion their Legislatures; and

Whereas, the unintended consequence of this Federal meddling has resulted in the fragmentation of the County system of government and the loss of the representation and understanding of the distinct and unique problems large areas of the State, not to mention the chaos of gerrymandered voting districts;

Now Therefore Be it Resolved that the Idaho Republican Party strongly urges that the Legislature and Governor of the State of Idaho assert their duties as the guardians of the rights of the citizens of this great sovereign state and take all measures necessary, including resolutions, memorials, amendments, referendums, laws, lawsuits and if necessary nullification to re-enfranchise the numerous dis-enfranchised counties of this great state; and

Be it Further Resolved that the Idaho delegation to the Republican Nation Committee present this resolution to that body for its consideration and urge its adoption nationally as it would apply to each of the Several States.

3. Local Government Coordination Authorization Resolution

Whereas, the coordination process is local governments (counties, cities, school districts, water districts, etc.) utilizing laws that require the federal and state agencies to work with them on a government to government basis;

Whereas, coordination relating to this process between local government and State and/or Federal Agencies is commonly defined as: being of equal value or same rank or degree; not subordinate; of the same rank with another and working to bring into proper or relative order; to harmonize.

Whereas, the first land use statute that required coordination with local government was the Federal Land Policy and Management Act (FLPMA) in 1976; subsequently, numerous other federal statutes and Executive Orders have reaffirmed this coordination mandate with local governments.

Whereas, most local governments are often unaware that these laws exist for them to have meaningful input and equal footing in the development and implementation of the various rules, regulation, and policies developed by these agencies that have impact upon their political subdivision.

Whereas, the rules, regulations, and policies set forth the by various state and federal agencies can have adverse impact upon the heritage, custom, culture and economic well being of the communities in which these local governments represent, often state and federal agencies resist efforts to coordinate with local governments.

Whereas, in 1990 Owyhee County successfully utilized the coordination process to protect the ranching community which is the backbone of the county's economy from the overreach of federal agency rules and policies.

Be it resolved, that coordination mandate language and common definition of coordination shall be inserted into the Idaho Code and/or administrative rules governing each state agency, giving direction for every state agency in the state of Idaho to coordinate with local governing entities.

4. Restored state and citizenry for Idaho Resolution

Whereas, the sovereign body politic (people) of Idaho choose to respect the foundational principles of all the organic laws (the Constitution) of the United States of America;

Whereas, Article I, Section 3 of the Constitution of the State of Idaho declares: "*State Inseparable Part of Union*. The State of Idaho is an inseparable part of the American Union, and the Constitution of the United States is the supreme law of the land;"

Whereas, the government of the State of Idaho was instituted as a republican form of government for the purpose of protecting the life, property, and liberty of the Citizens of Idaho;

Whereas Article II, Section 2 of the Constitution of the United States of America authorizes the President by and with the advice and consent of the Senate to make treaties;

Whereas, there has been a gradual "slide into ignominy" of state legislatures as a result of overextension of Federal power;

Be It Therefore Resolved, that the Governor and Attorney General of the State of Idaho take all steps necessary to re-assert the authority of a constitutional republic through the exercise of the Tenth Amendment of the Constitution of the United States of America to protect the sovereignty of the State of Idaho and the rights, property, benefits and privileges of the Citizens of the State;

Be It Further Resolved, that the Legislature should coordinate with other states and take any and all steps necessary to reinstate the balance of power between the federal government and the States by challenging the Seventeenth Amendment toward the goal of having it repealed.

5. Idaho the Free-market State Resolution

Whereas, Idaho is known both as the Gem State due to its history as a mining state, and as the Potato State for its quality potato production, and seeks to be known as the best state for relocating and start-up businesses and industries,

Whereas, regulations and taxes at the state level carry unintended consequences that destroy small businesses and jobs,

Be it resolved, that the Idaho Republican Party supports debt-free economics, sound money, and free-market regulation.

6. Resolution to Amend I.C. 67-6508(a) to Identify Permissible Means to Protect Private Property Rights

Whereas, Idaho Code Subsection 67-6508(a) was amended in 1995 by House Bill 212 to require local governments to include property rights components in their comprehensive land use plans.

Whereas, the February 8th 1995 House Bill 212 Local Government Committee Minutes affirm that House Bill 212 was driven by a public demand for a private property rights component to provide meaningful additional layers of private property rights protections beyond existing State and Federal Constitutional protections against takings of most or all of the economic value of private property.

Whereas, I.C. 67-6508(a) sets forth a two-pronged set of requirements as follows: 1. That a comprehensive plan contain procedural and substantive provisions that ensure land use policies and regulations do not violate private property rights and 2. That a comprehensive plan must contain reference to Idaho's Regulatory Takings Act which provides a review process against takings of all or most of the economic value of private property.

Whereas, numerous local jurisdictions have complied with the second prong of I.C. 67-6508(a) by identifying the Idaho Regulatory Takings Act and by restating and reminding the public that

the State and Federal Constitutions provide takings protections in cases of takings of all or most of the economic value of land.

Whereas, numerous local jurisdictions have failed to satisfy the first-prong of I.C. 67-6508(a)'s requirement to provide additional layers (sub-takings layers) of private property rights protections.

Whereas, Idaho State law should recognize that a comprehensive plan policy providing for a private property rights advisory board (PRAB) review of proposed zoning regulations and plans may satisfy the first prong of I.C. 67-6508(a) requiring additional layers of private property rights protections.

Whereas, a PRAB capable of satisfying the first prong of I.C. 67-6508(a) should be charged with conducting evidentiary and public policy hearings for evaluating proposed land-use controls to determine if they are necessary and whether the necessity could be satisfied by free-market or other private mechanisms. The PRAB process should assign the burden of proof of necessity and market failure on the proponents of new land-use controls.

Whereas, a PRAB satisfying I.C. 67-6508(a) should be composed of members of the public who have demonstrated a sustained interest and commitment to protecting private property rights and promoting free-markets and who indicate a willingness to primarily focus on private property rights protections in the conduct of PRAB activities.

Therefore be it resolved, that the Idaho Republican Party Central Committee recommends that the Idaho State Legislature amend the Local Land Use Planning Act to provide for PRAB review of proposed planning and zoning controls prior to final legislative body action on said proposals.