

Introduced by

Senators Heitkamp, D. Larsen

Representatives Ertelt, Magrum, Toman

1 A concurrent resolution to prohibit the unconstitutional use of property taxes to fund North  
2 Dakota's legal obligations.

3 **WHEREAS**, Section 24 of Article I of the Constitution of North Dakota states the provisions  
4 of the Constitution are mandatory and prohibitory unless expressly declared otherwise; and

5 **WHEREAS**, Section 7 of Article V of the Constitution of North Dakota provides the  
6 Governor, as the chief executive of the state, shall ensure the state's business is well  
7 administered and the state's laws are faithfully executed; and

8 **WHEREAS**, Section 1 of Article X of the Constitution of North Dakota prohibits the  
9 Legislative Assembly from levying property tax to defray the expenses of the state; and

10 **WHEREAS**, Section 10 of Article X of the Constitution of North Dakota requires an annual  
11 levy of one mill upon all taxable property in the state to fund the development and maintenance  
12 of the State Medical Center; and

13 **WHEREAS**, Section 1 of Article VIII of the Constitution of North Dakota mandates the  
14 Legislative Assembly provide for the establishment and maintenance of a public school system  
15 open to all children in the state; and

16 **WHEREAS**, Section 2 of Article VIII of the Constitution of North Dakota requires the  
17 Legislative Assembly to provide a uniform system of free public schools beginning with primary  
18 school and extending to schools of higher education, except fees and service charges may be  
19 charged to assist in financing schools of higher education; and

20 **WHEREAS**, Section 3 of Article VIII of the Constitution of North Dakota encourages school  
21 instruction in areas that emphasize the importance of truthfulness, temperance, purity, public  
22 spirit, and respect for honest labor;

23 **NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE**  
24 **HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

- 1        That the state of North Dakota may not directly or indirectly levy a tax on the assessed  
2 value of real or personal property to pay for its legal obligations, including the funding of public  
3 schools in the state, in accordance with the Constitution of North Dakota; and  
4        **BE IT FURTHER RESOLVED**, that the state secure alternative funding sources for the  
5 operation and maintenance of public schools in the state.