Interim Studies Chosen; Committees Named

At its June 10 meeting, Legislative Management named members to various Interim Committees.

**Interim Education Funding Committee** has been assigned the following:

- Study to examine and clarify state and local-level responsibility for the equitable and adequate funding of elementary and secondary education in this state

Members of the Committee are:
- Chair: Senator Tim Flakoll
- Vice-chair: Representative Mike Nathe
- Representative Mark A. Dosch
- Representative Jessica Haak
- Representative Brenda Heller
- Representative Bob Hunskor
- Representative Jerry Kelsh
- Representative Ben Koppelman
- Representative Lisa Meier
- Representative David Monson
- Representative Karen M. Rohr
- Representative David S. Rust
- Representative Mark Sanford
- Representative John Wall
- Senator Howard C. Anderson, Jr.
- Senator Joan Heckaman
- Senator Richard Marcellais
- Senator Nicole Poolman
- Senator Donald Schaible

**Interim Taxation Committee** has been assigned the following:

- Study controlling the growth of property tax levies, with emphasis on consideration of whether the level of property tax relief received by taxpayers has been commensurate with the amount of state funds distributed to benefit political subdivisions and provide property tax relief to taxpayers
- Study the property tax system
- Study applying property tax rates against true and full value of property

Members of the Committee are:
- Chair: Senator Dwight Cook
- Vice-chair: Representative Mark S. Owens
- Representative Wesley R. Belter
- Representative Jason Dockter
- Representative David Drovdal
- Representative Glen Froseth
- Representative Patrick Hatlestad
- Representative Craig Headland
- Representative Jim Kasper
- Representative Jerry Kelsh
- Representative Scot Kelsh
- Representative Mike Nathe
- Representative Dan Ruby
- Representative Jim Schmidt
- Representative Robin Weisz
- Representative Steven L. Zaiser
- Senator Randall A. Burckhard
- Senator Jim Dotzenrod
- Senator Lonnie J. Laffan
- Senator Ronald Sorvaag
- Senator Jessica K. Unruh

**Advisory Commission on Intergovernmental Relations** has been assigned the following:

- Study the feasibility and desirability of making political subdivision budget information accessible on the state budget database website and finding better ways to inform taxpayers regarding political subdivision budget or levy deliberations and legislative property tax relief
- Study whether political subdivisions can become more efficient and effective to reduce costs to taxpayers
- Study local government structure, fiscal and other powers and functions of local governments, relationships between and among local governments and the state or any other government, allocation of state and local resources, and interstate issues involving local governments (NDCC § 54-35.2-02)

Members of the Committee are:
- Chair: Representative Brenda Heller
- Vice-chair: Senator Jessica K. Unruh
- Representative Ron Guggisberg
- Senator Dwight Cook

Travel Reimbursement Rates Changing

Effective August 1, the following rates apply for travel within the state:

- **First quarter** is from 6 a.m. to 12 noon and the sum must be seven dollars. First quarter reimbursement may not be made if travel began after 7 a.m.

- **Second quarter** is from 12 noon to 6 p.m. and the sum must be ten dollars and fifty cents.

- **Third quarter** is from 6 p.m. to 12 midnight and the sum must be seventeen dollars and fifty cents.

- **No changes** were made to fourth quarter lodging reimbursement.
Housing Incentive Fund Ready to Accept Applications and Contributions

The North Dakota Industrial Commission recently approved the biennial allocation plan for the state’s Housing Incentive Fund (HIF), allowing the North Dakota Housing Finance Agency (NDHFA) to accept applications from multifamily housing developers and contributions from taxpayers. The 2013 Legislature reauthorized the fund at $35.4 million and established program priorities of providing affordable housing for essential service workers in energy-impacted counties and preserving and providing for the needs of low- to moderate-income households statewide.

One of the new eligible uses of HIF funding is to assist private entities to purchase publicly-owned housing units (i.e., housing units currently owned by school districts), resulting in divestiture by the public entity while maintaining the supply of affordable housing for those essential service workers. This allows school districts to get out of the housing business so their resources can be redirected to their mission -- providing quality education to children in North Dakota.

“To ensure western North Dakota communities are able to recruit and retain law enforcement personnel, teachers, and long-term care workers, HIF applicants that set aside units for these and other essential service workers will receive a scoring preference,” said Mike Anderson, NDHFA executive director.

The allocation plan is available online at www.ndhousingincentivefund.org or www.ndhfa.org. Applications for the first funding round must be submitted by 5 p.m. (CDT) on Friday, June 28, to Planning and Housing Development Division Director Jolene Kline at NDHFA, PO Box 1535, Bismarck, ND, 58502-1535.

Government Finance Committee has been assigned the following:

- Study the foundation aid stabilization fund, including anticipated growth in the fund, appropriate funding levels, options for the disposition of excess funding if appropriate funding levels are exceeded, reallocation of oil extraction taxes currently being deposited in the fund, and feasibility and desirability of proposing changes to the constitution relating to the foundation aid stabilization fund

Members of the Committee are:

Chair: Representative Jeff Delzer
Vice-chair: Senator Terry M. Wanzek
Representative Larry Bellew
Representative Joshua A. Boschee
Representative Bette Grande
Representative Craig Headland
Representative Rick Holman
Representative Lisa Meier
Representative Kylie Oversen
Representative Don Vigesaa
Representative Clark Williams
Senator Dwight Cook
Senator Gary A. Lee
Senator Donald Schaible
Senator Ronald Sorvaag
Senator Rich Wardner

As was the case during this past legislative session, NDSBA will be busy tracking the direction of committees. This will be a critical interim for defining future expectations of North Dakota schools, students, and taxpayers. More information about the Interim Committees can be found online at http://www.legis.nd.gov/assembly/63-2013/committees/interim

Congratulations Alyssa!

Great news! Alyssa Martin, NDSBA Director of Policy Services, has been named to the Bismarck Tribune’s 40 Under 40 class of 2013. She is being recognized for her leadership, professional development, and commitment to the Bismarck community. Alyssa joins a distinguished group of alumni of 40 Under 40 including North Dakota Insurance Commissioner Adam Hamm, North Dakota Tax Commissioner Cory Fong, and other young professionals who have led their business and industries to success through both good times and challenging times.
Attorney General Issues Open Records Opinion

On May 24, 2013, the North Dakota Attorney General issued an opinion to North Dakota State University (NDSU) regarding a record request for student disciplinary records. The Attorney General found NDSU violated the open records law by providing an insufficient written denial to the request.

On October 22, NDSU received a request for “the details of any disciplinary action taken against the NDSU football players who were charged and convicted of petition signature fraud earlier this year.” Requested information included “details of any action taken academically, through student government, and/or the athletics department.” NDSU refused to provide the requested disciplinary records stating that the records were confidential under the Family Education Rights and Privacy Act (FERPA) found at 20 U.S.C. §1232g, and 34 C.F.R. Part 99.

The Attorney General stated that the “Department of Education has consistently issued letter opinions which recognize that occasionally information could be traced to individual students, even if the records are redacted and even when information is released in the aggregate. In those instances, FERPA prohibits disclosure of the information without consent when, taking into account all available information, data, and other information known to have been disclosed by other means such as through the media, the educational institution determines the records could still identify students.”

The opinion stated that if the school determines that the requested records cannot be redacted without retaining some personally identifiable information, the records cannot be released. If the request asks for a specific student’s

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Conventional Committee Members Sought

Several months prior to each NDSBA Annual Convention, three committees are selected to assist with the convention process. The Nominating Committee recommends a slate of candidates to be presented to the Delegate Assembly. A Credentials Committee oversees the registration process, reports appropriate numbers to the Delegate Assembly, ensures delegates are properly seated, and counts floor votes when required. The Ballot Counting Committee counts ballots and verifies election results.

NDSBA members are encouraged to serve on one of these committees. If you are interested, please call NDSBA by August 1.

Policy Services Renewal Reminder

NDSBA will mail Policy Services renewal notices to school districts in June. Basic Policy Services membership is $250 and includes access to a monthly online newsletter, 10 free sample policies upon request, and the option to participate in fee-based required and customized policy manual services.
disciplinary records, it is reasonable to conclude that the student's identity would be obvious and would be disclosed to the requestor.

The Attorney General concluded that the response that is provided when denying a records request must contain a sufficient written denial. Generally stating that students' discipline records are confidential is not accurate. It is a violation of the open records law to deny a record using an inaccurate legal reason.

Reminder
North Dakota Century Code section 15.1-09-31 requires a school board to publish an itemized list of obligations approved for payment, if so determined by the voters. The North Dakota Attorney General has issued an opinion stating that this includes a one-time listing of annual salaries of school district employees at the time the contract is signed or at the time the individual begins his or her duties, in lieu of itemization of monthly payments to each employee. See http://www.ag.nd.gov/Opinions/2006/Letter/2006-L-05.pdf