

# MICROFILM DIVIDER

OMB/RECORDS MANAGEMENT DIVISION  
SFN 2053 (2/85) 5M



ROLL NUMBER

DESCRIPTION

2265

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Deanna D. [Signature]  
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10/21/03  
Date

2003 SENATE EDUCATION

SB 2265

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2003 SENATE STANDING COMMITTEE MINUTES

BILL/RESOLUTION NO. SB 2265

Senate Education Committee

Conference Committee

Hearing Date 01-27-03

Tape Number	Side A	Side B	Meter #
1	x		0 - 9.0
2		x	0 - 9.9
Committee Clerk Signature <i>Andrea Johnson</i>			

Minutes: CHAIRMAN FREBORG called the committee to order. Roll Call was taken with all (6) members present.

CHAIRMAN FREBORG opened the hearing on SB 2265 relating to meetings of the state board of higher education.

**Testimony in support of SB 2265:**

SENATOR TOLLEFSON, Dist. 38, testified that this bill is designed to complete the intent of the law known as the "open meetings" law. (see attached testimony) This will eliminate the need for the concerned public to travel long distances to attend the open meeting of the state board of higher ed. to have some input. Through IVN this could be accomplished since a site is located at all eleven university campuses.(see attached chart and page from statute).

**Testimony in opposition to SB 2265:**

BRUCE CHRISTENSON , Member, State Board of Higher Education, presented testimony. (see attached). The Board is opposed to providing access to all baord meeting through IVN.

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Senate Education Committee  
Bill/Resolution Number SB 2265  
Hearing Date 1-27-03

**Hearing no further testimony, the hearing on SB 2265 was closed.**

**Discussion on the bill: Tape 2**

SENATOR CHRISTENSON had visited with Senator Tollefson about the bill who stated it is rather a personal and local issue. Some people in Minot were upset with some of the things the board was doing but the distance to get to the board meeting was insurmountable. So they ended up missing the meeting and feeling closed out. She feels this raises another question: How excluded do people feel when the board meets on an arbitrary issue and the distances are difficult.

SENATOR FLAKOLL asked if conference calls are used.

SENATOR FREBORG wondered who is it that can't attend.

SENATOR CHRISTENSON asked if this would help the Board be more visible.

SENATOR TAYLOR stated that if the meetings are rotated, then people should be able to be there.

SENATOR FREBORG would think those wanting to attend and who had a strong interest in attending could drive the distance, barring extreme circumstances.

SENATOR FLAKOLL stated sometimes local issues may not be able to be dealt with at the campus that is the closest.

**SENATOR COOK moved a DO NOT PASS. Seconded by SENATOR G. LEE.**

**Roll Call Vote: 5 YES. 1 NO. 0 Absent. Motion Carried.**

**Carried: SENATOR TAYLOR**

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**FISCAL NOTE**  
 Requested by Legislative Council  
 01/22/2003

Bill/Resolution No.: SB 2265

1A. **State fiscal effect:** Identify the state fiscal effect and the fiscal effect on agency appropriations compared to funding levels and appropriations anticipated under current law.

	2001-2003 Biennium		2003-2005 Biennium		2005-2007 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues	\$0	\$0	\$130,000	\$0	\$30,000	\$0
Expenditures	\$0	\$0	\$130,000	\$0	\$30,000	\$0
Appropriations	\$0	\$0	\$130,000	\$0	\$30,000	\$0

1B. **County, city, and school district fiscal effect:** Identify the fiscal effect on the appropriate political subdivision.

2001-2003 Biennium			2003-2005 Biennium			2005-2007 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

2. **Narrative:** Identify the aspects of the measure which cause fiscal impact and include any comments relevant to your analysis.

The NDUS has one of two options available to meet the requirements of SB2265: 1.) use current IVN facilities to provide access at all 11 sites; 2.) develop and dedicate special use IVN facilities.

For regular SBHE meetings held during the period Sept. 2002 to May 2003, IVN facilities were only available one day (out of fifteen) where all 11 campuses sites could have been simultaneously connected to the meeting utilizing the current IVN facilities. IVN provides support for classes and meetings from 7 am to 10 pm Monday through Saturday and 2 pm to 10 pm on Sunday. Program degree classes have first priority for scheduling on IVN; credit classes have second priority; and meetings and other events have third priority. This option would require that either fewer academic programs or courses be offered to free up existing IVN facilities for SBHE meetings or classes would have to be cancelled or relocated as meetings occur.

New dedicated IVN facilities, for SBHE meeting use, would require an additional state general fund appropriation of \$260,000 in 03-05 for the purchase of new videoconferencing equipment at 11 sites, monthly fixed line charges for the network use, local area network retrofitting and personnel support for the new rooms. (This does not include the cost, nor recognize the ability, of the campuses to set-aside or dedicate another classroom to this purpose.) Ongoing operating costs thereafter would be approximately \$30,000 per year. This alternative would ensure access to all 11 sites simultaneously without interruption to the delivery of academic programs.

3. **State fiscal effect detail:** For information shown under state fiscal effect in 1A, please:

A. **Revenues:** Explain the revenue amounts. Provide detail, when appropriate, for each revenue type and fund affected and any amounts included in the executive budget.

B. **Expenditures:** Explain the expenditure amounts. Provide detail, when appropriate, for each agency, line item, and fund affected and the number of FTE positions affected.

There would be no additional costs for utilization of the existing IVN facilities, if available (\$0 cost). However, an expenditure of

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\$260,000 would be required in 03-05 to add 11 new dedicated sites for SBHE meeting used. This includes one time costs in 03-05 for the purchase of in-room videoconferencing equipment and local area network retrofitting. 03-05 and 05-07 estimates also includes estimated annual operating costs of \$30,000 for monthly network line charges and personnel support costs. The estimated expenditures would range from \$0 to \$260,000 in 03-05 (midpoint of \$130,000 reflected in part 1A) and \$0 to \$60,000 for 05-07 (midpoint of \$30,000 reflected in part 1A)

**C. Appropriations:** Explain the appropriation amounts. Provide detail, when appropriate, of the effect on the biennial appropriation for each agency and fund affected and any amounts included in the executive budget. Indicate the relationship between the amounts shown for expenditures and appropriations.

A state general fund appropriation would be required to cover the expenditures outlined above since there is no funding appropriated in the NDUS budget for this purpose.

<b>Name:</b>	Laura Glatt	<b>Agency:</b>	NDUS
<b>Phone Number:</b>	328-4116	<b>Date Prepared:</b>	01/24/2003

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REPORT OF STANDING COMMITTEE (410)  
January 27, 2003 4:08 p.m.

Module No: SR-15-1155  
Carrier: Taylor  
Insert LC: . Title: .

REPORT OF STANDING COMMITTEE  
SB 2265: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS**  
(5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2265 was placed on the  
Eleventh order on the calendar.

(2) DESK, (3) COMM

Page No. 1

SR-15-1155

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*Deanna Waller*

10/21/03

Date



2003 TESTIMONY

SB 2265

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CHAIRMAN FREEDBERG -  
COMMITTEE MEMBERS

I AM SENATOR BOEN TOLLERSON  
38 DISTRICT - MINOT - BURL  
SOUTH DAKOTA

SB 2265 IS DESIGNED TO  
COMPLETE THE INTENT OF THE LAW  
KNOWN AS THE "OPEN MEETINGS" LAW,  
(CC 44-04-19) WHICH ALLOWS  
THE PUBLICS ACCESS TO AND  
TO BE HEARD AT MEETINGS  
HELD BY PUBLIC ENTITIES IN N.D.

GENERALLY THE LAW'S WORKING  
QUOTE WELL HOWEVER WHEN  
THE STATE MOVES, AS THEY DO,  
OTHER INTERESTS AROUND THE  
STATE TO VARIOUS DEGREES THE  
PUBLIC IS MANY TIMES IGNORED  
AND LEFT OUT OF THE INPUT PORTION  
OF THE DECISION MAKING PROCESS.

THIS HAPPENS WHEN DECISIONS ARE  
MADE ON CRUCIAL LOCAL ISSUES  
MANY MILES FROM THE COMMUNITY AFFECTED

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10/21/03  
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## IVN INFORMATION

### IVN

IVN is the acronym for the North Dakota Interactive Video Network, a videoconferencing system that uses audio and video technology to combine multiple locations into one classroom environment. Two or more sites can be connected for each class or meeting and multiple events can be scheduled simultaneously.

### MISSION

The mission of the North Dakota Interactive Video Network is to provide opportunities for North Dakota residents to enroll in university credit and non-credit classes and other events utilizing video conferences and associated telecommunications at strategic locations throughout the state.

### LOCATIONS

Videoconferencing rooms are located at all 11 North Dakota University System campuses, the state capitol, the state hospital, ND tribal colleges, and some state high schools. IVN also provides links to national and global videoconferencing facilities.

### VIDEOCONFERENCING

IVN uses high quality audio and full color video to allow all sites to hear and see any person speaking. Discussions over the network can occur as if all participants were in the same room. When someone speaks, the video automatically switches to the speaker's location. While one site is viewed at a time, all sites can be heard at all times.

### USES

Anyone can schedule an event on IVN. University credit classes have first priority. Other events can be scheduled after credit classes have been scheduled each semester. Some common IVN events include:

- University credit and non-credit classes
- Professional development seminars
- Interviews
- Public hearings
- Business meetings

**Office:** University of North Dakota  
140 Gamble Hall  
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Grand Forks, ND 58202-8384  
Phone (701) 777-6486  
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june\_piper@mail.und.nodak.edu

**Director - John Burbank**  
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john\_burbank@mail.und.nodak.edu

**Network Manager - David Belgarde**  
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david\_belgarde@mail.und.nodak.edu

**Academic Coordinator - Jerry Rostad**  
(701) 231-7468  
jerry\_rostad@mail.und.nodak.edu

**ND Tribal College Coordinator - Liz Miller**  
United Tribes Technical College  
3315 University Drive  
Bismarck, ND 58504  
Phone 701-255-3285 ext 316  
Fax 701-530-0602  
dyhuman@hotmail.com



■ <http://ndivn.nodak.edu/>

Videoconferencing for  
Education, Government  
and Business

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*John Burbank*

12/21/03  
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**44-04-18.17. Personal and financial information in a consumer complaint.** Personal and financial information submitted to a state agency as part of a consumer complaint, or gathered pursuant to an investigation of a consumer complaint, is an exempt record as defined in subsection 5 of section 44-04-17.1. For purposes of this section, "personal and financial information" means the home address, home telephone number, social security number, consumer report, and credit, debit, or electronic fund transfer card number of the complainant and any person on whose behalf the complaint is made, and any account number of a business or individual at a bank, brokerage, or other financial institution. "Personal and financial information" does not include the nature of the complaint, name of the complainant or any person on whose behalf the complaint was submitted, or the address or telephone number of the business that is the subject of the complaint.

Source: S.L. 1999, ch. 399, § 1.

**Effective Date.**

This section became effective August 1, 1999.

**44-04-19. Access to public meetings.** Except as otherwise specifically provided by law, all meetings of a public entity must be open to the public. That portion of a meeting of the governing body of a public entity as defined in subdivision c of subsection 12 of section 44-04-17.1 which does not regard public business is not required to be open under this section.

1. This section is violated when any person is denied access to a meeting under this section, unless such refusal, implicitly or explicitly communicated, is due to a lack of physical space in the meeting room for the person or persons seeking access.
2. For purposes of this section, the meeting room must be accessible to, and the size of the room must accommodate, the number of persons reasonably expected to attend the meeting.
3. The right of a person to attend a meeting under this section includes the right to photograph, to record on audio or video tape and to broadcast live on radio or television the portion of the meeting that is not held in executive session, provided that there is no active interference with the conduct of the meeting. The exercise of this right may not be dependent upon the prior approval of the governing body. However, the governing body may impose reasonable limitations on recording activity to minimize the possibility of disruption of the meeting.
4. For meetings subject to this section where one or more of the members of the governing body is participating by telephone or video, a speakerphone or monitor must be provided at the location specified in the notice issued under section 44-04-20.

## SB2265 TESTIMONY

BY BRUCE I. CHRISTIANSON, MEMBER, STATE BOARD OF HIGHER EDUCATION

JAN. 27, 2003

Good morning, Mr. Chairman and members of the Senate Education Committee. My name is Bruce Christianson, and I'm a member of the State Board of Higher Education. I reside in Minot.

I'm here this morning to speak in opposition to SB2265, which would require the State Board of Higher Education to provide access to all board meetings through interactive videoconferencing. We, the board oppose this bill for several reasons.

First -- and most importantly -- the primary purpose of the interactive video network, or IVN, is to provide access to education. This requirement would have a drastic impact on the University System's ability to deliver distance education. Board meetings usually last about a day and one-half, and we have seven or eight regularly scheduled meetings per year, plus additional board committee meetings, and from time to time special meetings called on short notice. Scheduling just the regular board meetings on IVN would virtually preclude the offering of IVN courses any time on Thursdays or on Friday mornings. Classroom instruction is the number one priority for the use of this technology; SB2265 would inappropriately make State Board of Higher Education meetings the highest priority.

Secondly, most IVN facilities on our campuses simply are not large enough to accommodate the board, the campus presidents AND the number of citizens and reporters who attend these meetings. If the intent of this bill is to increase public access to board meetings, it will not be effective. This requirement would have the opposite effect because the size of the IVN facilities would limit access.

Thirdly, in response to expectations of the *Roundtable Report*, the board has taken steps to enhance its relationship with community leaders. Local leaders are invited to each board meeting to discuss *how the University System can enhance the quality of life and the economic and social vitality of the region and increase the working-age population and good-paying jobs*. As many as 20 citizens attend the community forums, and this valuable dialogue would not be possible in IVN facilities.

Another important consideration is that good board interaction must include face-to-face, eye-to-eye communication. The IVN facilities, however, are designed for instruction and are set-up and wired -- in a fixed-position -- classroom style.

The demand for time on the IVN system is extremely high. In fact, these facilities are fully utilized. BSC's IVN rooms, for example, generally are used from 8 a.m. to 10 p.m., Monday through Saturday. And IVN currently is scheduling time for Fall Semester 2003.

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Bruce I. Christianson  
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Cost wise... It is difficult to estimate the fiscal impact of SB2265 at this time. However, the cost of equipment, line charges, use of the local area network and personnel may be as high as \$260,000 for this next biennium if 11 special-use classrooms were to be added.

Mr. Chairman and members of the committee, the State Board of Higher Education firmly believes our practice of scheduling face-to-face meetings at the 11 campuses is the right thing to do. It allows us to interact with students, faculty, staff and community members. It helps us understand the impact of the decisions and choices we make. These meetings are scheduled many months in advance with the understanding that issues specific to one campus and/or one region will be fully discussed wherever the meeting is held.

With that said, the board certainly recognizes its duty to provide broad access to our meetings. If there are those who feel we need to improve in this area, we will be sensitive to their concerns. Accordingly, arrangements have been, and will continue to be, made for speaker-phone connections to our meetings upon request.

Mr. Chairman and members of the committee, thank you for your time this morning. I appreciate your consideration of my testimony, and I'd be pleased to respond to any questions.

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