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Deanna D. Smith
Operator's Signature

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

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.

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

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Deanna Waller

Date

10/21/03

Roll Call Vote #: /

2003 SENATE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. SB2265

Committee

☐ Check here for Conference Committee**Legislative Council Amendment Number**

Do Not Pass

Sen. Cook.

Sen. Lee

[illegible]

5

No

/

Absent

Sen. Taylor

If the vote is on an amendment, briefly indicate intent:

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10/21/03
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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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10/21/03
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2003 TESTIMONY

SB 2265

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CITIZEN FRAUDS -
COMMITTEE MEMBERS

I AM SENATOR BOEN TOLLERSON
38 DISTRICT - MINOT - BURL
12/11/03

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 WILL HOWEVER WHEN
THE STATE MOVES, AS THEY DO,
OTHER MEETINGS AROUND THE
STATE TO VARIOUS CAMPORES 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
MAYBE MORE FROM THE COMMUNITY AFFECTED

THE ONLY GENERAL OPPORTUNITY
TO INFLUENCE A DECISION THE SAME
WAYS TO WHICH WOULD BE
SPENDING MONEY DOLLARS AND
TIME ^{WASTING} THE LOCATION OF THE
SOME & UNRECORDED MEETINGS.
THIS VIRTUALLY ELIMINATES THE
INPUT IN THE DECISION PROCESS.
ADDRESS BY THE CONCERNED PUBLIC
IS DISAPPOINTED.

SB 225 WILL RESERVE THE RIGHT
OF THE LAW. PEOPLE CAN HAVE
ACCESS TO THE SOME MEETING
THROUGH TV AND ITS VIDEO -
CONFERENCE ABILITY. FOR
COMPANY'S HAVE ^{ACCESS} ~~THE~~ ~~ABILITY~~ TO
THE TESTIMONY AND THE COST IS
MINIMAL. PROPER PUBLIC NOTICE
INCLUDING PLACE, TIME AND PLACE IS IMPORTANT.
WE ALL HOPE YOU WILL GIVE
SB 225 A "DO PASS" RECOMMENDATION
TO KEEP THE PUBLIC INVOLVED.
THANK YOU VERY MUCH

HOW SCHEDULE

Credit classes - contact the site coordinator at your nearest site

All other events - call or email June Piper, IVN office, (701) 777-6486 or june_piper@mail.und.nodak.edu

Reserved times:

An IVN room at each university system campus is reserved Tuesdays and Thursdays from 0800-1200 for North Dakota State Government and NDUS events. These times must be scheduled with the IVN office. If these times are not scheduled 14 days in advance, other events may be scheduled.

CHARGES

All organizations will be charged for the time scheduled.

Organization	Line Charges (per hour)	Technical Support (per hour per site)
University System		
Classes and meetings	\$0	\$0
Continuing Education	\$0	\$10
State Government	\$80	\$10
Non-Government*	\$80	\$10
Multi-State Conferences*	\$80	\$10

*Additional charges: Administrative Fee of \$50/event plus \$25/event/site. Multi-State conferences will also pay for the cost of telephone calls initiated in North Dakota plus out-of-state charges.

HOW TO CANCEL

Credit classes - contact the IVN site coordinator at the host site.

All other events - call the ND IVN office (701) 777-6486.

Events cancelled less than 24 hours before the event will be charged the full fee except in case of severe weather or unusual circumstances.

LOCATION: ND SITE COORDINATORS

Belcourt, Turtle Mountain Community College
Bill Gourneau 477-7825

Bismarck, Bismarck State College (BSC)
Vocational Technical Center,
Rooms 214, 216 & 228
Pat Gross 224-5484

Bismarck, State Capitol
Norma Schacher 328-3054

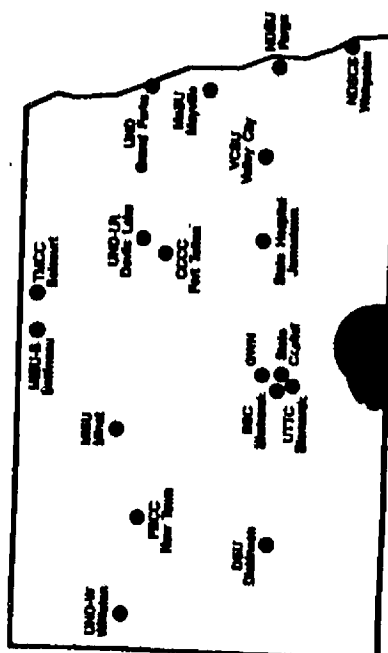
Bismarck, United Tribes Technical College
Skills Center
Liz Miller 255-3285

Bottineau, Minot State University-Bottineau
Campus (MSU-BC)
Armstrong IVN Building, Room 100
Student Center, World Room
Nancy Underwood 228-5421

Devils Lake, Lake Region State College (LRSC)
Administration Building, Room 171 & 172
Grace Bruno 662-1508
Marlene Jonas 662-1601

Dickinson, Dickinson State College (DSU)
Klinefelter Hall, Room 220
North Campus, Room 104
Marty Odermann-Gardner 227-2166

Fargo, North Dakota State University (NDSU)
E. Morrow Lebedeff, Room 183
Walster Hall, Room 220
IACC, Room 422
Tammy Cummings 231-1090



Fort Totten, Cankdeska Cikana Community College (Little Hoop)
Scott Jones 766-4980

Fort Yates, Sitting Bull College
Room 5
Betty Dwarf 854-2140

Grand Forks, University of North Dakota (UND)
Gamble Hall, Room 120 & 130
Abbott Hall, Room 119
CK Braun 777-3308

Great Western Network
(23 K-12 schools in central North Dakota)
Bill Strasser 462-8260

Jameson, North Dakota State Hospital
Education Building/12 West, Room 320
Linda Bjorne 253-3922

Mayville, Mayville State University (MaSU)
Library, Room 114, 115
Marjorie Fugleberg 786-4817

Minot, Minot State University, (MSU)
Administration Building, Room 158
Model Hall, Room 113
Dick Debertin 858-3984

New Town, Fort Berthold Community College
Room 3
Roberta Holds-The-Enemy 627-4738

Valley City, Valley City State University (VCSU)
Vangstad Hall, Room 115
McFarland Hall, Room 205
Bill Buck 845-7417

Wahpeton, North Dakota State College of Science (NDSCS)
Mildred Johnson Library, Room 117
Allied Health, Room 212
Steve Krohn 671-2626

Williston, Williston State College (WSC)
Main Building, Room 120
Crighton Building, Room 109
Ken Quamme 774-4207

Operator's Signature *Deanna Waller*

Date 10/21/03

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
PO Box 8384

Grand Forks, ND 58202-8384
Phone (701) 777-6486
Fax (701) 777-6353

june_piper@mail.und.nodak.edu

Director - John Burbank

(701) 777-6354

john_burbank@mail.und.nodak.edu

Network Manager - David Belgarde

(701) 777-4232

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://ndivm.nodak.edu/>

Videoconferencing for
Education, Government
and Business

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.

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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