

**NEBRASKA STATE RECORDS BOARD  
MEETING: October 24, 1997**

Nebraska State Capitol  
Room 1507  
Lincoln, NE  
October 24, 1997  
10:00 A.M.

SCOTT MOORE  
SECRETARY OF STATE

SUITE 2300 CAPITOL BUILDING  
LINCOLN NEBRASKA 68509-4608  
PHONE (402) 471-2554  
FAX (402) 471-3237  
sosadmin@sos.state.ne.us



STATE OF NEBRASKA  
NEBRASKA STATE RECORDS BOARD  
AGENDA  
1507 STATE CAPITOL  
OCTOBER 24, 1997 - 10:00 A.M.

1. Call to Order, Roll Call
2. ✓ Adoption of minutes from October 8th meeting
3. ✓ Discussion/Development of Procedures for Requests for Fee Based Electronic Access
4. ✓ **PUBLIC HEARING**-Department of Motor Vehicles application for fee based services, motor vehicle title and registration records
5. ✓ Discussion Development of Procedures for Vendor Selection
6. Miscellaneous Matters
7. Schedule Next Meeting
8. Adjournment

lan Jones, a U.S. Court of Appeals judge in Houston, said in a telephone interview.

Ms. Jones recently filed a lengthy dissent to the draft report of the National Bankruptcy Review Commission, and three other panel members supported her views on personal bankruptcy. That meant the recommendations, which are to be submitted Monday to Congress and the White House, were endorsed by a slim 5-4 majority.

The three other dissenters were

The commission's majority recommendations include increasing home and personal property exemptions for calculating what a debtor owes, and forgiving all credit card debt incurred 31 days or less prior to filing for bankruptcy.

Ms. Jones said the latter proposal would encourage consumers to "go on a shopping spree 31 days before bankruptcy."

Credit card companies, bankers and retailers are unhappy with the proposals, which were previewed re-

and other creditor consumer bankruptcies of dollars allowing them debts even when pay some or maintain that bankrupt without demonstrate such relief

"We don't an open door personal property Daniel Mica, p

10/17/97 LJS

**PUBLIC NOTICES - PUBLIC NOTICES - PUBLIC NOTICES**

**APPLICATION FOR REGISTRATION OF TRADE NAME**

Trade Name: THE CM GROUP  
Name of Corporation: KDA, INC.  
Address: 350 Franklin Rd., Marietta, GA 30067  
Incorporated under the laws of Georgia.  
Date of first use of name in Nebraska: Upon qualification

General Nature of Business: To provide consulting, design, and construction management services.

STATE OF GEORGIA )

ss.

COUNTY OF COBB )

Joe Kassler being duly sworn on oath deposes and says that I am an officer of the Corporation and I have read and know the contents of said statement, and verily believe the facts stated herein to be true and correct.

Joe Kassler

Subscribed and sworn to before me this 25th day of September, 1997.

(Seal) Joan S. Hanle, Notary Public #85642—1T October 17

**APPLICATION FOR REGISTRATION OF TRADE NAME**

Trade Name: Bruce V. Holmes & Associates  
Applicant: Bruce V. Holmes  
Address: 4900 Richmond Square, Ste. 104, Oklahoma City, OK 73118  
Date of first use of name in Nebraska: October 1988

General Nature of Business: Commercial Real Estate

STATE OF OKLAHOMA )

ss.

COUNTY OF CLEVELAND )

Bruce Holmes being duly sworn on oath deposes and says that I am the applicant and I have read and know the contents of said statement, and verily believe the facts stated herein to be true and correct.

Bruce Holmes, Applicant

Subscribed and sworn to before me this 23 day of June, 1997.

(Seal) Tracey Goodin, Notary Public #85643—1T October 17

**APPLICATION FOR REGISTRATION OF TRADE NAME**

Trade Name: American Liberty Funding  
Name of Corporation: American Liberty Capital Corporation  
Address: 1201 Dewey Street, Suite 820, Newport

Bidding Documents may be obtained from Erickson Sullivan Architects, P.C. upon receipt of a \$15 refundable deposit. Documents mailed will require an additional \$5 to cover handling and postage.

Bidders should take caution if U.S. Mail or delivery service is used for submission of bids. Mailing should be made in sufficient time for bids to arrive in the Purchasing Division prior to the time and date specified.  
#093832—1T October 17

**NOTICE TO BIDDERS SPECIFICATION NO. 97-182**

The City of Lincoln, Nebraska intends to purchase and invites you to submit a sealed bid for:  
**SNOW REMOVAL SERVICES**

AT

**LINCOLN WATER SYSTEM TREATMENT PLANT ASHLAND, NEBRASKA**

**MEETING OR EXCEEDING THE CITY OF LINCOLN SPECIFICATIONS**

Sealed bids will be received by the City of Lincoln, Nebraska on or before 12:00 noon Wednesday, November 5, 1997 in the office of the Purchasing Agent, Suite 200, K Street Complex, 440 South 8th Street, Lincoln, Nebraska 68508. Bids will be publicly opened and read at the K Street Complex.

Bidders should take caution if U.S. mail or mail delivery services are used for the submission of bids. Mailing should be made in sufficient time for bids to arrive in the Purchasing Division, prior to the time and date specified above.  
#093833—1T October 17

**PUBLIC NOTICE**

Notice is hereby given of a meeting of the Nebraska State Records Board on October 24, 1997 at 10:00 AM in Room 1507 of the State Capitol, Lincoln, Nebraska. A PUBLIC HEARING WILL BE HELD ON THE MATTER OF THE APPLICATION OF THE DEPARTMENT OF MOTOR VEHICLES FOR FEE BASED ELECTRONIC ACCESS TO MOTOR VEHICLE RECORDS. For additional items on the agenda, an agenda is available at the office of Secretary of State for public inspection during regular business hours.  
#093831—1T October 17

**NOTICE TO BIDDERS**

Bids will be received by the City of Lincoln, Nebraska in the Purchasing Department, Suite 200, K-Street Complex, 440 South 8th Street, Lincoln, Nebraska up to the hour of 12:00 noon

**ASHLAND MEETING OR EXCEEDING THE CITY OF LINCOLN SPECIFICATIONS**

Sealed bids will be received by the City of Lincoln, Nebraska on or before 12:00 noon Wednesday, November 5, 1997 in the office of the Purchasing Agent, Suite 200, K Street Complex, 440 South 8th Street, Lincoln, Nebraska 68508. Bids will be publicly opened and read at the K Street Complex.

Bidders should take caution if U.S. Mail or delivery services are used for the submission of bids. Mailing should be made in sufficient time for bids to arrive in the Purchasing Division, prior to the time and date specified above.  
#85647—1T October 17

**ORDINANCE**

Charter of the City of Lincoln, Nebraska, Ordinance No. 27 of the Lincoln City Code, by changing the name of the City of Lincoln, Nebraska, from "City of Lincoln, Nebraska" to "City of Lincoln, Nebraska". Section 1. That the Ordinance attached to the Lincoln Municipal Code be amended by the following:

A portion of Lot 1 located in the North Township 10 North P.M., Lincoln, Nebraska, more particularly Commencing at the north corner of said Lot 1; thence north 31 degrees along the northwestern boundary of said Lot 1 a distance of 148.27 feet; thence south 19 seconds of a minute line of said Lot 1, a distance of 20 seconds of a minute; thence south 26 seconds of a minute line of said Lot 1, a distance of 26 seconds of a minute; thence south 26 seconds of a minute line of said Lot 1, a distance of 26 seconds of a minute; thence north 31 degrees along the northwestern boundary of said Lot 1, a distance of 148.27 feet to the north corner of said Lot 1.

**STATE RECORDS BOARD**

**MINUTES**

**Meeting of October 8, 1997**

The meeting was called to order by Chairman Scott Moore at 10:02 A.M. on October 8, 1997, in Room 1507 of the State Capitol, Lincoln, Nebraska.

The following board members were present:

Scott Moore, Chairman;  
William Miller, representing the Director of Administrative Services;  
Jeanne Raznick;  
Jeff Funk;  
Don Dunlap, representing the Auditor of Public Accounts;  
Mark Sutko;  
Terry Harder;  
Craig Schroeder;  
Donald Stenberg;  
John Dale;  
David Heineman.

Not present was:

Yvonne Norton Leung, representing the Governor.

Chairman Moore announced that he had received letters designating William Miller to represent the Director of Administrative Services and Don Dunlap to represent the Auditor of Public Accounts.

The minutes of the meeting of August 29, 1997, were considered. Mr. Sutko moved that the minutes be approved as circulated; motion seconded by Ms. Harder.

Voting For:	Dale	Dunlap	Funk	Harder
	Heineman	Miller	Moore	Raznick
	Schroeder	Stenberg	Sutko	

Voting Against: None

Absent: Norton Leung

The motion carried.

Greg Lemon, Deputy Secretary of State, presented the financial report as of 8/31/97.

Mr. Miller and Mr. Lemon reviewed the final RFP. There were no questions.

Mr. Miller reviewed the specification changes suggested by DAS Materiel Division. Mr. Stenberg moved that suggested changes b (Central Standard Time), c (documents become public information), d (authorized signature required), and g (proposals valid for 60 days), be adopted; motion seconded by Mr. Heineman.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Voting Against: None

Not Voting: Miller

Absent: Norton Leung

The motion carried.

No action was taken on suggested change e (re-cap sheet).

Mr. Schroeder moved that suggested change f require that the technical and cost proposals be sealed in the same envelope or package; motion seconded by Mr. Heineman.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Voting Against: None

Not Voting: Miller

Absent: Norton Leung

The motion carried.

Mr. Lemon and Mr. Miller reviewed the pre-proposal conference questions and proposed answers. Mr. Funk moved that the answers be approved as proposed to all questions *except* questions 13, 24, 30, 32, 39, 40, and 47; motion seconded by Mr. Dale.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Voting Against: None

Not Voting: Miller

Absent: Norton Leung

The motion carried.

Ms. Raznick moved to change the answer to question 13 to read, "It was not necessary to include this option, see section 4.19 of RFP."; motion seconded by Mr. Schroeder.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Voting Against: None

Not Voting: Miller

Absent: Norton Leung

The motion carried.

Mr. Funk moved to change the answer to question 24 to read, "Payments will have to be made to state agencies subject to contracts negotiated between the network manager and the individual agencies."; motion seconded by Ms. Raznick.

Voting For: None

Voting Against:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Not Voting: Miller

Absent: Norton Leung

The motion failed.

Ms. Raznick moved to change the answer to question 24 to read, "Payments will have to be made to state agencies subject to any contract executed between the State Records Board and the individual agencies and the provisions of Laws 1997, LB590."; motion seconded by Mr. Funk.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Voting Against: None

Not Voting: Miller

Absent: Norton Leung

The motion carried.

Mr. Schroeder moved to approve the answer to question 30 as written; motion seconded by Mr. Sutko.

Voting For:	Dale Moore Sutko	Dunlap Raznick	Funk Schroeder	Heineman Stenberg
Voting Against:	None			
Not Voting:	Miller			
Absent:	Harder	Norton Leung		

The motion carried.

Mr. Stenberg moved to change the answer to question 32 to read, "Yes."; motion seconded by Mr. Sutko.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
Voting Against:	None			
Not Voting:	Miller			
Absent:	Norton Leung			

The motion carried.

Mr. Schroeder moved to change the answer to question 39 to read, "Whatever volumes the contractor considers necessary to operate the network."; motion seconded by Mr. Sutko.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
Voting Against:	None			
Not Voting:	Miller			
Absent:	Norton Leung			

The motion carried.

Mr. Funk moved to approve the answer to question 40 as written; seconded by Mr. Dale.

Mr. Stenberg moved to amend the Funk motion to change the answer to question 40 to read, "Nebraska@ Online was created to allow electronic access to state agency information through a central gateway on a self supporting basis." Mr. Heineman seconded the Stenberg motion to amend.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Voting Against: None

Not Voting: Miller

Absent: Norton Leung

The motion to amend carried.

The board then considered the Funk motion as amended by the Stenberg amendment.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Voting Against: None

Not Voting: Miller

Absent: Norton Leung

The motion carried.

Mr. Sutko moved to approve the answer to question 47 as written. The motion died for lack of a second.

Mr. Stenberg moved to change the answer to question 47 to read, "See RFP generally for duties of network manager, and RFP Section 4.1.6, page 44."; motion seconded by Mr. Sutko.

Voting For:	Dale Heineman Stenberg	Dunlap Moore Sutko	Funk Raznick	Harder Schroeder
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Voting Against: None

Not Voting: Miller

Absent: Norton Leung

The motion carried.



Mr. Stenberg discussed the Attorney General's opinion that stated the fee charged for electronic access to records cannot exceed any fee established by statute.

Cynthia Bowsman, legal counsel for the Department of Motor Vehicles, presented that agency's request to establish fees for special requests for electronic access to motor vehicle title, registration, and lien records. This request was supported by Bill Mueller, representing the Credit Bureaus of Nebraska. Chairman Moore stated that this meeting had not been advertised as the statutorily required public hearing on this matter, therefor the public hearing would take place at the next meeting of the board.

Mr. Lemon distributed copies of the memorandum of understanding regarding the extension of the existing contract with the current network manager.

Mr. Moore indicated that the next meeting of the board would be at 10:00 A.M., October 24, 1997. The subsequent board meeting would be on November 10, 1997.

Mr. Schroeder moved that the meeting be adjourned; motion seconded by Mr. Heineman.

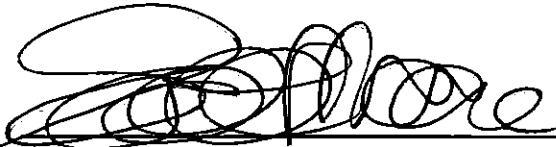
Voting For:	Dale	Dunlap	Funk	Harder
	Heineman	Miller	Moore	Raznick
	Schroeder	Stenberg	Sutko	

Voting Against: None

Absent: Norton Leung

The motion carried.

The chairman declared the meeting adjourned at 1:13 P.M.



Scott Moore  
Chairman  
State Records Board

Nebraska State Records Board  
Suite 2300; P.O. Box 94608  
State Capitol  
Lincoln, NE 68509-4608



Phone: (402) 471-2554  
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E-mail: [sosadmin@sos.state.ne.us](mailto:sosadmin@sos.state.ne.us)

## **NEBRASKA STATE RECORDS BOARD**

### **Guidelines for Submission of Requests for Fee Based Electronic Access**

(10/24/97)

Nebraska state law provides that any state agency wishing to provide electronic access to public records through the Nebraska Network Manager for electronic access services shall make a written request to the Board for approval. The State Records Board shall hold a public hearing on the matter within thirty days after receipt of the request (Neb. Rev. Stat. §84-1205.03). The purpose of these guidelines is to aid state agencies in making a complete application for the Board's review.

Applications shall contain the following information. Each item should be clearly identified, but need not be in the order shown below.

#### **REQUIRED INFORMATION:**

1. A copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement
2. A description of the public records which are the subject of the contract or proposed electronic access fee
3. The anticipated or actual timeline for implementation
4. Any security provisions for the protection of confidential or sensitive records
5. The fee and distribution of the fee for electronic access
6. Some explanation or justification of the need for electronic access
7. How fees and splits contained in the proposal were determined
8. Any pertinent statutory provisions including any statutes establishing a fee for the records in other forms
9. The cost of providing electronic access and how that cost is computed

## NSRB Guidelines

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Upon receipt of a signed request from the agency director or his or her appointed representative the Board shall within 30 days of receipt of the request schedule a public hearing on the request. You will be notified of the hearing date and time as soon as possible. Please plan on attending or sending agency personnel to answer any questions the Board may have at the hearing.

If you have any further questions on the requirements please contact the Secretary of State's Office at (402) 471-2554.

### **STATUTORY PROVISIONS:**

Statutes dealing with the Nebraska State Records Board are found at Neb. Rev. Stat. §1204 *et. seq.* The statutes listed below deal specifically with the procedure for establishing electronic access fees.

Board; establish fees.

84-1205.02. Except as provided in sections 52-1316 and 60-483 and section 9-411, Uniform Commercial Code, the board may establish reasonable fees for electronic access to public records through the gateway. The fees shall not exceed the statutory fee for distribution of the public records in other forms. Any fee established by the board under this section may be collected for a one-year period and shall terminate at the end of the one-year period unless enacted by the Legislature. Any fees collected under this section shall be deposited in the Records Management Cash Fund.

State agency; electronic access to public records; approval required; when; one-time fee.

84-1205.03. (1) Any state agency desiring to enter into an agreement to or otherwise provide electronic access to public records through a gateway for a fee shall make a written request for approval to the board. The request shall include, but not be limited to, (a) a copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement, (b) the public records which are the subject of the contract or proposed electronic access fee, (c) the anticipated or actual timeline for implementation, and (d) any security provisions for the protection of confidential or sensitive records. The board shall take action on such request in accordance with section 84-1205.02 and after a public hearing within thirty days after receipt. The board may request a presentation or such other information as it deems necessary from the requesting state agency.

(2) A state agency may charge a fee for electronic access to public records without the board's approval for a one-time sale in a unique format. The purchaser may object to the fee in writing to the board, and the one-time fee shall then be subject to approval by the board according to the procedures and guidelines established in sections 84-1205 to 84-1205.04.

# STATE OF NEBRASKA

DEPARTMENT OF MOTOR VEHICLES

Alvin Abramson

Director



E. Benjamin Nelson  
Governor

September 25, 1997



Scott Moore  
Chairman  
State Records Board  
Suite 2300  
State Capitol  
HAND DELIVERED

**RE: REQUEST FOR APPROVAL TO ESTABLISH ACCESS TO NEBRASKA  
VEHICLE AND TITLE RECORDS ON-LINE AND TO SET A FEE FOR ELECTRONIC  
ACCESS**

Dear Chairman Moore:

This letter is to request approval of the State Records Board to establish access to Nebraska vehicle and title records on-line and to set a fee. This request is being made pursuant to Neb Rev. Stat. 84-1205.02 which authorizes the Board to establish reasonable fees for electronic access and pursuant to Neb.Rev. Stat. 84-1205.03 which requires any state agency to provide electronic access to records for a fee to make a written request to the Board.

Currently, the Department of Motor Vehicles provides driver record information on-line through an Interagency Agreement between the Department and the State Records Board. I am requesting the Board's approval to modify the Agreement to allow access to vehicle title and registration records and to establish fees for that access.

There are significant advantages to having vehicle and title registration records on line. Currently, under Neb.Rev.Stat. 60-308, the Department provides vehicle title and registration records at a fee of \$1.00 per individual record or \$12.00 per thousand records for an extract of the entire file. Last session, the Legislature passed LB 635, the Uniform Motor Vehicle Records Disclosure Act, which went into effect Sept. 13, 1997 and which has resulted in an increase in the number and type of requests for these records made to the Department.

Prior to LB635, many commercial entities, such as banks, financial institutions and credit bureaus, directed requests for vehicle title, lien and registration information for multiple vehicle listings



directly to the counties. Most counties allowed these entities open access to county records from which these organizations were able to retrieve the needed information. With the passage of LB635, however, counties can no longer allow access to personal information on records where individuals have requested that the records be privacy-protected. Counties have told me that they do not have the resources to review requests for records an separate privacy-protected request from those that are not. They are referring these requests to the Department.

The Department, however, does not have the resources to effectively deal with the number and type of requests that are being referred. Many of these requests are for multiple record listings meeting a specific or general criteria (i.e, all vehicle records that have had title transactions in a certain county). Even if the Department did have the resources to handle these requests, the Department does not have any authority to charge a fee for this type of service to cover the substantial cost of searching for and retrieving multiple records of a certain type. In addition, many commercial entities, such as banks and insurance companies, need the immediacy of access to the records they previously received from the counties.

We therefore request the Board's approval to allow the Department to amend the Interagency Agreement to allow Nebrask@ Online to provide interactive access to individual vehicle and title registration records and to provide multiple record listings based on the criteria of the requestor. We propose that interactive access to individual records be provided for a fee of \$2.00. This proposed fee is one dollar above the fee the Department charges for paper copies of individual records under Neb.Rev.Stat. 60-308. Special requests for multiple records based upon certain criteria would be provided at a fee of \$24.00 for every request under 2,000 records, plus a reasonable programming fee. A fee of \$12.00 per one thousand records will be charged for any number of records over 2,000. There are no statutes currently addressing fees for such multiple records. The fees collected are to be split between the network provider and the Department, as indicated in the attached Addendum Number One to the Interagency Agreement between the Department and the State Records Board. Details of the proposed fee split are also attached..

The Department would continue to handle requests for individual paper records at \$1.00 per record and would continue to provide extracts of the entire record file to requestors at a flat \$12.00 per 1,000 records as per Neb.Rev.Stat 60-308..

In accordance with the requirements of Neb.Rev.Stat. 84-1205.03, I am including the following information:

(a) A copy of the contract under consideration if the electronic access is to be provided through a contractual arrangement. --- See attached Interagency Agreement.

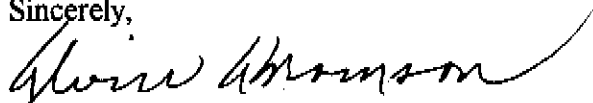
(b) The public records which are the subject of the contract and the proposed subscriber fees for the specified public information which is the subject of the contract --- See attached Interagency Agreement.

(c) The anticipated or actual time line for implementation. --- The service/public information is expected to be available via Nebrask@Online sometime during the latter part of November, 1997.

(d) Any security provisions for the protection of confidential or sensitive records --- Vehicle and title record information is public record, except for personal information on records that are flagged privacy protected. Privacy protected records are password entry protected and are available only to authorized requestors for uses specified under LB635 (Laws 1997).

Thank you for your consideration of this request. If you desire additional information or want the agency to prepare a presentation for the public hearing, please call me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Alvin Abramson".

Alvin Abramson

Director

Department of Motor Vehicles

- (a) copy of the contract under consideration

**INTERAGENCY AGREEMENT**  
between the  
**DEPARTMENT OF MOTOR VEHICLES**  
and the  
**NEBRASKA LIBRARY COMMISSION**

**PURPOSE OF AGREEMENT**

**THIS INTERAGENCY AGREEMENT** is made by and between the Department of Motor Vehicles, State of Nebraska (hereafter "DMV"), and the Nebraska Library Commission (hereafter "Library Commission"), to provide inquiry only access to the Nebraska driver license and vehicle data files.

**TERMS OF AGREEMENT**

Now, therefore, in consideration of the mutual undertakings and agreements set forth below, DMV and the Library Commission agree as follows:

- I. **TERM.** This Agreement supersedes all prior agreements between both parties and shall remain in effect until amended or terminated by either party.
- II. **SCOPE.** DMV shall grant inquiry only access to the Library Commission for the limited purpose of providing driver and vehicle records ~~and~~ on Nebraska Online. By entering this agreement, DMV shall not in any way be restricted from performing its duties to provide public access to driver records pursuant to NEB. REV. STAT. § 60-6,483 (Reissue 1993) or NEB. REV. STAT. § 84-712 (Reissue 1987).
- III. **CONTENT OF FILES.** Limited inquiry only access to the aforementioned files shall include all information contained in files except it shall not include the social security numbers of any individual's records in the files.
- IV. **CONFIDENTIALITY.** The Library Commission shall not release, disclose or share the information in the files provided to it by DMV for any purpose unless allowed by law and this agreement. The Library Commission may release driver and vehicle records over Nebraska Online provided the name, telephone number and address of the Nebraska Online user to whom a record is being disclosed is first collected.

The Library Commission shall not disclose any driver or vehicle records without first giving the following notice to any Nebraska Online user requesting access to driver records:

### NOTICE

State and federal laws restrict the use, sale, and redisclosure of driver and vehicle record information. Access to driver and vehicle records maintained by the State of Nebraska is conditioned on the user agreeing to abide by all state and federal laws governing driver and vehicle record information.

By accessing driver or vehicle records, user agrees to indemnify the State of Nebraska for any claims, losses, causes of action, fines or judgments and all incident expenses arising out of injuries to persons and for loss or damage to property which is proximately caused by the user's access to driver or vehicle records.

Persons or entities disagreeing with these conditions shall not be granted access to any driver records on Nebraska Online.

Persons who still wish to inspect a driver or vehicle record in person may do so during normal business hours at the office of the Department of Motor Vehicles located at 301 Centennial Mall South, Lincoln, Nebraska.

The Library Commission shall develop and maintain procedures to monitor the disclosure of any record. The Department of Motor Vehicle reserves the right to examine the Library Commission's records to determine whether driver records or vehicle records are being improperly disseminated on Nebraska Online.

- V. **INDEMNIFICATION.** The Library Commission shall assume all risk of loss and hold DMV, its employees, agents, assignees and legal representatives harmless from all liabilities, demands, claims, suits, losses, damages, causes of action, fines or judgments and all expenses incident thereto, for injuries to persons and for loss of, damage to, or destruction of property arising out of or in connection with the execution of the terms of this Agreement proximately caused by the negligent or intentional acts or omissions of Library Commission, its administration, employees or agents.
- VI. **COSTS.** The Library Commission shall be responsible for all line, mainframe, and equipment expenses resulting from its access to driver and vehicle record files, including programming costs DMV may incur to implement procedures designed to monitor the Library Commission's access to driver and vehicle records.



**VII. CONTACT PERSON.** The Library Commission shall establish a contact person who will be responsible for correspondence between DMV and the Library Commission regarding the implementation of this agreement.

**VIII. PAYMENT OF FEES.** The Library Commission shall remit \$2.00 for every driver record to which a Nebraska Online user requests access. Payment shall be made to DMV by the last working day of the month following the month in which the user electronically requested the driver record. Payment shall be accompanied by a statement identifying the number of driver records accessed in a given month and identifying the period for which payment is being submitted.

DMV shall implement monitoring procedures to tally the number of times driver records are accessed by the Library Commission. Should a discrepancy arise between the access totals submitted by the Library Commission and DMV, the Library Commission shall resolve such discrepancies no later than the next date on which a payment of fees is due.

The Library Commission and DMV shall negotiate a fee agreement regarding vehicle records which will be incorporated as an addendum to this agreement once the parties have settled on the procedures by which driver records will be disseminated by Nebraska Online.

Failure to pay fees pursuant to the terms of this agreement or its addenda shall constitute grounds for DMV to immediately terminate the agreement and sever the Library Commission's access to Nebraska driver records.

**IX. TERMINATION OF AGREEMENT.** Except as otherwise stated, the above agreement may be terminated by either party upon thirty (30) days' written notice for any reason. DMV may terminate the agreement immediately upon the discovery that Library Commission access to driver and vehicle records or the driver and vehicle records systems have been abused or exceeded the authority granted under this agreement.

**X. AMENDMENT.** This agreement may not be modified except by amendment made in writing and signed by both parties or their duly authorized representatives.

**XI. NONDISCRIMINATION.** The Library Commission agrees to comply fully with the Nebraska Fair Employment Practice Act, Neb.Rev.Stat. § 48-1122. The Library Commission agrees that it shall not discriminate against any employee, or applicant for employment to be employed in the performance of this agreement, with respect to hire, tenure, terms, conditions, or privileges of employment because of the race, color, religion, sex, disability, or national origin of the employee or applicant.

**EXECUTED** by the parties or their duly authorized representatives on the dates indicated below.

FOR THE DEPARTMENT OF  
MOTOR VEHICLES:

Alvin Abramson  
Director  
Department of Motor Vehicles

*Alvin Abramson*  
301 Centennial Mall South  
Lincoln, Nebraska 68509

Date: *February 21*, 19*95*

FOR THE NEBRASKA LIBRARY  
COMMISSION

Rod Wagner  
Director  
Nebraska Library Commission

*Rod Wagner*  
1200 N Street  
Lincoln, Nebraska 68508

Date: *February 17*, 19*95*

AMENDMENT #1 TO INTERAGENCY AGREEMENT (DATED 2-21-95)  
between the  
DEPARTMENT OF MOTOR VEHICLES  
and the  
NEBRASKA LIBRARY COMMISSION

THIS AMENDMENT #1 is made by and between the Department of Motor Vehicles and the Nebraska State Records Board, on behalf of the State of Nebraska, upon the following terms and conditions:

WHEREAS, the parties hereto entered into an Interagency Agreement dated February 21, 1995; and

WHEREAS, the Nebraska Library Commission, in an agreement executed July 24, 1997 entitled "Interim Contract for Network Manager Services" did assign all its rights, powers and duties under the "Contract for Network Manager Services" and all addenda thereto to the Nebraska State Records Board.

WHEREAS, that agreement provided at Section VIII., first paragraph, for the payment of \$2.00 per every driver record accessed by Nebrask@ Online; and  
WHEREAS, the Nebraska State Records Board has determined, based upon the passing and signing into law of LB590, effective June 7, 1997, that the payment must be changed to reflect the new statute pricing structure for the Nebraska Office of the Secretary of State;

NOW THEREFORE, the parties hereto agree to AMEND the Interagency Agreement as follows:

- I. Section II, entitled "SCOPE" is amended as follows:
  - A. The reference to "NEB. REV. STAT. § 60-6, 483 (Reissue 1993)" is corrected and amended to "§ 60-483, as amended by LB 590"; and
  - B. The following sentence is added at the end of Section II: "Pursuant to § 60-483, as amended by LB 590, the cost to Nebraska Online users for obtaining access to driver records is hereby established at \$3.00."

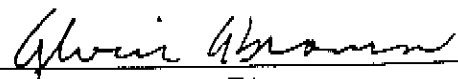
2. Section VIII., first paragraph, is changed to read as follows:

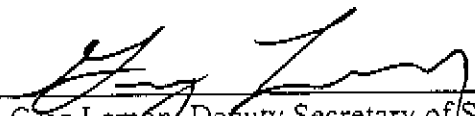
**VIII. PAYMENT OF FEES.** The Nebraska State Records Board shall remit \$3.00 for every driver record to which a Nebrask@ Online user requests access. Payments shall be made to DMV, for monies due the Records Management Cash Fund, by the morning of the next to last working day of the month following the month in which the user electronically requested the driver record; and by the last working day of the month following the month in which the user electronically requested the driver record, for the monies due the State General Fund Account and DMV Account. NOTE: DMV shall deposit monies into the Records Management Cash Fund on the day received. Payment shall be accompanied by a statement identifying the number of driver records accessed in a given month and identifying the period for which payment is being submitted.

EXECUTED by the parties or their duly authorized representatives on the dates indicated below.

DEPARTMENT OF MOTOR VEHICLES

NEBRASKA STATE RECORDS BOARD

  
\_\_\_\_\_  
Alvin Abramson, Director

  
\_\_\_\_\_  
Greg Lemon, Deputy Secretary of State  
for Scott Moore, Chairman

Date: August 1, 1997

Date: August 1, 1997

**Addendum Number One to the Interagency Agreement  
between the  
Nebraska State Records Board  
and the  
Department of Motor Vehicles**

This Addendum Number One to the Interagency Agreement between the Nebraska State Records Board and the Department of Motor Vehicles sets forth certain services provided by the Department of Motor Vehicles other than those listed in Amendment #1 to Addendum #1 to Contract Dated January 26, 1995 between Nebraska Library Commission and Nebrask@ Interactive, Inc., which of those services (including new services) will be provided by Nebrask@ Online, the prices to be charged for such Nebrask@ Online services, and how the revenue from such Nebrask@ Online services is to be divided between Nebrask@ Online(NOL) and the Department of Motor Vehicles(DMV).

This Addendum Number One covers both interactive, extract and special request processing services, of which the extract and special request services are currently provided by the Department of Motor Vehicles.

Data Records to be Accessed

SERVICE	PRICE	DMV	NOL**
Title, Registration and Lien Search:			
Interactive(each)	\$ 2.00	\$ 1.00*	\$ 1.00
Extract(complete file/per 1,000)	\$ 12.00*	\$ 12.00	\$ N/A
Special Requests(various criteria):			
Initial Set Up/Programming	\$ 55.00-500.00	\$ N/A	\$ 55.00-500.00
First Run	\$ 24.00	\$ 9.60	\$ 14.40
Successive Runs/No Set Up:			
Minimum(2,000 records)	\$ 24.00	\$ 9.60	\$ 14.40
Over 2000 records	\$ 12.00/1,000	\$ 4.80/1,000	\$ 7.20/1,000

\*These prices currently exist in statute(\$1.00 & \$12.00) or are currently charged(\$55.00-500.00).

\*\*The monies to go to NOL will flow through the NSRB Cash Fund for accounting purposes.

Special Notation: The network(NOL) will pay the CDP costs(CPU) associated with providing the above listed services, except for the Extract, which will remain with DMV.

The above and foregoing are acceptable to the Nebraska State Records Board and the Department of Motor Vehicles, and shall remain in effect subject to the terms of the Interagency Agreement between these two agencies/boards pertaining to Nebrask@ Online, or until subsequently modified in writing signed by an authorized representative of both parties.

Nebraska State Records Board:

by \_\_\_\_\_ Dated \_\_\_\_\_

Department of Motor Vehicles

by \_\_\_\_\_ Dated \_\_\_\_\_

**AGREEMENT FOR NEBRASKA DEPARTMENT OF  
MOTOR VEHICLE TITLE, REGISTRATION AND  
LIEN SPECIAL REQUEST/BATCH PROCESSING**

This agreement is made between Midlands Business Journal, a corporation with its principal office in Omaha, Nebraska ("SUBSCRIBER"), and Nebrask@ Online, a State of Nebraska information and communication network operated under the authority of the Nebraska State Records Board.

WHEREAS, SUBSCRIBER desires to enter into an Agreement with Nebrask@ Online for the purpose of receiving access to motor vehicle title, registration and lien information, under the custody of the Nebraska Department of Motor Vehicles, ("NDMV"); and

WHEREAS, SUBSCRIBER desires to purchase NDMV title, registration and lien records now and in the future, and to do so by receiving the information in a digitized (computer) format;

NOW, THEREFORE, in consideration of the mutual covenants and agreements herein, including the amounts hereinafter provided to be paid by SUBSCRIBER for such access, the parties hereto hereby agree as follows:

1. Nebrask@ Online shall furnish to SUBSCRIBER NDMV title, registration and lien records requested by SUBSCRIBER, subject to any limitations to access to the NDMV database imposed by NDMV.

2. SUBSCRIBER may request records be provided on a weekly, monthly, quarterly, semi-annual or agreed upon periodic basis, but not on holidays/weekends.

3. SUBSCRIBER shall pay to Nebrask@ Online a fee of \$12.00 per every 1000 title, registration and lien record increment (for a complete file extract) or an amount ranging from \$55.00 to \$500.00 per request, depending upon the complexity of the request and amount of programming required to complete the request. Subsequent requests, once the programming has been accomplished and will not significantly change, will be priced at a minimum of \$25.00 for up to 2,000 records and \$15.00 per any increment of 1,000 over the 2,000. This amount will be established, and agreed upon by both parties, at the time of the request. Payment shall be remitted to Nebrask@ Online within twenty (20) days from the date of the invoice. Invoices will be mailed monthly to the

**Nebraska NDMV Title, Registration and Lien Records Special  
Request/Batch Agreement**

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SUBSCRIBER'S address, which is:

Midlands Business Journal  
P.O.Box 24245  
1279 S. 120th Street  
Omaha, NE 68144

Accounts not paid when due may be late charged, or may have their access terminated without notice.

4. SUBSCRIBER warrants that it is aware of, and will comply with, all applicable federal, state, or other laws with regard to, access to, or use of, any and all information, databases, programs, or other products to which access is provided by or through Nebrask@ Online.

5. This agreement may be terminated at any time upon sixty (60) days advance notice by an instrument in writing, signed by a duly authorized representative of the party wishing to terminate, and mailed to the other party. This agreement may be immediately terminated upon any material breach of any covenant herein at the option of the non-breaching party, or upon cessation of the Nebraska State Records Board's Interagency Agreement with NDMV. Any notice of termination shall be deposited with the United States Postal Service, correctly addressed and postage prepaid.

6. This agreement constitutes the entire AGREEMENT of the parties and supersedes all other prior written or oral agreements between the parties with respect to the subject matter herein. This agreement may be changed, modified or amended at any time by an instrument in writing, signed by duly authorized representatives of both parties hereto.

7. Nebrask@ Online's address for notice is:

Mr. Sam Somerhalder, General Mgr.  
Nebrask@ Online  
1221 "N" St., Suite 303  
Lincoln, NE 68508

8. Nebrask@ Online agrees to provide reasonable technical support to SUBSCRIBER during regular business hours, and to provide electronically paged technical support during

**Nebraska NDMV Title, Registration and Lien Records Special  
Request/Batch Agreement**

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other hours, to assist SUBSCRIBER in the event of technical problems with regard to the formatting and/or reading of the digitized information requested.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed by their duly authorized representatives.

SUBSCRIBER

Nebrask@ Online

\_\_\_\_\_  
Authorized agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sam Somerhalder  
General Manager

\_\_\_\_\_  
Date

\_\_\_\_\_  
(Typed/Printed Name)

\_\_\_\_\_  
(Typed/Printed Title)



October 20, 1997

**ADDENDUM TO SEPTEMBER 25, 1997, REQUEST FOR APPROVAL TO ESTABLISH ACCESS TO NEBRASKA VEHICLE AND TITLE RECORDS ON-LINE AND TO SET A FEE FOR ELECTRONIC ACCESS**

At the meeting of the State Records Board on October 8, 1997, and again in a letter received from Greg Lemon dated October 15, 1997, the Department was asked to provide information on the proposal that was submitted on September 25, 1997. To provide the information requested, the Department submits the following addendum.

1) The proposal including at a minimum the records or data to be distributed and the fee and distribution of the fee for electronic access.

The proposal is contained in the attached Addendum Number One to the Interagency Agreement between the Nebraska State Records Board and the Department of Motor Vehicles.

2) Some explanation or justification of the need for electronic access.

The Department currently provides records of vehicle title and registration transactions at a fee of one dollar per individual record or twelve dollars per thousand records for an extract of the entire file of vehicles registered or titled in Nebraska under Neb.Rev.Stat. § 60-308 (Cum. Supp. 1996). As a result of the recent passage of L.B. 635, the Nebraska Uniform Motor Vehicle Records Disclosure Act, we have seen an increase in the number of entities interested in acquiring these records and the specific categories of records they wish to receive.

Prior to L.B. 635, many commercial entities, such as banks, financial institutions, and credit bureaus directed requests for vehicle title, registration, and lien information to the counties. Most counties allowed these entities open access to county records from which these organizations were able to retrieve the needed information. Under L.B. 635, however, counties can no longer allow access to personal information on motor vehicle records where the individual associated with that record has requested that the record be privacy-protected. Many counties do not have the resources to review requests for records and separate privacy

protected records from those that are not. Instead, they are referring these requests to the Department.

The Department is limited in its ability to deal with the number and type of requests that are being referred. Many of the requestors want multiple record listings meeting a specific criteria (i.e., all vehicle transactions on a particular day in a specific county). These requests have to go through CDP to do programming to search for and retrieve the multiple record special requests. In addition, many of these entities need the immediacy of access to the records they previously received from the counties, and instant access is not possible through the DMV.

Electronic access will allow these individuals to receive the information they need in a timely manner and in the form they need. The network will also be able to install security features that will result in the disclosure of information in accordance with L.B. 635 without undue delay in processing a similar request with the Department.

3) How costs, fees and splits contained in the proposal were determined.

That information can be found in the attached Title, Lien and Registration Pricing Approach and Agency/Network Split.

4) Any pertinent statutory provisions including any statutes establishing a fee for the records in other forms.

Attached is a copy of Neb.Rev.Stat. § 60-308 (Cum. Supp. 1996), which establishes the amount that the Department must charge for paper copies of individual title and registration records or an extract of the entire file of vehicles registered or titled in Nebraska.

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between the  
Nebraska State Records Board  
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Department of Motor Vehicles**

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Data Records to be Accessed

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Special Requests(various criteria):			
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First Run	\$ 24.00	\$ 9.60	\$ 14.40
Successive Runs/No Set Up:			
Minimum(2,000 records)	\$ 24.00	\$ 9.60	\$ 14.40
Over 2000 records	\$ 12.00/1,000	\$ 4.80/1,000	\$ 7.20/1,000

\*These prices currently exist in statute (\$1.00 & \$12.00) or are currently charged (\$55.00-500.00).

\*\*The monies collected by NOL (for Interactive and Special Requests), that are to be split between NOL and DMV will flow through the NSRB Cash Fund for accounting/audit trail purposes.

Special Notation: The network (NOL) will pay the CDP costs(CPU) associated with providing the above listed services, except for the Extract, which will remain with DMV.

The above and foregoing are acceptable to the Nebraska State Records Board and the Department of Motor Vehicles, and shall remain in effect subject to the terms of the Interagency Agreement between these two agencies/boards pertaining to Nebrask@ Online, or until subsequently modified in writing signed by an authorized representative of both parties.

Nebraska State Records Board:

by \_\_\_\_\_ Dated \_\_\_\_\_

Department of Motor Vehicles

by \_\_\_\_\_ Dated \_\_\_\_\_

**Title, Lien and Registration  
Pricing Approach  
and  
Agency/Network Split**

The pricing of "premium services" offered via Nebrask@ Online are based upon what is reasonable, what the marketplace will accept and what will be viewed as fair vs. the specific cost of providing the service for a particular service, plus markup. This marketing approach is taken because it is the cost of providing a public information network (Nebrask@ Online), where over 90% of the services are provided without a fee, and not the cost of providing a particular service that needs to be considered and justified. **It is the commercially viable information that provides the financial underpinnings on which the Network is built and sustained into the future to be able to build and offer--the free information.** Due to the 90/10 ratio (free/premium), we must emphasize that having a sound and on-going financial base for the Network cannot be overstated.

The split of the fees between the agency and the Network has the same impact on the financial underpinnings of the Network and takes into consideration adequate remuneration to those providing and incurring the related costs and the owners (respective agency) of the information. The Network develops the necessary interface and delivery mechanism and incurs the related data processing and delivery costs, while the agency keeps the information current and available for the prospective users.

- the quality of contractor performance on prior contracts;
- such other information that may be secured and that has a bearing on the decision to award the contract; and
- financial plan.

Proposals will be independently evaluated by members of the Nebraska State Records Board who will make up the Selection Committee. This will include a review by the NSRB Technical Advisory Committee to review technical requirements and to identify technical enhancements as proposed in the responses to the RFP.

#### **2.10.4.1 Mandatory Requirements**

The proposals will first be examined to determine if all mandatory requirements listed below have been addressed to warrant further evaluation. Proposals not meeting mandatory requirements will be excluded from further evaluation. The mandatory requirement items are:

- Compliance with the Drug-Free Workplace Policy terms and conditions described in Section 5.4;
- Technical Proposal Section 1 be a Transmittal Letter containing the items described in Section 3.1.1 of this RFP;
- Technical Proposal Section 2 be an Executive Summary;
- Technical Proposal Section 3 be a Management Approach that addresses the items described in Section 3.1.3 of this RFP;
- Technical Proposal Section 4 be a Technical Approach that addresses the items described in Section 3.1.4 of this RFP;
- Financial Proposal Section 5 that addresses the items described in Section 3.3 of this RFP
- Operation and Management Demonstrations and Oral Presentations described in Section 2.6.

#### **2.10.4.2 Technical Evaluation**

All responses to this RFP which fulfill all mandatory requirements will be evaluated on the content of the proposal. Note that the operation and management demonstrations are considered a mandatory requirement of this RFP. Areas that will be addressed during the technical evaluation include:

- Statement of Understanding
- Background and Experience
- Project Work Plan and Schedule
- Project Organization and Staffing
- Project Management Plan
- Financial Plan
- Operation and Management Demonstrations and Oral Presentations

#### **2.10.4.3 Reference Checks**

A standard format for scoring reference checks will be used by the Selection Committee members. Information to be requested and evaluated from each reference includes project description and background, job performed, functional and technical abilities, communication skills and timeliness, cost and schedule estimates and accuracy, problems (poor quality deliverables, contract disputes, work stoppages, et cetera), overall performance, and whether or not the reference would rehire the firm or individual. The State reserves the right to check any other reference(s) that might be indicated through the explicitly specified contacts or that result from communication with other entities involved with similar projects.