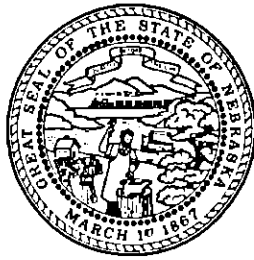


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May

5

1999



NEBRASKA STATE RECORDS BOARD

MINUTES

Meeting of May 5, 1999

The meeting was called to order by Chairman Scott Moore at 9:00 a.m. on May 5, 1999, in Room 1507 of the State Capitol, Lincoln, Nebraska.

The following Board members were present:

Scott Moore, Chairman;
Dave Heineman;
John Dale;
Mark Sutko;
Steve Grasz, representing the Attorney General;
Lauren Hill, Representing the Governor;
Kate Witek;
Lori McClurg.

Excused until they arrived were:

Terri Harder;
Kathy Nathan

Chairman Moore noted that the legal notice of hearing was published in the April 30, 1999, Lincoln Journal Star.

The minutes of the meeting of March 19, 1999, were considered. Mr. Heineman moved that the minutes be approved as circulated; motion seconded by Mr. Sutko.

Voting For:	Moore Grasz	Heineman Hill	Dale Witek	Sutko McClurg
Voting Against:	None			
Absent:	Harder	Nathan	Funk	Schroeder

The motion carried.

Greg Lemon, Deputy Secretary of State, introduced the current month beginning cash balance of the State Records Board account in the Records Management Cash Fund. The minutes packet that was distributed stated the balance was \$ 301,502 as of May 4, 1999. Mr. Lemon noted the balance of \$301,502 was actually as of April 30, 1999.

Terri Harder arrived at the meeting.

Chairman Moore opened the public hearing on the proposed amendment to the existing contract between Explore, Inc. and The Department of Motor Vehicles (DMV).

Mr. Grasz discussed and clarified the Attorney General's Opinion regarding "Neb. Rev. Stat. § 60-483 (1998); Fees for access to certain motor vehicle driver records". He indicated that the Director of the Department of Motor Vehicles has the authority to set the rate for electronic access to Department of Motor Vehicle records, subject to approval of fees for access by the State Records Board.

Kathy Nathan arrived at the meeting.

Ed Wimes, Director, Department of Motor Vehicles discussed the contract currently being negotiated with Explore, Inc. He requested that the Board take action on the amendment to this contract to increase the fee to 56.5%. He also requested the Board take action to create a sub-committee to develop a policy or guidelines for agencies entering into contracts for electronic access to their records. He asked that this policy or these guidelines include an "across the board" fee for electronic access to records.

Auditor Witek asked and Chairman Moore responded that if new fees are set, they must be approved by the Legislature within 18 months. Mr. Wimes suggested that this be clarified in any contract entered into setting electronic records access fees.

Mr. Patrick Cavanaugh, registered lobbyist for Explore, Inc., stated Explore, Inc. was ready to sign the amendment and move on.

Chairman Moore closed the public hearing.

Mr. Heineman made a motion and seconded by Ms. Harder to approve the contract with Explore, which would be in effect until August 1, 1999. Chairman Moore received clarification from Mr. Wimes that it is not in the contract to have the option to extend the contract; DMV and Explore, Inc. would have to negotiate an extension.

Voting For:	Moore Grasz Harder	Heineman Hill Nathan	Dale Witek	Sutko McClurg
Voting Against:	None			
Absent:	Funk	Schroeder		

The motion carried.

A motion was made by State Treasurer Heineman, seconded by Ms. McClurg, to authorize Chairman Moore to appoint 3-5 people to meet with DMV and develop specific guidelines to develop a fee the Board would approve. Chairman Moore said he would ask Ms. Hill and State Treasurer Heineman to serve on this committee and asked that anyone else interested should contact him.

Voting For:	Moore Grasz Harder	Heineman Hill Nathan	Dale Witek	Sutko McClurg
Voting Against:	None			
Absent:	Funk	Schroeder		

The motion carried.

Chairman Moore introduced the topic of online fees for filing UCC documents. He indicated UCC is not changing the fee, but changing the monetary split.

Greg Lemon, Deputy Secretary of State, explained that as of July 1, 1999 according to LB 1321, UCC filings will all be filed with the Secretary of State's UCC Division. They are working with Nebraska Online to accomplish this. Nebraska Online will get a cut of the current fee. The fee will flow through the State Records Board cash fund, then split off. The fee is for access to information. The law does not talk about "fees for filing". The Secretary of State is asking if the Secretary of State is given the authority to determine the split with Nebraska Online. Chairman Moore requested a decision before July 1, 1999.

After a discussion, Ms. Hill suggested the Secretary of State go ahead and negotiate the fee and the Board would ratify it after the fact. Secretary Moore said they would prepare something before the June meeting and stated he would not sign anything until he gets direction and/or approval from the State Records Board.

Chairman Moore indicated that at the last meeting, Mr. Schroeder brought up the issue of developing a proposal on how the State Board's Records Management Cash Fund is spent (if spent). Ms. McClurg stated that IBM is coming in to train on E-Commerce. She would be willing to get together with her staff and develop a presentation to the Board on what other states are doing. Chairman Moore suggested a possible RFI be developed for state agencies input. Nebraska Online (Sam Somerhalder) would also bring information and ideas to the table. Chairman Moore said if the ideas are a way to connect government with the people electronically, they are welcome. Ms. McClurg and Sam Somerhalder will prepare information for the June next meeting.

Chairman Moore announced that the next meeting of the Board would be in the afternoon on Thursday, June 24, 1999.

Ms. Harder moved the meeting be adjourned; seconded by Ms. McClurg.


Voting For:	Moore	Heineman	Dale	Sutko
	Grasz	Hill	Witek	McClurg
	Harder	Nathan		

Voting Against: None

Absent: Funk Schroeder

The motion carried.

The Chairman declared the meeting adjourned at 9:50 a.m.



Scott Moore
Chairman
State Records Board