



## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of April 6, 2022

**Agenda Item 1. CALL TO ORDER, ROLL CALL.** The meeting of the Nebraska State Records Board ("NSRB") was called to order by Chairperson Robert B. Evnen at 9:00 a.m. on April 6, 2022.

A Roll Call was taken. The following NSRB members were present:

Robert Evnen, Secretary of State, State Records Administrator and Chairperson  
Lt. Governor Mike Foley, representing the Governor  
Jason Jackson, the Director of Administrative Services  
Leslie Donley, representing the Attorney General  
John Murante, representing the State Treasurer  
Russ Karpisek, representing the Auditor  
Walter Weir, representing the General Public  
Tony Ojeda, representing the Insurance Industry  
Angela Stenger, representing the Media  
Bob Sullivan, representing the Legal Profession

Vacant member positions:

Representative of the Libraries  
Representative the Banking Industry

Staff in attendance:

Libby Elder, Executive Director, Nebraska State Records Board  
Tracy Marshall, Recording Clerk  
Colleen Byelick, Chief Deputy Secretary of State and General Counsel

**Agenda Item 2. ANNOUNCEMENT OF OPEN MEETINGS ACT.** After confirming that a quorum was present, the Chairperson announced that in accordance with the Nebraska Open Meetings Act, reproducible written materials to be discussed at the open meeting and a copy of the Nebraska Open Meetings Act were located to the left of the Chairperson or to the right of the public seating area.

**Agenda Item 3. NOTICE OF MEETING.** The Chairperson announced that public notice of the meeting was duly published in the Lincoln Journal Star on March 16, 2022, and on the State's public meeting calendar website. The public notice and proof of publication relating to the meeting would be attached to and made a part of the meeting minutes.

**Agenda Item 4. ADOPTION OF AGENDA.** The Chairperson brought the NSRB’s attention to the adoption of the agenda.

Ms. Stenger moved to approve the agenda as presented. Mr. Sullivan seconded the motion.

Voting For:	Evnen Stenger	Donley Karpisek	Weir Murante	Ojeda Jackson	Foley Sullivan
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Voting Against: None

Voting Abstain: None

Absent: None

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.** The Chairperson asked for a motion to approve the minutes of the December 16, 2021 meeting.

Mr. Foley moved to approve the minutes as presented. Ms. Donley seconded the motion. There was no further discussion.

Voting For:	Evnen Stenger	Donley Karpisek	Weir Murante	Ojeda Jackson	Foley Sullivan
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Voting Against: None

Voting Abstain: None

Absent: None

The motion carried.

**Agenda Item 6. APPROVAL OF FINANCIAL REPORT.** Libby Elder, Executive Director for the NSRB provided a summary of the December 31, 2021 Cash Fund Balance Report.

Mr. Foley moved to approve the report. Mr. Weir seconded the motion. There was no further discussion.

Voting For:	Evnen Stenger	Donley Karpisek	Weir Jackson	Murante Foley	Ojeda Sullivan
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Voting Against: None

Absent: None

The motion carried.

**Agenda Item 7. PUBLIC COMMENT.**

The Chairperson asked if anyone wished to provide public comment to the NSRB. Jennifer Rasmussen, Deputy Administrator, Information Technology, Administrative Office of the Courts (“AOC”) provided comment. Ms. Rasmussen provided a summary of the AOC’s history with Nebraska Interactive, LLC (“Nebraska Interactive”), shared goals of the AOC for the future, and encouraged the NSRB to work with Nebraska Interactive and the parent company Tyler Technologies on a plan to position Nebraska Interactive for stability and managed growth. There was discussion regarding the availability of the Office of the Chief Information Officer to assist with agency information technology projects, application rationalization, the benefits of custom application development, and use of Agile development methodology. There was also discussion regarding grant funding provided through the Nebraska State Patrol to support certain AOC projects relating to criminal history records.

**Agenda Item 8. EXECUTIVE DIRECTOR’S REPORT**

Ms. Elder introduced Mr. Bob Sanders, Vice President of State Enterprises, NIC Division of Tyler Technologies who was visiting from Arkansas. Ms. Elder also informed the NSRB that subscriber payments will now have to be mailed to a lockbox address in St. Louis, Missouri due to a change in services provided by Nebraska Interactive’s bank.

**Agenda Item 8.a. Review of Template Agreements:** Ms. Elder provided a list of the Electronic Government Service Level Agreements (“EGSLA”), Business Payment Processing Addendums, PayPort Addendums, and Statements of Work (“SOW”) and SOW amendments that were signed pursuant to NSRB authority.

**Agenda Item 8.b. Review of Project Status Report:** Ms. Elder presented information related to the status of various active projects based upon feedback from the state agency partners. Discussion took place regarding projects Nebraska Interactive is working on for the Nebraska Accountability and Disclosure Commission, the Administrative Office of the Courts, the Assistive Technology Partnership, and the Village of Bennet.

**Agenda Item 9. NEW BUSINESS****Agenda Item 9.a. Approve Department of Motor Vehicles Addendum 17:**

Ms. Elder provided a summary of Addendum Seventeen as it relates to a project that Nebraska Interactive plans to complete for the Nebraska Department of Motor Vehicles (“DMV”) relating to the 24/7 Sobriety Program Act. The 24/7 Sobriety Program Act was signed into law in May of 2021. It is a program that is an alternative to incarceration for offenses that involve operating a motor vehicle while under the influence of alcohol or other drugs. Participants are allowed to apply for a 24/7 driving permit, which would allow them to continue to drive to school, work, and the testing facility during the pendency of their DUI case. Nebraska Interactive will be adding the Sobriety Program permit to DMV’s online Driver’s License System to allow drivers to apply for the permit online. Additionally, interfaces will be added to other services that are affected by the new permit. Addendum 17 proposes a \$3.00 portal fee (Electronic Check or Credit Card) on top of the statutory fee (\$45.00 for initial permit and \$11.00 for replacement permits).

Ms. Rhonda Lahm, Director of the DMV provided additional information regarding Addendum 17 and the Sobriety Program permit. Ms. Lahm indicated that DMV estimates 500-550 users per year. There was discussion regarding what threshold of users there should be in order have a portal solution and DMV’s desire to maintain online options for users.

Mr. Ojeda moved to approve Addendum Seventeen, which was seconded by Mr. Sullivan.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 9.b. Approve Department of Insurance Revised Addendum 4:**

Ms. Elder provided a summary of Revised Addendum 4 as it relates to a project for the Department of Insurance (“DOI”) that is nearing completion by Nebraska Interactive. DOI administers provisions of the Nebraska Hospital-Medical Liability Act pertaining to surcharges levied on qualified health care providers under the Excess Liability Fund (“Fund”), which provides health care providers with medical liability coverage.

Currently, the health care provider, or their insurance agent, submits proof of liability insurance coverage for a provider, or providers, to the DOI along with a check payment of the Fund surcharge. Nebraska Interactive has been working on a system to allow health care providers to participate in the Excess Liability Fund and make payments online. This project was originally considered by the NSRB at the April 10, 2019 meeting and Addendum 4 was approved. Development of the system was paused for a period of time but is now nearing completion.

The original Addendum 4, refers to “Medical Malpractice Renewals,” and fees to be charged for renewals. However, the System includes functionality to do more than renewals. The System includes three different payment functionalities: initial participation, renewals, and adjustments. There was discussion regarding the total number of anticipated annual transactions, and whether the number of anticipated transactions has changed since Addendum 4 was originally approved by the NSRB in 2019.

Mr. Sullivan moved to approve Revised Addendum 4, which was seconded by Mr. Ojeda.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 9.c.** Approve Fourth Amendment to Master Contract – Website Content Management.

Ms. Elder explained that the purpose of the Fourth Amendment to the Master Contract between the State and Nebraska Interactive is to make a clarification regarding website content management. Nebraska Interactive hosts some websites on the Dreamweaver platform, and other websites on the Meadowlark or Drupal platform. The current Master contract refers to the rate for Content Management as “Content Management – Meadowlark Websites.” To clarify that the content management rate of the Master Contract applies to all website content management, regardless of platform, the Fourth Amendment removes the word “Meadowlark” and there are no changes to the fees presented.

Ms. Stenger moved to approve the Fourth Amendment to the Master Contract, which was seconded by Mr. Karpisek.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 10. TECHNICAL INFRASTRUCTURE UPGRADES.**

Mr. Jackson, Chairperson of the Technical Infrastructure Subcommittee provided an update on the subcommittee’s review of Nebraska Interactive’s progress toward completion of technical infrastructure upgrades. The first meeting of the subcommittee was held on March 23, 2022. Mr. Jackson, Mr. Weir, Ms. Byelick, Ms. Elder, and the Nebraska Interactive team were in attendance. Mr. Sullivan, who is also on the subcommittee, was not able to attend. Mr. Jackson shared that the subcommittee ratified the subcommittee’s scope of responsibilities, which includes oversight of the progress of the upgrade initiative, customer satisfaction, stakeholder communication, and impact to other Nebraska Interactive business. The subcommittee requested that Nebraska Interactive prepare communication to be provided to partner agencies. Such communication should include, at a minimum, (1) executive level communication and (2) technical level communication to the technical points of contact at each agency, which should occur at the start and end of each upgrade project and should provide information to contact Ms. Elder with matters for the NSRB. Survey methodology may be used in the future to assess agency satisfaction. The subcommittee further directed Nebraska Interactive to articulate criteria to inform their order of priority for upgrade projects.

The subcommittee anticipates meeting 1-2 times in between NSRB meetings, with the next meeting to be held in May. Mr. Jackson also reported that Nebraska Interactive has contracted with a consultant to assist with challenges that may arise as upgrades are completed in the Grails open-source framework. Chairperson Evnen expressed appreciation for Nebraska Interactive’s cooperation with the subcommittee. Chairperson Evnen inquired as to the completion date for the upgrades and indicated the importance of Nebraska Interactive’s completion of the upgrades as quickly and efficiently as possible. Mr. Jackson commented on the completion dates and indicated this was anticipated to be an 18-month project and could extend to a 24-month project. The start date of the 18-month period was discussed, and Mr. Sloan indicated that the start date was January 1, 2022. Mr. Sloan further indicated that the degradation of service is only for 2022, and then Nebraska Interactive will return their team to new

development, even though upgrades may take longer.

**Agenda Item 11. NEBRASKA INTERACTIVE REPORTS.**

**Agenda Item 11.a. Nebraska Interactive, LLC, Review Electrical Division Permitting System Outage:**

Mr. Hoffman provided a letter to the NSRB regarding the loss of functionality of a low volume application for the Nebraska Electrical Division. The period of the loss of functionality was a total of three and a half hours. The Chairperson indicated that the penalty that may be assessed by the NSRB is two thousand dollars (\$2,000) per hour for each hour the application was not fully functional after the first two-hour period. The penalty is to be assessed at the discretion of the NSRB. There was discussion regarding prior penalties assessed, the time it took to restore the functionality, and the effect on the Nebraska Electrical Division. Mr. Hoffman clarified that this is the first time a single application had an outage.

Mr. Foley moved to waive assessment of the penalty to Nebraska Interactive, LLC, which was seconded by Mr. Sullivan.

Voting For:	Donley	Weir	Murante	Ojeda	Stenger
	Karpisek	Jackson	Foley	Sullivan	
Voting Against:	Evnen				
Absent:	None				

The motion carried.

**Agenda Item 11.b.1. Nebraska Interactive, LLC, Project Priority Revised Format:**

Mr. Sloan presented information on the status of various active projects, which were discussed due to feedback received from the state agency partners. There was discussion regarding how agencies make decisions regarding the development and maintenance of their websites.

Mr. Sloan discussed projects completed in the fourth quarter of calendar year 2021, or to be completed soon, including a jail query report prepared for the Crime Commission and online brand renewal functions for the Nebraska Brand Committee.

Mr. Sloan presented information on the revised format of the Project Priority Report. Mr. Sloan indicated that instead of an initial target date, there is now an anticipated month of completion. There was also discussion regarding the new project status score (a tier system), and information on how the tier is determined. The Chairperson asked how Nebraska Interactive will prioritize projects within the tiers. Nebraska Interactive indicated they meet with partners monthly and identify partner availability to work on projects. There was discussion regarding changes to the anticipated month of completion. Mr. Sloan indicated such changes would be noted on the report.

Mr. Foley moved to approve the Project Priority Report revised format, which was seconded by Mr. Ojeda.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan

Voting Against: None

Absent: None

The motion carried.

**Agenda Item 11.b.2. Nebraska Interactive, LLC, Project Priority Report:**

Mr. Sloan referenced information on the current Project Priority Report, which was discussed as part of item 11.b. 1. There was no further discussion by the NSRB.

Ms. Stenger moved to approve the Project Priority Report, which was seconded by Ms. Donley. There was no further discussion.

Voting For:	Evnen	Donley	Weir	Murante	Ojeda
	Stenger	Karpisek	Jackson	Foley	Sullivan

Voting Against: None

Absent: None

The motion carried.

**Agenda item 11.c. General Manager’s Report:**

Mr. Hoffman reported on the following items for the fourth quarter of 2021:

- 1) Nebraska Interactive met several of their enterprise business goals by making investments in staff by sending them through the State’s Center for Operational Excellence and providing access to online courses and continuing education opportunities.
- 2) A Systems Security Administrator has been hired, increasing the network’s security footprint.
- 3) Nebraska Interactive implemented a student intern program.
- 4) Nebraska Interactive reorganized their development teams to meet partner needs and demands.
- 5) Nebraska Interactive expanded payment processing to include cash and remote payments using PromptPay and CheckFreePay.
- 6) Nebraska Interactive’s growth during the quarter was 5%. There has been a decrease in commercial record demand affecting revenues.
- 7) Nebraska Interactive continued to balance time on revenue and non-revenue services. 69% of time was spent on non-revenue services and enhancing services with no new income, 14% was spent on time and materials projects with the remaining time being grant funded work.
- 8) Development teams launched 31 projects, including several projects for the State Fire Marshal.

- 9) Customer satisfaction ratings have a 25% engagement rate, and feedback continues to be positive with 4.5 – 5-star ratings for the 14 services currently being tracked.
- 10) Regarding staffing, Nebraska Interactive currently has 27 staff members and can fund 30 staff in addition to Mr. Hoffman. They are attending job fairs and have been successful in attracting new talent.
- 11) The current market is indicating \$10,000 - \$15,000 increase in salaries from hiring rates pre-pandemic.
- 12) Nebraska Interactive would like to explore how to have an inflation mechanism within the funding for the future to meet salary demands. Nebraska Interactive is requesting guidance from the NSRB, instead of proposing ideas and missing the mark on what would be acceptable to the NSRB.

There was discussion regarding Nebraska Interactive’s ability to fund three additional open positions, which could help with the backlog of projects. There was also discussion regarding inflation, whether there is a need for collaboration and evaluation of portal fees, and whether the Technical Infrastructure Subcommittee may be useful in coming up with ideas or addressing some of these issues.

Chairperson Evnen indicated that he would agree that a collaborative model is preferred, but to have a collaborative model, the NSRB will also need complete information on Nebraska Interactive’s revenue.

Mr. Foley indicated that, as he has heard today, there is an 18-month problem, and there doesn’t seem to be a need to radically restructure because when the upgrades are completed, Nebraska Interactive will have 30 people available to work on projects. Mr. Hoffman indicated that he isn’t seeking a radical restructuring, but that this is a public-private partnership and the NSRB needs to be part of the solution.

**Agenda Item 12. DATE FOR NEXT MEETING.** The Chairperson announced the next NSRB meeting date will be in June and is anticipated to be held at the 12<sup>th</sup> and N Street location.

**Agenda Item 13. ADJOURNMENT.**

The meeting adjourned at 11:06 AM.




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Robert B. Evnen  
 Secretary of State  
 State Records Administrator  
 Chairperson, State Records Board




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Date