



## NEBRASKA STATE RECORDS BOARD

### MINUTES

#### Meeting of June 9, 2021

**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 9:05 a.m. on June 9, 2021.

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

Robert B. Evnen, Secretary of State, State Records Administrator and Chairperson;  
Leslie Donley, representing the Attorney General;  
Jason Walters, 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

Members absent at Roll Call:

Lt. Governor Mike Foley, representing the Governor;  
Jason Jackson, the Director of Administrative Services;

Vacant member positions:

Representative of the Libraries  
Representative the Banking Industry

Staff in attendance:

Colleen Byelick, Chief Deputy and General Counsel, Secretary of State  
Tracy Marshall, Recording Clerk

**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 are 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 May 5, 2021, and on the state's public meeting calendar website. The public notice and proof of publication relating to the meeting will be attached to and made a part of the meeting minutes.

**Agenda Item 4. ADOPTION OF AGENDA.** The Chairperson brought the Board’s attention to the adoption of the agenda. Mr. Ojeda moved to approve the Agenda as presented. Ms. Donley seconded the motion.

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

The motion carried.

**Agenda Item 5. APPROVAL OF MINUTES.** The Chairperson asked for a motion to approve the minutes of the March 25, 2021 meeting. Ms. Stenger moved to approve the minutes as presented, Mr. Weir seconded the motion. There was no further discussion.

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

The motion carried.

**Agenda Item 6. APPROVAL OF FINANCIAL REPORT.** Colleen Byelick, Chief Deputy and General Counsel for the Secretary of State provided an overview of the March 31, 2021 Cash Fund Balance Report. Mr. Sullivan moved to approve the Financial Report. Ms. Donley seconded the motion. There was no further discussion.

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

The motion carried.

**Agenda Item 7. PUBLIC COMMENT.** The Chairperson asked if anyone wished to provide public comment to the Board. No public member indicated a desire to provide public comment. Mr. Weir inquired about security measures. Chairman Evnen asked Nebraska Interactive, LLC (NIC) to address that issue as part of the General Manager’s Report.

Lt. Governor Foley and Mr. Jackson arrived 9:14 a.m.

**Agenda Item 8. NEW SERVICES**

**Agenda Item 8.a. TeleGov & Agenda Item 8.b. PromptPay** – Ms. Byelick explained that TeleGov and PromptPay services were being presented for awareness and discussion by the Board, and that no fees were being proposed for these services. Mr. Hoffman explained that TeleGov is an appointment calendaring system, which would allow citizens to schedule an appointment, or in-office visit. Mr. Sloan explained that PromptPay is a payment channel in which an agency can take a PCI compliant payment. Instead of taking a payment over the phone, individuals are sent a payment link to their smart phone via text message, which they can click and then complete the payment. There were no questions and no further discussion.

**Agenda Item 8.c. CheckFreePay** – Mr. Sloan explained that CheckFreePay is a service aimed to serve individuals who prefer to pay with cash. CheckFreePay allows merchants to integrate with NIC systems, and then individuals can make a cash payment directly to the merchant for fees or citations they owe. CheckFreePay is provided by Fiserv, and Fiserv has contracted with NIC Corporate. Mr. Sloan explained that, if an individual receives a citation, but does not have a credit card or other method for making an online payment, the individual could take a citation to a merchant, and the merchant could pull up the information, and the individual could pay the citation with cash. A \$1.25 portal fee would be added to the service. The Fiserv service fee is \$3.00, so a total of \$4.25 would be added to the transaction for the user.

Following discussion of the Board members, Ms. Stenger moved to approve CheckFreePay with the rate of \$1.25 fee for NIC per transaction, and to authorize the chairperson to sign addenda with agencies for the use of the CheckFreePay services, which was seconded by Mr. Karpisek. There was no further discussion.

Voting For:	Evnen	Foley	Sullivan	Donley	Weir
	Walters	Ojeda	Stenger	Karpisek	

Voting Against: Jackson

Absent: None

The motion carried.

**Agenda Item 9. APPROVE CHANGES TO APPENDIX E**

Ms. Byelick provided the Board with a draft of a third amendment to the contract between the Board and NIC. The amendment would add TeleGov, CheckFreePay, and AppEngine to the list of electronic services contained in Appendix E. Additionally, some references in the contract would be corrected. Mr. Foley moved to approve the changes to Appendix E and to adopt the third amendment to the contract, which was seconded by Mr. Sullivan.

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

Voting Against: None

Absent: None

The motion carried.

#### **Agenda Item 10. EXECUTIVE DIRECTOR'S REPORT**

**Agenda Item 10.a. Review of Template Agreements:** Ms. Byelick provided a list of the EGSLAs, Business Payment Processing, PayPort, and SOWs that were signed pursuant to Board Authority.

**Agenda Item 10.b. Review of Project Status Report:** Ms. Byelick presented information related to the status of various active projects based upon feedback from the state agency partners.

**Agenda Item 10.c. Report on Termination of DHHS Birth Certificate Service:** Ms. Byelick referred to a letter received from DHHS regarding termination of services and indicated that DHHS had clarified that they wished only to terminate services related to birth certificates. DHHS indicated to Ms. Byelick that they did not have any issues with the service provided by NIC but had replaced the service using internal IT staff and did not want to charge a fee to their users.

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

**Agenda Item 11.a. Project Priority Report Q1:** Mr. Sloan provided a brief overview of the Project Priority Report and discussed new operational processes that NIC was implementing. Ms. Stenger moved to approve the Project Priority Report, which was seconded by Ms. Donley. There was no further discussion.

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

Voting Against: None

Absent: None

The motion carried.

**Agenda item 11.b. Review February 26, 2021 Payment Outage.** Mr. Hoffman explained that NIC's selected merchant processor for county payments, Fiserv, had an outage as a result of a 3<sup>rd</sup> party internet service provider. This outage impacted credit card processing throughout the country. Mr. Hoffman indicated the loss of service was not caused by a site or service hosted or developed by NIC, and the loss of functionality was not due to a change in infrastructure, code base, or due to NIC. Mr. Hoffman requested it be considered a Force Majeure event.

Chairperson Evnen indicated that if there is a loss of functionality of three hours or more that the

Board must decide in good faith, and in writing, whether the loss is chargeable to NIC. This outage continued from 9:40 a.m. to 3:30 p.m., which exceeds the 3-hour period, leaving it to the Board to determine if the outage was within the control of NIC. Chairperson Evnen further indicated that he requested an opinion from Ed Toner, Chief Information Officer for the State of Nebraska, and Mr. Toner concluded the outage was not due to NIC. Chairperson Evnen stated that if NIC is not at fault, there is no reason to assert a penalty. There was discussion regarding whether Fiserv was being held harmless by NIC.

Ms. Donley moved to find that the outage was not due to the action of NIC, and that the Board approve proceeding without penalty to NIC, which was seconded by Mr. Foley.

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

The motion carried.

**Agenda item 11.c. General Manager’s Report:** Mr. Hoffman reported the following:

There was a legislative change relating to electronic tagging of cattle, which impacts the Brand Committee.

Nebraska Interactive, LLC is now a wholly owned subsidiary of Tyler Technologies, instead of NIC. He indicated that there will be no operational or personnel changes in 2022 as a result of the acquisition. NIC’s financial position remains strong supporting current operations.

The Game and Parks Commission issued a Request for Proposals for permitting and licensing, and NIC is examining the requirements.

NIC is exploring tools to evaluate performance, which can be used by users of the service.

In response to an inquiry by Mr. Weir, NIC addressed security measures like firewalls, training, and security policies and there was some discussion by the Board.

**Agenda Item 12. DATE FOR NEXT MEETING.** The Chairperson announced the next NSRB meeting is tentatively scheduled for September 14 or 15, 2021, at 9:00 a.m., 1221 N Street 2<sup>nd</sup> Floor Conference Room.

**Agenda Item 13. ADJOURNMENT.** The Chairperson declared the meeting adjourned at 10:30 a.m.



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



Date