

July

24

1997

STATE RECORDS BOARD

MINUTES

Meeting of July 24, 1997

The meeting was called to order by Chairman Scott Moore at 9:35 A.M. on July 24, 1997, in Room 1520 of the State Capitol, Lincoln, Nebraska.

The following Board members were present:

Scott Moore, Chairman;
Yvonne Norton Leung, representing the Governor;
Terry Harder;
Jeff Funk;
Craig Schroeder;
John Breslow;
David Heineman;
Donald Stenberg;
John Dale;
Jeanne Raznick;
Lawrence Primeau.

Not present was:

Mark Sutco.

The chairman made opening comments and announced that the meeting notice had been published and that a quorum of the board was present.

State Senator Ron Withem appeared before the board to discuss the legislative intent behind LB590 and to answer questions from the board members. The chairman also distributed copies of a letter from State Senator Curt Bromm. During this discussion, Mr. Primeau left the meeting and was subsequently represented by William Miller, and Mr. Sutco arrived at the meeting. Mr. Stenberg pointed out that a portion of the fee for filing UCC documents had not been earmarked for the Records Management Cash Fund, and Sen. Withem indicated that corrective legislation would probably be introduced in the next legislative session.

Greg Lemon, Deputy Secretary of State, presented financial projections for the Records Management Cash Fund based on the assumption of the continuance of the existing contract with Nebrask@ Interactive as an interim contract. During this discussion, Sam Somerhalder, representing Nebrask@ Interactive, confirmed that the 2% fee under the existing contract had generated about \$4,000.00 per month for the Nebraska Library Commission. Mr. Lemon indicated that no general fund money had been appropriated to the State Records Board, but that about \$900,000 in cash funds had been appropriated.

The board discussed the existing contract with Nebrask@ Interactive and the lawsuit brought by Farmers Mutual Insurance Company challenging the fees being charged. Mr. Stenberg reported that the court had ruled that legal access to records had been satisfied, that the fee for on-line access had been reasonable, but that the Nebraska Library Commission and Nebrask@ Interactive had been ordered to cease providing batch requests until the Legislature could set the fee. This was rendered moot by the passage of LB590. Mr. Stenberg noted that this ruling could still be appealed.

The board next discussed the proposed interim contract with Nebrask@ Interactive as presented by Mr. Lemon. Mr. Stenberg pointed out that under the provisions of LB590, all rights, duties and responsibilities of the Nebraska Library Commission should be assigned to the State Records Board. Mr. Somerhalder and Rod Wagner, Director of the Nebraska Library Commission, joined in this discussion. Mr. Stenberg distributed alternative language for the interim contract which would accomplish this intent of LB590. Following discussion, Mr. Stenberg moved that the alternative proposal to transfer responsibilities to the State Records Board be adopted as the interim contract; motion seconded by Mr. Heineman.

Voting For:	Norton Leung	Harder	Funk	Schroeder
	Breslow	Moore	Heineman	Sutco
	Stenberg	Dale	Raznick	Miller

Voting Against: None

The motion carried.

The board then discussed the term of the contract, and questions were raised as to when the contract expired and whether a provision for a twelve month extension of the contract existed. William Mueller, counsel for Nebrask@ Interactive, Mr. Somerhalder, and Mr. Wagner joined in this discussion. Mr. Moore indicated that copies of all pertinent contract documents and addenda would be provided to the board members and this issue would be placed on the agenda for the next board meeting.

The board then considered the existing contract option to purchase the Nebrask@ Online software from Nebrask@ Interactive for \$500,000.00, if the option was exercised by July 31, 1997. During discussion it was noted that adequate funds did not exist in the Records Management Cash Fund to exercise this option. No motion was made, and the option was not exercised.

The board next discussed the development of a Request for Proposals (RFP) for Network Manager Services and staffing alternatives. After extensive discussion, Mr. Stenberg moved that the board request the Department of Administrative Services to develop a draft RFP for consideration by the board at its next meeting; seconded by Ms. Norton Leung.

Voting For:	Norton Leung	Harder	Funk	Breslow
	Moore	Heineman	Sutco	Stenberg
	Dale	Raznick		

Voting Against: None

Not Voting: Miller

Absent: Schroeder

The motion carried.

Mr. Stenberg asked that a demonstration of the existing capabilities of Nebrask@ Online be provided for the board and that public comment be sought as to what capabilities would be desirable under a new contract. Mr. Moore indicated that this would be done.

The board next discussed the Technical Advisory Committee required by LB590. Mr. Moore will request names and resumes of possible appointees to the committee. During the discussion, Mr. Breslow and Ms. Norton Leung left the meeting, and Mr. Schroeder returned to the meeting.

During discussion of miscellaneous matters, Mr. Stenberg indicated that the Attorney General will work on an opinion as to the existing contract transition period, and also that board members can be sued but legal defense would be provided by the Attorney General.

The next board meeting was scheduled for 9:30AM, August 6, 1997.

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

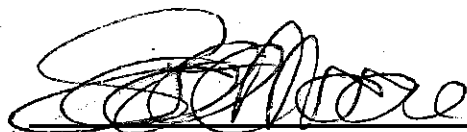
Voting For:	Harder	Funk	Schroeder	Moore
	Heineman	Sutco	Stenberg	Dale
	Raznick	Miller		

Voting Against: None

Absent: Breslow Norton Leung

The motion carried.

The chairman declared the meeting adjourned .



Scott Moore
Chairman
State Records Board