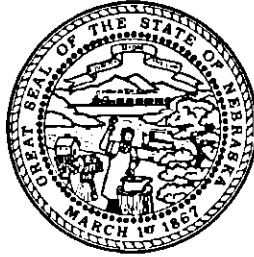


- 
- **December**

- **1**

- **1997**

-



## NEBRASKA STATE RECORDS BOARD

### MINUTES

Meeting of December 1, 1997

The meeting was called to order by Chairman Scott Moore at 1:15 P.M. on December 1, 1997, in Room 1507 of the State Capitol, Lincoln, Nebraska.

The following board members were present:

Scott Moore, Chairman;  
John Dale;  
Don Dunlap, representing the Auditor of Public Accounts;  
David Heineman;  
Robert Luth;  
Yvonne Norton Leung, representing the Governor;  
Donald Stenberg.

Not present due to failure of the video conferencing system were:

Jeff Funk;  
Terry Harder;  
Craig Schroeder;  
Mark Sutko.

Not present was:

Jeanne Raznick;

The minutes of the meeting of November 10, 1997, were considered. Ms. Norton Leung moved that the minutes be approved as circulated; motion seconded by Mr. Dunlap.

Voting For:	Dale Moore	Dunlap Norton Leung	Heineman Stenberg	Luth
Voting Against:	None			
Absent:	Funk Sutko	Harder	Raznick	Schroeder

The motion carried.

Greg Lemon, Deputy Secretary of State, presented a sample letter sent to state agencies requiring a hearing to renew their contracts for fee based electronic access, and two tables: Table 1: Fee-based electronic access services which require a hearing and new contract before January 31, 1998; and Table 2: Fee-based electronic services which require legislative approval within one year.

Mark Sutko and Terry Harder joined the meeting via video conference from Kearney. Jeff Funk joined the meeting via video conference from Grand Island. Craig Schroeder joined the meeting via video conference from North Platte.

The Chairman opened discussion of the proposed Contract for Network Manager Services (December 1, 1997 edition) as had been negotiated by the subcommittee of Chairman Moore, Mr. Heineman, and Mr. Sutko. Mr. Heineman moved to adopt the contract as negotiated; motion seconded by Mr. Sutko.

Mr. Stenberg moved to amend the Heineman motion and to amend the proposed contract page 10, item b., to read as follows:

*b. NSRB will receive 4.5% of Gross Profit(Gross Revenue less Internet and 800 service costs and amounts remitted to state agencies other than the NSRB) of the first \$89,900 and 2% on any Gross Profit over that amount, computed and payable monthly.*

The motion was seconded by Mr. Heineman.

Voting for:	Dale	Dunlap	Funk	Harder
	Heineman	Luth	Moore	Norton Leung
	Schroeder	Stenberg	Sutko	
Voting Against:	None			
Absent:	Raznick			

The motion to amend carried.

Mr. Stenberg moved to further amend the Heineman motion and to amend the proposed contract page 10, item c., to read as follows:

*c. NII shall be entitled to retain all revenue generated from subscription fees and connect time charges, and shall be paid the revenue generated from electronic access fees for currently existing services, after payment of the fees specified in the respective DP/CE agreements, payments specified in paragraph b. above, and all other network operating costs. Revenue from electronic access fees for new services shall be divided as agreed upon at the time the NSRB approves the fees for services.*

The motion was seconded by Mr. Heineman.

Voting for:	Dale	Dunlap	Funk	Harder
	Heineman	Luth	Moore	Norton Leung
	Schroeder	Stenberg	Sutko	
Voting Against:	None			
Absent:	Raznick			

The motion to amend carried.

Mr. Stenberg moved to further amend the Heineman motion and to amend the proposed contract page 15, section 16., second paragraph, to read as follows:

*NSRB may terminate this Contract at any time and without cause if directed to do so by statute; if there is a substantial cessation of Network services by NII; failure of appropriation by the Legislature as found in section 5.6 of the RFP (SCA-0099); or if there is a repeal of the NSRB enabling statutes unless other statutory provisions allow continuation of the Network.*

The motion was seconded by Ms. Norton Leung.

Voting for:	Dale Heineman Schroeder	Dunlap Luth Stenberg	Funk Moore Sutko	Harder Norton Leung
Voting Against:	None			
Absent:	Raznick			

The motion to amend carried.

Mr. Luth moved to further amend the Heineman motion and to amend the proposed contract by adding to section 9., the following new paragraph:

*On an annual basis, NII will provide audited financial statements to the NSRB.*

The motion was seconded by Mr. Dunlap.

Voting for:	Dale Heineman Schroeder	Dunlap Luth Stenberg	Funk Moore Sutko	Harder Norton Leung
Voting Against:	None			
Absent:	Raznick			

The motion to amend carried.

The board considered the Heineman motion to adopt the proposed contract, as amended by the three Stenberg motions and the Luth motion.

Voting for:	Dale Heineman Schroeder	Dunlap Luth Stenberg	Funk Moore Sutko	Harder Norton Leung
Voting Against:	None			
Absent:	Raznick			

The motion to adopt the proposed contract as amended carried.

Chairman Moore announced that he would sign the final contract on behalf of the board.

Mr. Lemon indicated that he would provide language for LB590 cleanup legislation at the next board meeting. The agenda for the next meeting will include the Information Resources Council, agency hearings on fee-based access, and language for cleanup legislation.

Chairman Moore announced that the next board meeting will be at 9:00 A.M., December 17, 1997.

Ms. Norton Leung moved that the meeting be adjourned; motion seconded by Mr. Heineman.

Voting for:	Dale	Dunlap	Funk	Harder
	Heineman	Luth	Moore	Norton Leung
	Schroeder	Stenberg	Sutko	

Voting Against: None

Absent: Raznick

The motion carried.

The chairman declared the meeting adjourned at 2:36 P.M.



Scott Moore  
Chairman  
State Records Board