

**ONE HUNDRED SECOND LEGISLATURE - SECOND SESSION - 2012**  
**COMMITTEE STATEMENT**  
**LB719**

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**Hearing Date:** Friday January 20, 2012  
**Committee On:** Government, Military and Veterans Affairs  
**Introducer:** Price  
**One Liner:** Change and eliminate provisions of the Records Management Act, transmission of reports, and certain surcharge and convenience fees

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**Roll Call Vote - Final Committee Action:**  
Advanced to General File with amendment(s)

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**Vote Results:**

<b>Aye:</b>	7	Senators Avery, Karpisek, Pahls, Price, Seiler, Sullivan, Wallman
<b>Nay:</b>		
<b>Absent:</b>		
<b>Present Not Voting:</b>	1	Senator Janssen

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**Proponents:**

Senator Scott Price  
John Gale  
Don Stenberg  
Larry Dix

**Representing:**

Introducer  
Secretary of State  
State Treasurer  
Nebraska Association of County Officials

**Opponents:**

Jerry Stilmock

**Representing:**

Nebraska Bankers Association

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 719 makes several changes to the Records Management Act.

Currently, state agencies are allowed to impose a surcharge or convenience fee upon a person making a payment by credit card or charge card to the state agency. This bill provides that any such fee imposed by the state agency will have the force of law and will be honored by the credit card or charge card company. Any credit card or charge card company doing business in the state will not assess any fee or penalty against the state if the state imposed a surcharge or convenience fee as a percentage of the transaction. Current law only allows the surcharge or convenience fee to be applied when allowed by the credit card or charge card company.

The bill changes the language from "gateway" to "portal". Portal is defined as the state's centralized electronic information system by which public records or electronic information and services are provided using electronic access.

The provision requiring that fees established by the State Records Board be terminated after an 18 month period unless enacted by the Legislature is eliminated.

The bill also provides the State Records Board will provide an annual report to the Legislature on its activities. Currently, the report is required to be provided quarterly.

Finally, the bill outright repeals three sections: Section 84-1205.04 deals with an outdated public bidding statute; Section 84-1205.06 deals with public records and is inconsistent with other public record laws; and Section 84-1223 deals with an outdated statute on micrographic production and processing.

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**Explanation of amendments:**

The committee amendment removes the section in the bill regarding surcharge or convenience fees imposed by state agencies upon persons making a payment by credit card or charge card to the state agency. With the amendment, the language providing that any such fees imposed by the state agency will have the force of law and will be honored by the credit card or charge card company is eliminated.

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Bill Avery, Chairperson