

[Provisions added to NRS 242 \(Information Systems\), NRS 353 \(State Financial Administration\), NRS 232 \(State Departments\), or NRS 205 \(Crimes Against Property\)](#)

~~Provisions deleted~~

~~Provisions transferred from NRS 242 and added (perhaps with modification) to either NRS 353, NRS 232 or NRS 205~~

Explanatory Text, color coded in margin text box

~~Provision that will sunset on June 30, 2017~~

CHAPTER 242 - INFORMATION SERVICES

GENERAL PROVISIONS

NRS 242.011 Definitions.

NRS 242.013 “Administrator” defined.

~~NRS 242.015 “Board” defined.~~

NRS 242.031 “Department” defined.

NRS 242.045 “Division” defined.

NRS 242.051 “Equipment” defined.

NRS 242.055 “Information service” defined.

NRS 242.057 “Information system” defined.

NRS 242.059 “Information technology” defined.

NRS 242.061 “Local governmental agency” defined.

NRS 242.063 “Security validation” defined.

~~NRS 242.068 “Using agency” defined.~~

NRS 242.064 “Common services” defined.

Rather than have ITAB advise a Division Administrator controlling 1/6 of State IT spending, ITAB will advise the Administrator, Budget Division, who controls all State IT spending.

“Using agency” definition extends EITS statutory oversight to LCB, NSHE and others. See NRS 242.171.

NRS 242.065 “Specialized services” defined.

NRS 242.065 “Enterprise services” defined.

NRS 242.071 Legislative declaration; purposes of Division of ~~Enterprise~~ Information ~~Technology~~ Services.

DIVISION OF ~~ENTERPRISE~~ INFORMATION ~~TECHNOLOGY~~ SERVICES

NRS 242.080 Creation; composition.

NRS 242.090 Administrator: Appointment; classification; ~~other employment prohibited.~~

NRS 242.101 Administrator: General powers and duties.

NRS 242.105 Confidentiality of certain documents relating to homeland security: List; biennial review; annual report.

NRS 242.111 Regulations.

NRS 242.115 Development of policies, standards, guidelines and biennial state plan for information systems of Executive Branch of Government.

~~NRS 242.122 Information Technology Advisory Board: Creation; members; Chair.~~

~~NRS 242.123 Information Technology Advisory Board: Meetings; compensation.~~

~~NRS 242.124 Information Technology Advisory Board: Duties; powers.~~

~~NRS 242.125 Consultation and coordination with state agencies not required to use services or equipment of Division.~~

SERVICES

NRS 242.131 Services provided for agencies and elected officers of State: ~~Negotiation; withdrawal; contracts to provide services.~~

NRS 242.135 Employment of one or more persons to provide information services for agency or elected officer of State.

Division status is incompatible with a default enterprise approach. Nor have Executive or Legislative funding of State IT activities been consistent with an “enterprise” characterization. Additionally, the Administrator reports to Director of DOA, 2011 statutory change to NRS 242.090.

“Enterprise” now used only to identify those services the Governor determines will be used by all Executive Branch agencies.

Rather than have ITAB advise a Division Administrator controlling 1/6 of State IT spending, ITAB will advise the Budget Officer controlling all State IT spending.

NRS 242.141 Services provided for agencies not under Governor's control and local governmental agencies.

Provisions are inconsistent with responsibilities of Agency heads – their personnel, program and budget controls.

~~NRS 242.151 Administrator to advise agencies.~~

~~NRS 242.161 Managerial control of equipment owned or leased by State.~~

NRS 242.171 Responsibilities of Division; ~~review of proposed applications of information systems.~~

NRS 242.181 Adherence by using agencies and elected officers of State to regulations; reporting of certain incidents; uniformity of services.

The Division has insufficient resources to investigate incidents in other Departments, and no power to resolve incidents where personnel and systems under the control of other Departments are involved.

NRS 242.183 ~~Investigation, resolution and n~~ Notification of certain breaches or applications of information systems or certain unauthorized acquisitions of computerized data.

~~NRS 242.191 Amount receivable for use of services of Division: Determination; itemized statement.~~

~~NRS 242.211 Fund for Information Services: Creation; source and use.~~

Accounting, billing and collection functions and personnel were moved from DOIT to DOA effective July 2012 upon department merger. These provisions transfer to appropriate sections in NRS 232, State Departments.

~~NRS 242.221 Approval and payment of claims; temporary advances.~~

~~NRS 242.231 Payment by state agency or officer for services.~~

~~NRS 242.241 Repayment of costs of construction of computer facility.~~

MISCELLANEOUS PROVISIONS

NRS 242.300 Policy of state agency for appropriate use of computers by employees of agency.

GENERAL PROVISIONS

NRS 242.011 Definitions. As used in this chapter, unless the context otherwise requires, the words and terms defined

in NRS 242.013 to 242.068, inclusive, have the meanings ascribed to them in those sections.

(Added to NRS by 1969, 930; A 1973, 975; 1977, 1183; 1981, 1145; 1993, 1540; 2011, 1858, 2949)

NRS 242.013 “Administrator” defined. “Administrator” means the Administrator of the Division.

(Added to NRS by 2011, 2948)

~~NRS 242.015 “Board” defined. “Board” means the Information Technology Advisory Board.~~

(Added to NRS by 1993, 1538)

NRS 242.031 “Department” defined. “Department” means the Department of Administration.

(Added to NRS by 1981, 1143; A 1993, 1540; 1997, 3083; 2011, 2949)

NRS 242.045 “Division” defined. “Division” means the Division of **Enterprise** Information **Technology** Services of the Department.

(Added to NRS by 2011, 2948)

NRS 242.051 “Equipment” defined. “Equipment” means any machine or device designed for the automatic handling of information, including but not limited to recording, storage, transmission and retrieval.

(Added to NRS by 1969, 930; A 1981, 1146; 1993, 1540)

NRS 242.055 “Information service” defined. “Information service” means any service relating to the creation, maintenance, operation, security validation, testing, continuous monitoring or use of an information system.

(Added to NRS by 1993, 1538; A 2011, 1858)

NRS 242.057 “Information system” defined. “Information system” means any communications or computer equipment, computer software, procedures, personnel or technology used to collect, process, distribute or store information.

(Added to NRS by 1993, 1538; A 2011, 1859)

NRS 242.059 “Information technology” defined.
“Information technology” means any information, information system or information service acquired, developed, operated, maintained or otherwise used.

(Added to NRS by 1993, 1539; A 2011, 1859)

NRS 242.061 “Local governmental agency” defined.
“Local governmental agency” means any branch, agency, bureau, board, commission, department or division of a county, incorporated city or town in this State.

(Added to NRS by 2011, 1858)

NRS 242.063 “Security validation” defined. “Security validation” means a process or processes used to ensure that an information system or a network associated with an information system is resistant to any known threat.

(Added to NRS by 2011, 1858)

NRS 242.068 ~~“Using agency” defined. “Using agency” means an agency of the State which has a function requiring the use of information technology, information services or an information system.~~ “Consolidated agency” defined. “Consolidated agency” means an agency of the state for which the Division of Information Services provides common services.

~~(Added to NRS by 1981, 1143; A 1993, 1540)~~

NRS 242.064 “Common services” defined. “Common Services” means those information services typically provided to State employees and may include, without limitation, desktop and mobile computing capability, desktop and mobile telephony capability, end point security services (anti-virus, monitoring, patching), Internet access, document production and management capability, and help desk and desktop/mobile support.

NRS 242.065 “Specialized services” defined. “Specialized Services” means those information services provided by the Division of Information Services to other agencies and may include, without limitation, server, mainframe, and wide area network capabilities that support agency programs.

“Using agency” definition currently extends EITS statutory oversight to LCB, NSHE and others – powers that are not now capable of being exercised. See NRS 242.171.

NRS 242.065 “Enterprise services” defined. “Enterprise Servicers” means those services, common or specialized, provided by the Division of Information Services to all, or nearly all, Executive Branch agencies.

NRS 242.071 ~~Legislative declaration;~~ p Purposes of Division of ~~Enterprise~~ Information ~~Technology~~ Services.

Deletion is necessary to conform to past and present Executive and Legislative Branch practices.

~~1. The Legislature hereby determines and declares that the creation of the Division of Enterprise Information Technology Services of the Department of Administration is necessary for the coordinated, orderly and economical processing of information in State Government, to ensure economical use of information systems and to prevent the unnecessary proliferation of equipment and personnel among the various state agencies.~~

~~2.~~—The purposes of the Division are:

~~(a)—1. To furnish common and specialized services to the following consolidated agencies: perform information services for state agencies.~~

(a) The Department of Administration, and

(b) The Department of Public Safety.

~~2. To furnish such specialized services to other state agencies as may be mutually agreed [Provision to sunset on July 1, 2017] provide technical advice but not administrative control of the information systems within the state agencies and, as authorized, of local governmental agencies.~~

3. To furnish such enterprise services to Executive Branch Agencies as the Governor may direct.

(Added to NRS by 1965, 972; A 1969, 933; 1973, 352; 1981, 1143; 1993, 1540; 1997, 3083; 2011, 1859, 2949)

DIVISION OF ~~ENTERPRISE~~ INFORMATION ~~TECHNOLOGY~~ SERVICES

NRS 242.080 Creation; composition.

During the 2015/17 interim, the Governor will identify “enterprise services” and agencies (1) may elect to have common and specialized services provided by EITS, or (2) develop budgets to self-provision common and specialized services.

See current NRS 242.161 for irreconcilable conflict. “Managerial control” is no more possible than “administrative control” of systems and personnel outside of EITS.

1. The Division of ~~Enterprise~~ Information ~~Technology~~ Services of the Department is hereby created.

2. The Division consists of the Administrator and such personnel as the Administrator deems necessary and appropriate to carry out the provisions of this Chapter. ~~the:~~

~~—(a) Enterprise Application Services Unit.~~

~~—(b) Communication and Computing Unit.~~

~~—(c) Office of Information Security.~~

~~—3.— A Communications Group and a Telecommunications Group are hereby created within the Communication and Computing Unit of the Division.~~

(Added to NRS by 1981, 1143; A 1993, 1541; 1997, 3083; 2007, 915; 2009, 1163; 2011, 2949; 2013, 3825)

NRS 242.090 Administrator: Appointment; classification; other employment prohibited.

1. The Director of the Department shall appoint the Administrator in the unclassified service of the State after consultation with the Administrator of the Division of Human Resource Management.

Restores consultation provision.

2. The Administrator:

~~—(a) Serves at the pleasure of, and is responsible to, the Director of the Department.~~

~~—(b) Shall not engage in any other gainful employment or occupation.~~

(Added to NRS by 1981, 1143; A 1983, 641; 1985, 413; 2011, 2949)

NRS 242.101 Administrator: General powers and duties.

1. The Administrator shall, subject to such budget account restrictions and associated policies as the staffs of the Legislative Council Bureau and the Budget Division may mutually agree:

Prohibitions on other employment appear at the Department level, not the Division level.

Existing, non-statutory budget accounts and their implementation (including "salary savings") (1) severely compromise the Administrator's management authority, (2) prevent utilization of staff to their highest and best use – particularly in consolidation efforts, and (3) are inimical to the concept of a single, statutory internal service fund: "The Fund for Information Services", NRS 242.211 (1).

(a) Manage and control the state network pursuant to best industry practices, including those relating to physical and information security ~~Appoint the heads of the Enterprise Application Services Unit and the Communication and Computing Unit of the Division in the unclassified service of the State;~~

(b) Manage and control any state data center and any augmenting or replacement facilities pursuant to best industry practices, including those relating to physical and information security ~~Appoint the Chief of the Office of Information Security who is in the classified service of the State;~~

(c) Inform the Information Technology Advisory Board of deviations from best industry practices; ~~Administer the provisions of this chapter and other provisions of law relating to the duties of the Division; and~~

(d) Inform the Administrative Services Division of the common and specialized services provided by the Division of Information Services and the cost pool components of each service for billing and collection purposes;

(e) Employ and manage such classified and unclassified personnel as he or she deems necessary and appropriate to carry out the provisions of this Chapter. Clerical personnel are in the classified service of the State; and

(f) Administer the provisions of this chapter, and

~~(d.g)~~ Carry out other duties and exercise other powers specified by law.

2. The Administrator may form committees to establish standards and determine criteria for evaluation of standards and policies relating to informational services.

(Added to NRS by 1981, 1143; A 2011, 1859, 2949)

~~NRS 242.105—Confidentiality of certain documents relating to homeland security: List; biennial review; annual report.~~

~~—1.—Except as otherwise provided in subsection 3, records and portions of records that are assembled, maintained, overseen or prepared by the Division to mitigate, prevent or respond to acts of terrorism, the public disclosure of which would, in the determination of the Administrator, create a substantial likelihood~~

To the best of our knowledge, DoIT did not request this provision in 2003. EITS sees no functional reason for it now.

Moreover, EITS does not serve as a records repository or archive.

~~of threatening the safety of the general public are confidential and not subject to inspection by the general public to the extent that such records and portions of records consist of or include:~~

~~—(a)— Information regarding the infrastructure and security of information systems, including, without limitation:~~

~~——(1)— Access codes, passwords and programs used to ensure the security of an information system;~~

~~——(2)— Access codes used to ensure the security of software applications;~~

~~——(3)— Procedures and processes used to ensure the security of an information system; and~~

~~——(4)— Plans used to re-establish security and service with respect to an information system after security has been breached or service has been interrupted.~~

~~—(b)— Assessments and plans that relate specifically and uniquely to the vulnerability of an information system or to the measures which will be taken to respond to such vulnerability, including, without limitation, any compiled underlying data necessary to prepare such assessments and plans.~~

~~—(c)— The results of tests of the security of an information system, insofar as those results reveal specific vulnerabilities relative to the information system.~~

~~—2.— The Administrator shall maintain or cause to be maintained a list of each record or portion of a record that the Administrator has determined to be confidential pursuant to subsection 1. The list described in this subsection must be prepared and maintained so as to recognize the existence of each such record or portion of a record without revealing the contents thereof.~~

~~—3.— At least once each biennium, the Administrator shall review the list described in subsection 2 and shall, with respect to each record or portion of a record that the Administrator has determined to be confidential pursuant to subsection 1:~~

~~—(a)— Determine that the record or portion of a record remains confidential in accordance with the criteria set forth in subsection 1;~~

~~—(b) Determine that the record or portion of a record is no longer confidential in accordance with the criteria set forth in subsection 1; or~~

~~—(c) If the Administrator determines that the record or portion of a record is obsolete, cause the record or portion of a record to be disposed of in the manner described in NRS 239.073 to 239.125, inclusive.~~

~~4. On or before February 15 of each year, the Administrator shall:~~

~~—(a) Prepare a report setting forth a detailed description of each record or portion of a record determined to be confidential pursuant to this section, if any, accompanied by an explanation of why each such record or portion of a record was determined to be confidential; and~~

~~—(b) Submit a copy of the report to the Director of the Legislative Counsel Bureau for transmittal to:~~

~~—(1) If the Legislature is in session, the standing committees of the Legislature which have jurisdiction of the subject matter; or~~

~~—(2) If the Legislature is not in session, the Legislative Commission.~~

~~5. As used in this section, “act of terrorism” has the meaning ascribed to it in NRS 239C.030.~~

~~—(Added to NRS by 2003, 2461; A 2005, 268; 2011, 2950)~~

NRS 242.111 Regulations, Standards, and Policies. The Administrator shall adopt regulations, standards, and policies that he or she deems necessary for the administration of this chapter, including those that:

1. Manage the human resources of the Division;
2. Advance the security and efficiency of the information systems of the Executive Branch;

~~—1.—The policy for the information systems of the Executive Branch of Government, excluding the Nevada System of Higher Education and the Nevada Criminal Justice Information System, as~~

EITS is currently managing the NCJIS system in compliance with its own internal standards and in compliance with DOJ requirements. (EITS manages other systems in compliance with state and IRS, HIPPA, HITEC, and Social Security requirements.)

~~that policy relates, but is not limited, to such items as standards for systems and programming and criteria for selection, location and use of information systems to meet the requirements of state agencies and officers at the least cost to the State;~~

3. Manage and control the state network pursuant to best industry practices, including those relating to physical and information security ~~The procedures of the Division in providing information services, which may include provision for the performance, by an agency which uses the services or equipment of the Division, of preliminary procedures, such as data recording and verification, within the agency; and~~

4. Manage and control any state data center and any augmenting or replacement facilities pursuant to best industry practices, including those relating to physical and information security. ~~The effective administration of the Division, including, without limitation, security to prevent unauthorized access to information systems and plans for the recovery of systems and applications after they have been disrupted;~~

~~—4.—The development of standards to ensure the security of the information systems of the Executive Branch of Government; and~~

~~—5.—Specifications and standards for the employment of all personnel of the Division.~~

(Added to NRS by 1965, 973; A 1973, 1462; 1981, 1145; 1989, 2154; 1993, 369, 1541; 1995, 585; 1997, 3084; 2007, 915)

~~—NRS 242.115—Development of policies, standards, guidelines and biennial state plan for information systems of Executive Branch of Government.~~

~~—1.—Except as otherwise provided in subsection 2, the Administrator shall:~~

~~—(a)—Develop policies and standards for the information systems of the Executive Branch of Government;~~

~~—(b)—Coordinate the development of a biennial state plan for the information systems of the Executive Branch of Government;~~

The current powers and duties of the Chief of the Budget Division are “to develop plans for improvements and economies in organization and operation of the Executive Department and to install such plans...”

Transfer of the content of this section would add a specific reference to “plans for information technology services” since the Chief of the Budget Division already controls the state IT strategy through the budget process – for the entire IT budget, not just the authorization for The Fund for Information Services.

~~—(c) Develop guidelines to assist state agencies in the development of short and long term plans for their information systems; and~~

~~—(d) Develop guidelines and procedures for the procurement and maintenance of the information systems of the Executive Branch of Government.~~

~~2. This section does not apply to the Nevada System of Higher Education or the Nevada Criminal Justice Information System used to provide support for the operations of law enforcement agencies in this State.~~

(Added to NRS by 1989, 2153; A 1993, 370, 1541; 1995, 586; 1997, 3084; 2007, 916; 2009, 1163)

~~—NRS 242.122—Information Technology Advisory Board: Creation; members; Chair.~~

~~—1.—There is hereby created an Information Technology Advisory Board. The Board consists of:~~

~~—(a) One member appointed by the Majority Floor Leader of the Senate from the membership of the Senate Standing Committee on Finance.~~

~~—(b) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Ways and Means.~~

~~—(c) Two representatives of using agencies which are major users of the services of the Division. The Governor shall appoint the two representatives. Each such representative serves for a term of 4 years. For the purposes of this paragraph, an agency is a “major user” if it is among the top five users of the services of the Division, based on the amount of money paid by each agency for the services of the Division during the immediately preceding biennium.~~

~~—(d) The Director of the Department or his or her designee.~~

~~—(e) The Attorney General or his or her designee.~~

~~—(f) Five persons appointed by the Governor as follows:~~

ITAB is currently an Executive/Legislative/Private Sector advisory board.

Rather than advise the Administrator within the Department of Administration who manages about 1/6 of the State's IT spend, it should, in modified form, advise the Chief of the Budget Division, who controls the entire State IT spend through the budget creation and management process.

~~———— (1) Three persons who represent a city or county in this State, at least one of whom is engaged in information technology or information security; and~~

~~———— (2) Two persons who represent the information technology industry but who:~~

~~———— (I) Are not employed by this State;~~

~~———— (II) Do not hold any elected or appointed office in State Government;~~

~~———— (III) Do not have an existing contract or other agreement to provide information services, systems or technology to an agency of this State; and~~

~~———— (IV) Are independent of and have no direct or indirect pecuniary interest in a corporation, association, partnership or other business organization which provides information services, systems or technology to an agency of this State.~~

~~— 2. — Each person appointed pursuant to paragraph (f) of subsection 1 serves for a term of 4 years. No person so appointed may serve more than 2 consecutive terms.~~

~~— 3. — At the first regular meeting of each calendar year, the members of the Board shall elect a Chair by majority vote.~~

~~— (Added to NRS by 1993, 1539; A 2011, 1859)~~

~~— NRS 242.123 — Information Technology Advisory Board: Meetings; compensation.~~

~~— 1. — The Board shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.~~

~~— 2. — Members of the Board who are officers or employees of the Executive Department of State Government serve without additional compensation. Members who are not officers or employees of the Executive Department of State Government are entitled to a salary of \$80 for each day or part of a day spent on the business of the Board. All members of the Board are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.~~

~~— (Added to NRS by 1993, 1539)~~

~~— NRS 242.124 — Information Technology Advisory Board:
Duties; powers.~~

~~— 1. — The Board shall:~~

~~— (a) — Advise the Division concerning issues relating to information technology, including, without limitation, the development, acquisition, consolidation and integration of, and policies, planning and standards for, information technology.~~

~~— (b) — Periodically review the Division's statewide strategic plans and standards manual for information technology.~~

~~— (c) — Review the Division's proposed budget before its submission to the Budget Division of the Department of Administration.~~

~~— 2. — The Board may:~~

~~— (a) — With the consent of the Division, recommend goals and objectives for the Division, including periods and deadlines in which to achieve those goals and objectives.~~

~~— (b) — Upon request by a using agency, review issues and policies concerning information technology to resolve disputes with the Division.~~

~~— (c) — Review the plans for information technology of each using agency.~~

~~— (Added to NRS by 1993, 1539)~~

~~— NRS 242.125 — Consultation and coordination with state agencies not required to use services or equipment of Division. Regulations, policies, standards and guidelines adopted pursuant to the provisions of this chapter must be developed after consultation and coordination with state agencies that are not required to use the services or equipment of the Division.~~

~~— (Added to NRS by 1989, 2154)~~

Standards promulgated by EITS (see NRS 242.111 above) will extend to the State network and any state data center, and will impact those agencies using that infrastructure.

SERVICES

[The following section, NRS 242.131 will sunset on July 1, 2017, at which time it will be superseded by NRS 242.071 as

amended and implementing standards and regulations per 242.111 as amended.1

.....NRS 242.131..... Services provided for agencies and elected officers of State: Negotiation; withdrawal; contracts to provide services.

.....1..... The Division shall provide state agencies and elected state officers with all their required design of information systems. All agencies and officers must use those services and equipment, except as otherwise provided in subsection 2.

.....2..... The following agencies may negotiate with the Division for its services or the use of its equipment, subject to the provisions of this chapter, and the Division shall provide those services and the use of that equipment as may be mutually agreed:

.....(a) The Court Administrator;

.....(b) The Department of Motor Vehicles;

.....(c) The Department of Public Safety;

.....(d) The Department of Transportation;

.....(e) The Employment Security Division of the Department of Employment, Training and Rehabilitation;

.....(f) The Department of Wildlife;

.....(g) The Housing Division of the Department of Business and Industry;

.....(h) The Legislative Counsel Bureau;

.....(i) The State Controller;

.....(j) The State Gaming Control Board and Nevada Gaming Commission; and

.....(k) The Nevada System of Higher Education.

.....3..... Any state agency or elected state officer who uses the services of the Division and desires to withdraw substantially from that use must apply to the Administrator for approval. The

application must set forth justification for the withdrawal. If the Administrator denies the application, the agency or officer must:

.....(a)..... If the Legislature is in regular or special session, obtain the approval of the Legislature by concurrent resolution.

.....(b)..... If the Legislature is not in regular or special session, obtain the approval of the Interim Finance Committee. The Administrator shall, within 45 days after receipt of the application, forward the application together with his or her recommendation for approval or denial to the Interim Finance Committee. The Interim Finance Committee has 45 days after the application and recommendation are submitted to its Secretary within which to consider the application. Any application which is not considered by the Committee within the 45-day period shall be deemed approved.

..... 4. If the demand for services or use of equipment exceeds the capability of the Division to provide them, the Division may contract with other agencies or independent contractors to furnish the required services or use of equipment and is responsible for the administration of the contracts.

.....(Added to NRS by 1965, 972; A 1969, 933; 1973, 1462; 1979, 1789; 1981, 1144, 1521, 1831; 1985, 1981; 1991, 1577; 1993, 370, 1542; 1995, 586; 1999, 1662, 1811; 2001, 2591; 2003, 1559, 2194)

~~— NRS 242.135 — Employment of one or more persons to provide information services for agency or elected officer of State.~~

~~— 1. — The Administrator may recommend to the Governor that a state agency or elected officer that is required to use the Division's equipment or services be authorized to employ one or more persons to provide information services exclusively for the agency or officer if:~~

~~— (a) — The Administrator finds that it is in the best interests of the State to authorize the employment by the agency or elected officer;~~

~~— (b) — The agency or elected officer agrees to provide annually to the Division sufficient information to determine whether the authorized employment continues to be in the best interests of the State; and~~

Employment of state IT personnel outside of EITS has been, and will continue to be, under the control of agency management and the Chief of the Budget Division.

~~—(c) The agency or elected officer agrees to ensure that the person or persons employed complies with the provisions of this chapter and the regulations adopted thereunder.~~

~~—2.— The Administrator may recommend to the Governor the revocation of the authority of a state agency or elected officer to employ a person or persons pursuant to subsection 1 if the Administrator finds that the person or persons employed have not complied with the provisions of this chapter or the regulations adopted thereunder.~~

(Added to NRS by 1989, 2153; A 1993, 1543)

Provision of services to local agencies was introduced in 2011 to reduce costs. It has not been used because EITS lost personnel in in the 2011 merger with DoA. Modified text will empower Director of DoA, who oversees both Purchasing and EITS divisions.

~~NRS 242.141— Services provided for agencies not under Governor’s control and local governmental agencies.— To facilitate the economical processing of data throughout the State Government, the Division may provide service for agencies not under the control of the Governor, upon the request of any such agency. The Division may provide services, including, without limitation, purchasing services, to a local governmental agency upon request, if provision of such services will result in reduced costs to the State for equipment and services.~~

(Added to NRS by 1965, 973; A 1981, 1144; 2011, 1860)

~~—NRS 242.151— Administrator to advise agencies.— The Administrator shall advise the using agencies regarding:~~

“Using agency” currently means all agencies that need IT.

Standards promulgated by EITS will extend to the state network and any state data facility, and will impact those agencies using that infrastructure.

~~—1.— The policy for information services of the Executive Branch of Government, as that policy relates, but is not limited, to such items as standards for systems and programming and criteria for the selection, location and use of information systems in order that the requirements of state agencies and officers may be met at the least cost to the State;~~

~~—2.— The procedures in performing information services; and~~

~~—3.— The effective administration and use of the computer facility, including security to prevent unauthorized access to data and plans for the recovery of systems and applications after they have been disrupted.~~

(Added to NRS by 1969, 930; A 1981, 1147; 1989, 2154; 1993, 1543)

“Managerial Control” is a fictional concept where Agency IT budgets are proposed, authorized, and managed independent of EITS and where agency IT personnel report to the agency head.

~~— NRS 242.161 — Managerial control of equipment owned or leased by State.~~

~~— 1. — All equipment of an agency or elected state officer which is owned or leased by the State must be under the managerial control of the Division, except the equipment of the agencies and officers specified in subsection 2 of NRS 242.131.~~

~~— 2. — The Division may permit an agency which is required to use such equipment to operate it on the agency’s premises.~~

(Added to NRS by 1969, 931; A 1981, 1147)

~~— NRS 242.171 — Responsibilities of Division; review of proposed applications of information systems.~~

~~— 1. — The Division is responsible for:~~

~~— (a) — The applications of information systems;~~

~~— (b) — Designing and placing those information systems in operation;~~

~~— (c) — Any application of an information system which it furnishes to state agencies and officers after negotiation; and~~

~~— (d) — The security validation, testing, including, without limitation, penetration testing, and continuous monitoring of information systems,~~

~~Ê for using agencies and for state agencies and officers which use the equipment or services of the Division pursuant to subsection 2 of NRS 242.131.~~

~~— 2. — The Administrator shall review and approve or disapprove, pursuant to standards for justifying cost, any application of an information system having an estimated developmental cost of \$50,000 or more. No using agency may commence development work on any such applications until approval and authorization have been obtained from the Administrator.~~

~~— 3. — As used in this section, “penetration testing” means a method of evaluating the security of an information system or application of an information system by simulating unauthorized access to the information system or application.~~

The purposes of the Division are at NRS 242.071.

The powers and duties of the Administrator are at NRS 242.101.

The Budget Division oversees all agency IT budget submissions. Pursuant to legislative authorization / appropriations, the EITS Administrator is without effective power over agency IT spending since he controls neither agency personnel, programs nor expenditures.

Definition of “penetration testing” shifted to NRS 205.4765

(Added to NRS by 1969, 931; A 1973, 680; 1981,1147; 1993, 1543; 2011, 1860)

NRS 242.181 Adherence by ~~using~~ agencies ~~and elected officers of State~~ to regulations; reporting of certain incidents; uniformity of services.

1. Any state agency ~~or elected state officer which uses the equipment or services of~~ that receives any service from the Division shall adhere to the relevant regulations, standards and policies, ~~practices, policies and conventions~~ of the Division. Failure to adhere to relevant regulations, standards or policies may, in the discretion of the Administrator, result in termination of the affected service.

2. Each state agency ~~or elected state officer~~ described in subsection 1 shall report any suspected incident of:

(a) Unauthorized access to an information system or application of an information system of the Division used by the state agency ~~or elected state officer~~; and

(b) Noncompliance with the regulations, and standards, ~~practices, policies and conventions~~ of the Division that is identified by the Division as security-related,

~~to the Office of Information Security Administrator~~ of the Division, or his designee, within 24 hours after discovery of the suspected incident. ~~If the Office determines that an incident of unauthorized access or noncompliance occurred, the Office shall immediately report the incident to the Administrator.~~ The Administrator shall assist in the investigation and resolution of any such incident.

3. Any state agency that provides its own, internal information technology services shall report any suspected incident of unauthorized access to the Governor and to the Administrator within 24 hours after the discovery of the suspected incident.

~~34.~~ The Division shall provide services to each state agency ~~and elected state officer~~ described in subsection 1 uniformly with respect to degree of service, priority of service, availability of service and cost of service.

(Added to NRS by 1969, 931; A 1981, 1148; 1993, 1544; 2011, 1861)

NRS 242.183 Investigation, resolution and notification of certain breaches or applications of information systems or certain unauthorized acquisitions of computerized data.

1. The ~~Chief of the Office of Information Security~~ Division shall investigate and resolve any breach of an information system ~~of a state agency or elected officer that uses the equipment or services of the Division or an application of such an information system or unauthorized acquisition of computerized data~~ related to the common, specialized or enterprise services provided by the Division that materially compromises the security, confidentiality or integrity of such an information system.

2. The Governor may order the investigation and resolution of any breach of an information system related to the information technology services a state agency provides for itself. Lack of budgeted funds shall not delay such investigation and resolution. If the Division is ordered by the Governor to conduct any such investigation and resolution, the Fund for Information Technology shall be fully compensated by the relevant state agency.

3. The Administrator ~~or Chief of the Office of Information Security or his or her designee~~, at his or her discretion, may inform members of the Technological Crime Advisory Board created by NRS 205A.040, the Nevada Commission on Homeland Security created by NRS 239C.120 and the Information Technology Advisory Board created by NRS 242.122 of any breach of an information system of a state agency ~~or elected officer~~ or application of such an information system or unauthorized acquisition of computerized data that materially compromises the security, confidentiality or integrity of such an information system.

(Added to NRS by 2011, 1858)

EITS lost all fiscal staff in the DoIT/DoA merger.

All provisions relating to operation of the Fund for Information Services transfer to NRS 232.

~~— NRS 242.191 — Amount receivable for use of services of Division: Determination; itemized statement.~~

~~— 1. — Except as otherwise provided in subsection 3, the amount receivable from a state agency or officer or local governmental agency which uses the services of the Division must be determined by the Administrator in each case and include:~~

~~— (a) — The annual expense, including depreciation, of operating and maintaining the Communication and Computing Unit, distributed among the agencies in proportion to the services performed for each agency.~~

~~—(b) A service charge in an amount determined by distributing the monthly installment for the construction costs of the computer facility among the agencies in proportion to the services performed for each agency.~~

~~—2.— The Administrator shall prepare and submit monthly to the state agencies and officers and local governmental agencies for which services of the Division have been performed an itemized statement of the amount receivable from each state agency or officer or local governmental agency.~~

~~—3.— The Administrator may authorize, if in his or her judgment the circumstances warrant, a fixed cost billing, including a factor for depreciation, for services rendered to a state agency or officer or local governmental agency.~~

~~—(Added to NRS by 1969, 931; A 1973, 680; 1979, 68; 1981, 1148; 1997, 3085; 2011, 1861)~~

~~—NRS 242.211— Fund for Information Services: Creation; source and use.~~

~~—1.— The Fund for Information Services is hereby created as an internal service fund. Money from the Fund must be paid out on claims as other claims against the State are paid. The claims must be made in accordance with budget allotments and are subject to postaudit examination and approval.~~

~~—2.— All operating, maintenance, rental, repair and replacement costs of equipment and all salaries of personnel assigned to the Division must be paid from the Fund.~~

~~—3.— Each agency using the services of the Division shall pay a fee for that use to the Fund, which must be set by the Administrator in an amount sufficient to reimburse the Division for the entire cost of providing those services, including overhead. Each using agency shall budget for those services. All fees, proceeds from the sale of equipment and any other money received by the Division must be deposited with the State Treasurer for credit to the Fund.~~

~~—(Added to NRS by 1965, 973; A 1979, 103; 1981, 255, 1145; 1989, 1470; 1993, 1544; 2003, 627)~~

~~—NRS 242.221— Approval and payment of claims; temporary advances.~~

~~— 1. — All claims made pursuant to NRS 242.122 to 242.241, inclusive, must, when approved by the Division, be paid as other claims against the State are paid.~~

~~— 2. — If the State Controller finds that current claims against the Fund for Information Services exceed the amount available in the Fund to pay the claims, the State Controller may advance temporarily from the State General Fund to the Fund the amount required to pay the claims, but no more than 25 percent of the revenue expected to be received in the current fiscal year from any source authorized for the Fund. No amount may be transferred unless requested by the Chief of the Budget Division of the Department of Administration.~~

~~(Added to NRS by 1969, 932; A 1981, 1148; 1987, 150, 415; 1989, 1470; 1993, 1544; 2003, 627)~~

~~NRS 242.231 — Payment by state agency or officer for services. — Upon the receipt of a statement submitted pursuant to subsection 2 of NRS 242.191, each state agency or officer shall authorize the State Controller by transfer or warrant to draw money from the agency's account in the amount of the statement for transfer to or placement in the Fund for Information Services.~~

~~(Added to NRS by 1969, 932; A 1979, 69; 1981, 1148; 1989, 1471; 1993, 1545; 2011, 1861)~~

~~NRS 242.241 — Repayment of costs of construction of computer facility.~~

~~1. — Until the construction costs of \$535,600 for the computer facility in Carson City, Nevada, have been paid, the Administrator shall pay annually from the Fund for Information Services to the State Treasurer for deposit in the State General Fund 2 percent of the facility's original acquisition cost.~~

~~2. — For any subsequent capital additions to the computer facility, the Administrator shall pay annually from that Fund to the State Treasurer for deposit in the State General Fund 2 percent of the original cost of such capital additions, until this cost has been fully paid.~~

~~(Added to NRS by 1969, 932; A 1973, 681; 1981, 1148; 1989, 1471; 1993, 1545)~~

MISCELLANEOUS PROVISIONS

NRS 242.300 Policy of state agency for appropriate use of computers by employees of agency.

1. A state agency that uses at least one computer in the course of its work shall:

(a) Create a written policy setting forth the appropriate uses of the computers of the state agency; and

(b) Provide all employees of the state agency with a copy of the written policy.

2. As used in this section, "state agency" means an agency, bureau, board, commission, department, division or any other unit of the Executive Department of the government of this State.

(Added to NRS by [1999, 2714](#))

Consequential Changes to NRS 353, State Financial Administration

CHAPTER 353 - STATE FINANCIAL ADMINISTRATION

NRS 353.175 Qualifications of Chief of Budget Division.

1. The Chief shall have 4 years of responsible experience and education in accounting, public budget administration, governmental research, or in a related position involving administrative or financial responsibility, or any equivalent combination of experience or training.

2. The Chief shall be selected with special reference to his or her training, experience, capacity and interest in the activities embraced within [NRS 353.150](#) to [353.246](#), inclusive. The Chief's knowledge and abilities should include the following:

(a) A comprehensive knowledge of the principles and practices of public budgeting and governmental accounting, and a working knowledge of statistical methods [and information technology](#).

(b) An extensive knowledge of the organization and operations of state departments, agencies and institutions, and of statutes and regulations governing state budgeting and accounting.

(c) An extensive knowledge of principles of public organization and administration.

(d) Administrative ability in the direction of staff analyses of state budgetary and other operations, and in the maintenance of effective working relationships with all state officials concerned with budget administration.

(e) The ability to organize and present clearly oral and written reports of findings and recommendations.

NRS 353.185 General powers and duties of Chief of Budget Division. [Effective through June 30, 2017 [and continuing \(for the changes below\)](#).] The powers and duties of the Chief are:

1. To appraise the quantity and quality of services rendered by each agency in the Executive Department of the State Government, and the needs for such services and for any new services.

2. To develop plans for improvements and economies in organization and operation of the Executive Department, [including, specifically, plans for information technology services](#), and to install such plans as are approved by the respective heads of the various agencies of the Executive Department, or as are directed to be installed by the Governor or the Legislature.

...

NRS 353.190 Chief of Budget Division is ex officio Clerk of State Board of Examiners; duties.

1. In addition to his or her other duties, the Chief is ex officio Clerk of the State Board of Examiners. Except as otherwise provided in subsection 4 of [NRS 41.036](#), the Chief shall:

- (a) Assist the State Board of Examiners in the examination and classification of all the claims required to be presented to the Board pursuant to [NRS 353.090](#).
- (b) Conduct a postaudit of claims that have been presented to the Board in the manner prescribed in the regulations adopted pursuant to [NRS 353.090](#).

...

Note: *Blue italicized text indicates changes to text transferred from NRS 242.*

NRS 353.191 Chief of Budget Division is ex officio Clerk of the Information Technology Advisory Board

The Chief shall:

- (a) *Assist the Information Technology Board in the performance of its duties, and*
- (b) *Take into account the advice of the Information Technology Board in the performance of his or her duties pursuant to NRS 353.185.*

Rather than have ITAB advise a Division Administrator controlling 1/6 of State IT spending, ITAB will advise the Budget Officer controlling all State IT spending.

NRS 353.192 Information Technology Advisory Board: Creation; members; Chair.

1. There is hereby created an Information Technology Advisory Board. The Board consists of:

(a) One member appointed by the Majority Floor Leader of the Senate from the membership of the Senate Standing Committee on Finance.

(b) One member appointed by the Majority Floor Leader of the Senate from the membership of the Senate Standing Committee on Government Affairs.

(b c) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Ways and Means.

Legislative participation in ITAB is enlarged to include representatives from Government Affairs Committees in light of (1) the critical role of IT in the management of agencies and their delivery of services to citizens, and (2) the magnitude of future changes as major legacy enterprise systems require replacement (Advantage, NEATS, NEBS, NCJIS, NOMADS).

(d) One member appointed by the Speaker of the Assembly from the membership of the Assembly Standing Committee on Government Affairs.

(e) The Director of the Legislative Counsel Bureau.

(f) The Court Administrator.

~~(e g) Two representatives of using agencies which are major users of the services of the Division. The Governor shall appoint the two representatives. Each such representative serves for a term of 4 years. For the purposes of this paragraph, an agency is a "major user" if it is among the top five users of the services of the Division, based on the amount of money paid by each agency for the services of the Division during the immediately preceding biennium. The Directors of the five Executive Branch Departments, excluding the Department of Administration, having the largest information technology budgets during the preceding budgetary biennium.~~

~~(d h) The Director of the Department of Administration or his or her designee.~~

~~(e i) The Attorney General or his or her designee.~~

(j) The Administrator of the Division of Information Services

~~(f k) Five persons appointed by the Governor as follows:~~

(1) Three persons who represent a city or county in this State, at least one of whom is engaged in information technology or information security; and

(2) Two persons who represent the information technology industry but who:

(I) Are not employed by this State;

(II) Do not hold any elected or appointed office in State Government;

~~(III) Do not have an existing contract or other agreement to provide information services, systems or technology to an agency of this State; and~~

The Legislative and Judicial Branches are represented in light of (1) the role of IT in continuity of government, (2) the need to protect citizen data and records they maintain, and (3) the advantages of voluntary interoperability.

~~(IV) Are independent of and have no direct or indirect pecuniary interest in a corporation, association, partnership or other business organization which provides information services, systems or technology to an agency of this State.~~

2. Each person appointed pursuant to paragraph (f) of subsection 1 serves for a term of 4 years. No person so appointed may serve more than 2 consecutive terms.

3. At the first regular meeting of each calendar year, the members of the Board shall elect a Chair by majority vote.

(Added to NRS by 1993, 1539; A 2011, 1859)

NRS 353.1921 Information Technology Advisory Board: Meetings; compensation.

1. The Board shall meet at least once every 3 months and may meet at such further times as deemed necessary by the Chair.

2. Members of the Board who are officers or employees of the Executive, *Legislative, or Judicial Department Branches* of State Government serve without additional compensation. Members who are not officers or employees of the Executive, *Legislative, or Judicial Department Branches* of State Government are entitled to a salary of \$80 for each day or part of a day spent on the business of the Board. All members of the Board are entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

(Added to NRS by 1993, 1539)

NRS 353.1922 Information Technology Advisory Board: Duties; powers.

1. The Board shall:

(a) Advise the ~~Division~~ *Chief of Budget Division and the Director of the Department of Administration* concerning issues relating to information technology, including, without limitation, the development, acquisition, consolidation and integration of, and policies, planning and standards for, information technology.

~~(b) Periodically review the Division's statewide strategic plans of the Division of Information Services and the five Executive Branch Departments, including the Department of Administration, having the largest information technology budgets during the preceding budgetary biennium. and standards manual for information technology.~~

~~(c) Review the Division's proposed budgets of the Division of IT Services and the five Executive Branch Departments, including the Department of Administration, having the largest information technology budgets during the preceding budgetary biennium, before its their submission to the Budget Division of the Department of Administration.~~

2. The Board may:

~~(a) With the consent of the Division Chief of Budget Division, recommend goals and objectives for the Division Executive Branch, including periods and deadlines in which to achieve those goals and objectives.~~

~~(b) Upon request by a using agency, review issues and policies concerning information technology to resolve disputes with the Division the Director of the Legislative Counsel Bureau or the Court Administrator, recommend goals and objectives to the Legislative Counsel Bureau or the Court Administrator respectively, regarding, without limitation, network design and operation, procurement, and information security.~~

~~(c) Review the plans for information technology of each using agency.~~

(Added to NRS by 1993, 1539)

Consequential Changes to NRS 232, State Departments

CHAPTER 232 - STATE DEPARTMENTS

DEPARTMENT OF ADMINISTRATION

NRS 232.215 Director: Powers and duties. The Director:

1. Shall appoint an Administrator of the:
 - (a) Risk Management Division;
 - (b) State Public Works Division;
 - (c) Purchasing Division;
 - (d) Administrative Services Division;
 - (e) Division of Internal Audits;
 - (f) Division of Human Resource Management;
 - (g) Division of ~~Enterprise~~ Information ~~Technology~~ Services;
 - (h) Division of State Library and Archives;
 - (i) Office of Grant Procurement, Coordination and Management; and
 - (j) Fleet Services Division.

2. Shall appoint a Chief of the Budget Division, or may serve in this position if the Director has the qualifications required by [NRS 353.175](#).

3. Shall serve as Chief of the Hearings Division and shall appoint the hearing officers and compensation officers. The Director may designate one of the appeals officers in the Division to supervise the administrative, technical and procedural activities of the Division.

4. Is responsible for the administration, through the divisions of the Department, of the provisions of [chapters 233F, 242, 284, 331, 333, 336, 338 and 341](#) of NRS, [NRS 353.150 to 353.246](#), inclusive, and [353A.031 to 353A.100](#), inclusive, [chapter 378](#) of NRS and all other provisions of law relating to the functions of the divisions of the Department.

5. Is responsible for the administration of the laws of this State relating to the negotiation and procurement of medical services and other benefits for state agencies.

6. May provide services, including, without limitation, purchasing services and information technology services, to a local governmental agency upon request, if provision of such services will result in reduced costs to the State for equipment and services.

~~6~~ 7. Has such other powers and duties as are provided by law.

(Added to NRS by 1973, 1451; A 1979, 626, 1065; 1981, 1682; [1987, 1486](#); [1989, 262, 394](#); [1993, 774, 1484, 2444](#); [1995, 579](#); [1997, 17](#); [1999, 2885](#); [2001, 1919](#); [2005, 1083](#); [2011, 1736, 2943](#); [2013, 207](#))

NRS 232.2195 Duties of Administrative Services Division.

The Administrative Services Division shall:

1. Furnish fiscal and accounting services to the Director and to each division of the Department; ~~and~~

~~—~~2. Furnish billing and collection services to the Division of Information Technology for those common, specialized, and enterprise services provided to the Department and to other state and local government agencies.

~~2~~3. Advise and assist the Director and each division of the Department in carrying out their functions and responsibilities.

(Added to NRS by 1993, 1482)

NRS 232.220 Fund for Information Services: Creation; source and use.

1. The Fund for Information Services is hereby created as an internal service fund. Money from the Fund must be paid out on claims as other claims against the State are paid. The claims must be made in accordance with budget allotments and are subject to postaudit examination and approval.

2. All operating, maintenance, rental, repair and replacement costs of equipment and all salaries of personnel assigned to the Division of Information Services must be paid from the Fund.

3. Each agency using the services of the Division of Information Services shall pay a fee for that use to the Fund, which must be set by the ~~Administrator~~ Director in an amount sufficient to reimburse the Division of Information Services for the entire cost of providing those services, including overhead. Each using agency shall budget for those services. All fees, proceeds from the sale of equipment and any other money received by the Division of Information Services must be deposited with the State Treasurer for credit to the Fund.

(Added to NRS by 1965, 973; A 1979, 103; 1981, 255, 1145; 1989, 1470; 1993, 1544; 2003, 627)

NRS 232.2201 Amount receivable for use of services of the Division of Information Services: Determination; itemized statement.

1. Except as otherwise provided in subsection 3, the amount receivable from a state agency or officer or local governmental agency which uses the services of the Division of Information Services must be determined by the ~~Administrator~~ Director in each case and include:

(a) The annual expense, including depreciation, of operating and maintaining the ~~Communication and Computing Unit state network~~, distributed among the agencies in proportion to the services performed for each agency.

(b) A service charge in an amount determined by distributing the monthly installment for the construction costs of the computer facility among the agencies in proportion to the services performed for each agency.

2. The ~~Administrator~~ Director shall prepare and submit monthly to the state agencies and officers and local governmental agencies for which services of the Division of Information Services have been performed an itemized statement of the amount receivable from each state agency or officer or local governmental agency.

3. The ~~Administrator~~ Director may authorize, if in his or her judgment the circumstances warrant, a fixed cost billing, including a factor for depreciation, for services rendered to a state agency or officer or local governmental agency.

(Added to NRS by 1969, 931; A 1973, 680; 1979, 68; 1981, 1148; 1997, 3085; 2011, 1861)

NRS 232.2202 Approval and payment of claims; temporary advances.

1. All claims made pursuant to NRS 242.122 to 242.241, inclusive, must, when approved by the Division, be paid as other claims against the State are paid.

2. If the State Controller finds that current claims against the Fund for Information Services exceed the amount available in the Fund to pay the claims, the State Controller may advance temporarily from the State General Fund to the Fund the amount required to pay the claims, but no more than 25 percent of the revenue expected to be received in the current fiscal year from any source authorized for the Fund. No amount may be transferred unless requested by the Chief of the Budget Division of the Department of Administration.

(Added to NRS by 1969, 932; A 1981, 1148; 1987, 150, 415; 1989, 1470; 1993, 1544; 2003, 627)

NRS 232.2203 Payment by state agency or officer for services. Upon the receipt of a statement submitted pursuant to subsection 2 of NRS 242.191, each state agency or officer shall authorize the State Controller by transfer or warrant to draw money from the agency's account in the amount of the statement for transfer to or placement in the Fund for Information Services.

(Added to NRS by 1969, 932; A 1979, 69; 1981, 1148; 1989, 1471; 1993, 1545; 2011, 1861)

NRS 232.2204 Repayment of costs of construction of computer facility.

1. Until the construction costs of \$535,600 for the computer facility in Carson City, Nevada, have been paid, the ~~Administrator~~ Director shall pay annually from the Fund for Information Services to the State Treasurer for deposit in the State General Fund 2 percent of the facility's original acquisition cost.

2. For any subsequent capital additions to the computer facility, the ~~Administrator~~ Director shall pay annually from that

Fund to the State Treasurer for deposit in the State General Fund 2 percent of the original cost of such capital additions, until this cost has been fully paid.

(Added to NRS by 1969, 932; A 1973, 681; 1981, 1148; 1989, 1471; 1993, 1545)

Consequential Changes to NRS 205, Crimes Against Property

CHAPTER 205 - CRIMES AGAINST PROPERTY

UNLAWFUL ACTS REGARDING COMPUTERS AND INFORMATION SERVICES

7. The provisions of this section do not apply to a person performing any testing, including, without limitation, penetration testing, of an information system of an agency that uses the equipment or services of the Division of ~~Enterprise~~ Information ~~Technology~~ Services that is authorized by the Administrator of the Division of ~~Enterprise~~ Information ~~Technology~~ Services ~~or the head of the Office of Information Security of the Division~~. As used in this subsection:

(a) “Information system” has the meaning ascribed to it in [NRS 242.057](#).

(b) “Penetration testing” means a method of evaluating the security of an information system or application of an information system by simulating unauthorized access to the information system or application ~~has the meaning ascribed to it in NRS 242.171~~.

Definition transferred from NRS 242.171.