



Governor: **Brian Sandoval**
 Budget Period: **2015-2017 Biennium (FY16-17)**
 Budget Session: **78th Regular Session**
 BDR Number: **15A1801181**
 Title: **NRS 242 Revision**

Y N R

1. Description

Primary Department: **08 DEPARTMENT OF ADMINISTRATION**
 Primary Division: **180 ADMIN - ENTERPRISE IT SERVICES**
 Description of the problem to be solved or the goal of the proposed measure, or both: **Revise EITS Statutes**
 Required effective date for the earliest measure **Upon Approval**

2. Related Budget Accounts

- 1365 ADMINISTRATION - IT - APPLICATION SUPPORT
- 1373 ADMINISTRATION - IT - OFFICE OF CIO
- 1385 ADMINISTRATION - IT - COMPUTER FACILITY
- 1386 ADMINISTRATION - IT - DATA COMM & NETWORK ENGIN
- 1387 ADMINISTRATION - IT - TELECOMMUNICATIONS
- 1388 ADMINISTRATION - IT - NETWORK TRANSPORT SERVICES
- 1389 ADMINISTRATION - IT - SECURITY
- 1405 ADMINISTRATION - IT - INFO TECH CONSOLIDATION DPS

3. Bill Type / Dec Units

Bill Type: **Policy-Substantive**

4. Contacts

a. Person to be consulted if more information is needed:

Name: **Dave Gustafson**
 Title: **CIO**
 Mailing Address: **100 N Stewart Street
 Suite 100
 Carson City, NV 89701**
 Phone: **(775) 684-5849**
 Extension:
 Email: **dgustafson@admin.nv.gov**

b. Person to whom a copy of the completed draft should be mailed for review:

Name: **Evan Dale**
 Title: **Administrator**
 Mailing Address: **209 E Musser Street
 Room 304
 Carson City, NV 89701**
 Phone: **(775) 684-0281**
 Extension:
 Email: **edale@admin.nv.gov**

c. Person to be contacted to provide testimony regarding the measure during the legislative session:

Name: **Dave Gustafson**
 Title: **CIO**
 Mailing Address: **100 N Stewart Street
 Suite 100
 Carson City, NV 89701**
 Phone: **(775) 684-5849**
 Extension:
 Email: **dgustafson@admin.nv.gov**

5. Fiscal Notes

State

a. Would this measure, if enacted, create or increase any fiscal liability of state government or decrease any revenue of state government which appears to be in excess of \$2,000? (If Yes, must submit request as a Budget Bill)

Unknown

b. Would this measure, if enacted, increase or newly provide for a term of imprisonment in the state prison or make release on parole or probation from the state prison less likely? (If Yes, must contact the relevant state agencies (i.e. Dept. of Corrections, Dept. of Public Safety, etc.) to determine if this should be submitted as a Budget Bill)

No

Local

c. Would this measure, if enacted, reduce revenues or increase expenditures of a local government?

Unknown

d. Would this measure, if enacted, increase or newly provide for a term of imprisonment in county or city jail or detention facility or make release on probation therefrom less likely?

No

Unfunded Mandate

e. Would this measure, if enacted, have the effect of requiring one or more local governments to establish, provide or increase a program or service which is estimated to cost more than \$5,000 per local government and a specified source for the additional revenue to pay the expense is not authorized by this measure or another specific statute?

Unknown

6. Supplemental Notes

a. Suggested language or proposed solution to the problem:

See attached

b. Special instructions (e.g. disfavored wording):

Unknown

c. NRS title, chapter and sections, Nevada Constitutional provisions, administrative regulations (NAC) affected:

NRS 242

d. Similar measures from current or previous sessions:

None

e. Federal law, court cases, or attorney general opinions involved:

None

f. Similar statutes in other states:

Unknown

Approvals

Approval Level	User	Date
Agency Administrator Approval	sewart	07/30/2014 09:48:14 AM
Agency Director Approval	sewart	07/30/2014 09:48:19 AM
Received by EBO	sewart	07/30/2014 09:48:23 AM
Budget Analyst Approval	sewart	07/30/2014 09:57:21 AM
Team Lead Approval	jborrowm	07/30/2014 10:18:24 AM
Governor Approval	Pending	
Final Transmittal Approval	Pending	

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

~~[Provisions deleted](#)~~

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.
- [NRS 242.065](#) “Specialized services” defined.
- [NRS 242.065](#) “Enterprise services” defined.
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- 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.
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- ~~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.

NRS 242.183 Investigation, resolution and 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.

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 Enterprise Information Technology 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 Enterprise Information Technology Services to other agencies and may include, without limitation, server, mainframe, and wide area network capabilities that support agency programs.

NRS 242.065 “Enterprise services” defined. “Enterprise Services” means those services, common or specialized, provided by the Division of Enterprise Information Technology Services to all, or nearly all, Executive Branch agencies and may include, without limitation, the state wide area network, state data center services, state telephone services, state email services and state financial enterprise services.

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

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) To furnish common and specialized services to consolidated agencies.
~~perform information services for state agencies.~~

~~—(b) provide technical advice but not administrative control of the information systems within the state agencies and, as authorized, of local governmental agencies.~~

(b) To furnish specialized services to Executive Branch agencies as determined by the Administrator.

(c) 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.

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.

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:

(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 Enterprise Information Technology 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;

(f) Conduct security validation, testing, including, without limitation, penetration testing, and continuous monitoring of information systems used by Executive Branch agencies;

(g) 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 Executive Branch agency, other than the Nevada System of Higher Education, may commence development work on any such applications until approval and authorization have been obtained from the Administrator.

(h) Administer the provisions of this chapter, and

(~~d~~i) 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.

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.

(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 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 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;

(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 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.

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

~~(e e) 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 three Executive Branch Departments, excluding the Department of Administration, having the largest total information technology services expenditures during the preceding budgetary biennium.~~

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

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

(f) The Chief of the Budget Division of Department of Administration.

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

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

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

(I) Are not employed by this State; and

(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 353.1921 Information Technology Advisory Board: Meetings; compensation.

1. The Board shall meet at least ~~once every 3 months~~ three times each calendar year 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 353.1922 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.~~ guidelines to assist state agencies in the development of short- and long-term plans for their information systems.

(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 an Executive Branch 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)~~

~~SERVICES~~

~~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~~

~~—(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)~~

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:~~

~~—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)~~

~~—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;~~

~~⇒ 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.~~

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

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

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

2. Each state agency ~~or elected state officer~~ described in subsection 1, except the Nevada System of Higher Education, shall report any suspected incident of:

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

(b) Noncompliance with the regulations, and standards, ~~practices, policies and conventions~~ of the Division that ~~is~~ are 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. 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, or attempted breach, of an information system of ~~a state~~ an Executive Branch 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~~ that materially compromises, or could have compromised, the security, confidentiality or integrity of such an information system.

2. 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)

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~~ the Division, 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. The fund may accept deposits from any public or private source, including, but not limited to, grants, gifts, appropriations, fees, donations, or other contributions.

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 232, State Departments

CHAPTER 232 - STATE DEPARTMENTS

DEPARTMENT OF ADMINISTRATION

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 Enterprise Information Technology Services for those common, specialized, and enterprise services provided to the Department and to other state and local government agencies.~~

~~23.~~ Advise and assist the Director and each division of the Department in carrying out their functions and responsibilities.

(Added to NRS by [1993, 1482](#))

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” has the meaning ascribed to it in NRS ~~242.171~~.[NRS 242.101](#).