

**\*\*\* NOTICE OF PUBLIC MEETING \*\*\***

**INFORMATION TECHNOLOGY ADVISORY BOARD**

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**LOCATION:**  
**Nevada State Library & Archives**  
**100 N. Stewart Street**  
**Room 110**  
**Carson City, Nevada 89701**

**VIDEOCONFERENCED TO:**  
**Grant Sawyer Building**  
**555 E. Washington Avenue**  
**Room 1400**  
**Las Vegas, Nevada 89101**

**DATE AND TIME OF MEETING:** October 26, 2022, 1:00 p.m. (Pacific Time)

**DATE OF AGENDA PUBLICATION:** October 4, 2022

**DATE OF FIRST AGENDA AMENDMENT PUBLICATION:** October 6, 2022

Below is an agenda of all items to be considered. Items on the agenda may be taken out of the order presented, items may be combined for consideration by the public body; and items may be pulled or removed from the agenda at any time at the discretion of the Chairperson.

**AGENDA**

1. CALL TO ORDER and ROLL CALL
2. PUBLIC COMMENTS (*for discussion only*) – Public comment is encouraged to be submitted in advance so that it may be included in meeting materials and given attention and though it will not be read into the record, they are encouraged to be accessible to screen reader devices. Please provide your name in any comment for record keeping purposes. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. Public comments may be related to topics on the agenda or matters related to other topics in accordance with NRS 241.020(3)(3). Public comments will be limited to 3 minutes per person because of time considerations. Comments will not be restricted based on viewpoint. The Chair may, at their discretion, hold this agenda item open in order to receive public comments under other agenda items. Note: this guidance applies for all periods of public comment as may be referenced further in the agenda.
3. APPROVAL OF MINUTES: A discussion and vote related to approval of draft minutes related to the Information Technology Advisory Board (“ITAB”) meeting on August 10, 2022. (*for possible action*) – Chair Jeramie Brown
4. OPEN MEETING LAW TRAINING: Board members will be trained on meeting requirements and policies. (*for discussion only*) – SDAG Homa Woodrum

5. LEGISLATIVE RECOMMENDATIONS: Discussion and possible action regarding ITAB statutory requirements and possible amendments to NRS 242. (*for possible action*) – SDAG Homa Woodrum
6. PLANNING STAGES OF ENHANCEMENTS: A discussion regarding a breakdown into planning stages of enhancement requests for Enterprise Information Technology Services<sup>1</sup>. (*for discussion only*) – State Chief Information Officer and EITS Administrator Timothy Galluzi
7. EITS RESOURCES: A discussion with Mandee Bowsmith from the Division of Human Resource Management<sup>2</sup> on ways to improve overall compensation, recruitment, retention and internal training availability and pathways to career paths for Information Technology staff across the State. (*for possible action*) – Chair Jeramie Brown
8. PUBLIC COMMENTS (*for discussion only*) – No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on an agenda as an item upon which action may be taken. Public comments will be limited to 3 minutes per person because of time considerations. Comments will not be restricted based on viewpoint. The Chair may, at its discretion, hold this agenda item open in order to receive public comments under other agenda items.
9. ADJOURNMENT

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Meeting materials are available online at [it.nv.gov/Governance/ITAB/Meetings/Meetings/](https://it.nv.gov/Governance/ITAB/Meetings/Meetings/) and by e-mail request to [EITSAdministration@admin.nv.gov](mailto:EITSAdministration@admin.nv.gov) or via telephonic request to (775) 684-5800.

*Notice of this meeting was posted before 9:00 a.m. at least three working days prior to the meeting pursuant to NRS 241.020, in the following locations:*

- Nevada State Library and Archives, 100 N Stewart Street, Carson City, NV 89701
- And the following web locations:
  - <https://it.nv.gov/Governance/ITAB/Meetings/Meetings/>
  - <https://www.notice.nv.gov>

The appearance of the phrase “for possible action” immediately following an agenda item denotes items on which the Board may take action.

We are pleased to make reasonable accommodations for members of the public with a disability who wish to participate. If accommodated arrangements for the meeting are necessary, please notify the IT Advisory Board staff (775) 684-5800 or you may email your request to [EITSAdministration@admin.nv.gov](mailto:EITSAdministration@admin.nv.gov) as soon as possible and ideally at least one full working day prior to the time of the meeting.

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<sup>1</sup> Updated EITS full name as Enterprise Information Technology Services.

<sup>2</sup> Updated DHRM’s full name as Division of Human Resource Management.

## Agenda Item #3

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**DATE AND TIME OF MEETING:** August 10, 2022, 1:00 p.m. (Pacific Time)

**MINUTES**

1. CALL TO ORDER and ROLL CALL

Vice Chair Laura Freed called the meeting to order at 1:06 pm and then did roll call.

**Members Present**

- Director Laura Freed, Vice Chair
- Senator Moises Denis
- Deputy Administrator Sandra Ruybalid
- Mr. Hillery Pichon
- Mr. Les Ottolenghi
- Mr. Jeramie Brown, Chair

**Members Absent**

- Assemblywoman Teresa Benitez-Thompson

2. PUBLIC COMMENTS (*for discussion only*)

None.

3. NOMINATION AND ELECTION OF CHAIR: Per NRS 242.122(3), “At the first regular meeting of each calendar year, the members of the Board shall elect a Chair by majority vote.” (*for possible action*)

Administrator Tim Galluzi informed the board that the time commitment from the Chair would be one hour each month to meet with EITS leadership and to go over the agenda.

Discussion took place regarding willingness of board members to serve. Mr. Les Ottolenghi motioned to nominate Mr. Jeramie Brown as the Chair and Mr. Hillery Pichon seconded the motion. Mr. Les Ottolenghi then motioned to nominate Director Laura Freed as the Vice Chair and Senator Moises Denis seconded the motion. Both motions passed.

4. APPROVAL OF THE MINUTES: A discussion and vote related to approval of draft minutes related to the Information Technology Advisory Board (“ITAB”) meeting on June 10, 2021 (*for possible action*)

Vice Chair Laura Freed motioned to approve the minutes. Senator Moises Denis seconded the motion. Motion passed.

5. OPEN MEETING LAW: A discussion to determine the board’s needs for training and resources about its function and open meeting requirements with the opportunity for questions and answers (*for possible action*) – Senior Deputy Attorney General (“SDAG”) Homa Woodrum

SDAG Homa Woodrum stated that she wanted to see if the board members were interested in having an open meeting law (OML) training at a future meeting and that it could be held immediately before the scheduled start of a meeting of the board. The board agreed that this would be beneficial, and Chair Jeramie Brown stated that this training can be scheduled prior to the next board meeting.

6. BOARD OBJECTIVES: A discussion regarding the board’s objectives in alignment with the duties and powers outlined in NRS 242.124 (*for possible action*) – SDAG Homa Woodrum

SDAG Homa Woodrum informed the board of the legislative history and what is covered under NRS such as objectives, requirements, and mandatory duties. Vice Chair Laura Freed asked how EITS budget could be discussed prior to Sept. 1<sup>st</sup> when there’s another statute that precludes disclosure of agency recommended budgets as they must be kept confidential until the governor’s recommended budget is transmitted to the Legislature. SDAG Woodrum stated the most appropriate way to approach this conflict is to not disclose but to show a good-faith effort for transparency and share the information after it is public. She also stated that a closed meeting would not remedy the confidentiality concerns. Vice Chair Freed then stated that the board can discuss EITS budget after Oct 15<sup>th</sup> as it will be public knowledge by then and she would like to take a broader look at what the submissions for IT are across state government.

7. BYLAWS A discussion to determine the board’s needs for bylaws, including presentation of a discussion draft (*for possible action*) – SDAG Homa Woodrum

SDAG Homa Woodrum explained the benefits of bylaws, such as having information that covers who can serve as the chair, providing new members with additional references

and how to handle conflicts of interests. The board agreed that having bylaws can be beneficial, but they will hold off for a couple meetings before discussing the bylaws any further as a number of members were new to the board.

8. ENTERPRISE INFORMATION TECHNOLOGY SERVICES (EITS) DIVISION  
QUESTIONS AND ANSWERS (*for discussion only*) – Timothy Galluzi, State Chief  
Information Officer and EITS Administrator

Administrator/Chief Information Officer Tim Galluzi answered the board members questions ranging from cyber security to hiring processes which involved difficulty in recruitment and retention of state staff due to compensation and other causes. Some information was confidential related to planning for the division related specifically to security measures and could not be disclosed to the public, but Administrator Galluzi assured the board that measures were in place. Administrator Galluzi did state that he can provide a breakdown into planning stages of enhancement requests for EITS at the next board meeting.

9. ITAB 2022 MEETING SCHEDULE: A discussion regarding board membership, a  
quarterly meeting schedule as required by NRS 242.123, and future meeting agenda items  
(*for possible action*)

Chair Jeramie Brown stated that there will be potential dates sent out to board members to have the next meeting at the end of October owing to quorum concerns. The board will be losing the two legislation members in November as they will be out of office. The board does have three vacant local/county government positions and one private industry position.

10. PUBLIC COMMENTS (*for discussion only*)

None.

11. ADJOURNMENT

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# Agenda Item #4

# ITAB OPEN MEETING LAW PRIMER

Senior Deputy Attorney  
General Homa S. Woodrum

Boards and Open  
Government Division

INFORMATION TECHNOLOGY ADVISORY BOARD MEETING  
OCTOBER 26, 2022

# ROADMAP

- Relevance of OML & Related Penalties
- Definitions
- Openness & Agenda Language
- Public Comment & Remote Technology
- Resources
- Questions

*Note: As this presentation is tailored to ITAB members and abbreviated for time constraints, we are not covering things ITAB staff have already been trained regarding (posting requirements/timing, contents of minutes, and retention of records) or subjects that are not generally applicable to ITAB (employment by boards, closed meetings, etc.).*

# OPEN MEETING LAW OVERLAP: PERSONAL AND PRACTICAL

- Personal/Entity Participation in Public Processes
  - Public comment
  - Service with a public body
  - Interactions with other public entities
- Tracking and Researching Regulation
  - OML has procedural overlap with rulemaking
- Licensing Boards
- Awareness of When OML Does Not Apply

# OPEN MEETING LAW PERSPECTIVES

How would a member of the public...

- ...be able to attend and participate?
- ...be able to understand what took place after the fact?

How can members of a public body...

- ...know the scope of their role?
- ...ensure transparency?

# PENALTIES

Action taken in violation of Open Meeting Law is void.

A public body may try to correct a violation but there are related steps and considerations (it is still a good idea to try, however).

## Misdemeanor (NRS 241.040)

Each member of the public body who attends the meeting where the violation happens, has knowledge of the violation, and participates in the violation.

Wrongful exclusion of individuals from a meeting.

## PENALTIES (CONT.)

Administrative fine for attendance and knowing participation in a violation not to exceed:

\$500 for a first offense;

\$1,000 for a second offense; and

\$2,500 for a third or subsequent offense.

No criminal penalty or administrative fine if the member violates provisions “as a result of legal advice provided by an attorney employed or retained by the public body.”

## OPEN ACTION, OPEN DELIBERATION

- A public body exists “to aid in the conduct of the people’s business” and the law intends “that their actions be taken openly and that their deliberations be conducted openly.” See NRS 241.010
- Also, regarding records: “The purpose of this chapter is to foster democratic principles by providing members of the public with prompt access to inspect, copy, or receive a copy of public books and records to the extent permitted by law.” See NRS 239.001

# OPEN ACTION, OPEN DELIBERATION

*A public body exists “to aid in the conduct of the people’s business” and the law intends “that their actions be taken openly and that their deliberations be conducted openly.” See NRS 241.010*

- Seems simple enough...
  - What is a **public body**?
  - What is an **action**?
  - What counts as **deliberation**?
  - What is a **meeting**?
- Could a well-meaning committee member accidentally have a meeting or take an action?
  - How does that affect openness/transparency?

# DEFINITIONS

Action: A decision, promise, or vote

Deliberation: Considering or reflecting on a subject, including fact exchanges

Public Body: Two or more people funded or using tax revenue or appointed through state or local government mechanisms

Quorum: A simple majority of members unless otherwise specified

Meeting: In person, remote, or virtual gathering to deliberate or take action where the Public Body has power

# ACTION

A decision, a promise, or a vote involving a majority of members present (**including electronically**).

See NRS 241.015(1).

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*Watch for...*

- *Inadvertent action (versus discussion only)*
- *Action in a meeting without quorum or without notice*

## DELIBERATION

Collective examination, weighing, and reflection upon reasons for or against an action. This includes discussion and exchange of facts, **even if preliminary**.

See NRS 241.015(2).

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*Take advantage of agenda setting options to seek presentations or provision of information.*

## PUBLIC BODY

- Administrative, advisory, executive, or legislative state or local government entity with at least two people which spends or distributes or is supported even in part by tax revenue.
  - This includes entities created by state or local law or regulation, a formal resolution, executive order.
- A board, commission, or committee with at least two people appointed by the Governor (or the Governor's direction) if it has at least two members who are not employees of the executive branch, or which otherwise meets the public body definition, or a public officer under direction from the executive branch if at least two members are not employed by the public officer.
- A limited purpose association for creation of a rural agricultural residential common interest community.

## PUBLIC BODY (CONT.)

- A subcommittee or working group where two or more persons would fall under one of the other definitions of a public body if:
  - The group is supported by staff members of the public body or
  - The working group is authorized to make a recommendation to the public body for action.

See NRS 241.015(4) and NRS 241.016.

# QUORUM

**Simple majority** of membership or another proportion established by law. (For example, some committees require a majority of voting members for quorum.)

See NRS 241.015(5).

Unless specified in the mechanism (such as a statute) creating the meeting, proxies are not allowed.

If a member cannot make a meeting where this is the case, their **unavailability may force rescheduling** meetings.

See NRS 241.025

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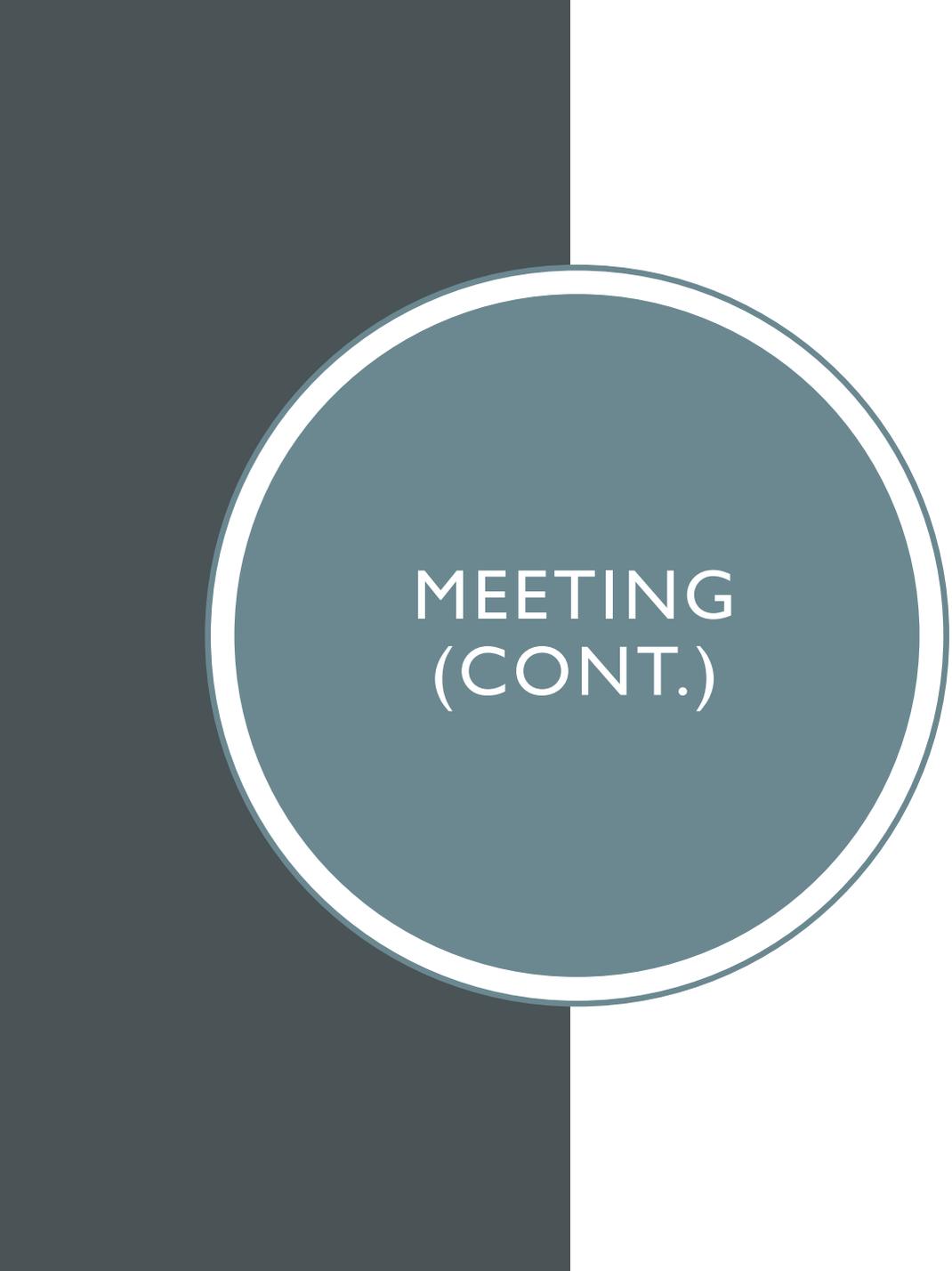
*Take steps to ensure accidental quorums (such as group e-mail threads) do not occur and endanger the ultimate actions taken.*



# MEETING

In person or virtual (telephone, email, etc.) gathering of members of a public body with a quorum to take action or deliberate on a subject the public body can cover (supervise, control, advise or have jurisdiction).

See NRS 241.015(3) as amended in 2021 (added “by use of a remote technology system” defined by NRS 241.015(6) as any system enabling remote participation and includes video and teleconference options).



## MEETING (CONT.)

- Any series of such gatherings without a quorum where the cumulative events were taken to avoid open meeting law and the members as grouped between events constitute a quorum.
- Social functions are okay if no deliberation or action takes place.
- Receiving information from the public body's counsel relating to potential or existing litigation related to the public body's function or control.
- To receive trainings about legal obligations of public bodies.

# OPENNESS



Public notice requirements

At least 3 working days notice  
Posting and sharing notice



Content of notices including

Clear and complete statement of topics  
Public comment



Accessibility/space



E-mails, texting, and other electronic communication

# NOTICE: AGENDAS



**Clear and complete statement of topics scheduled to be considered**



**List describing items for action with the phrase “for possible action” next to each agenda item**



**Periods of public comment (both general and agenda related)**

Any restrictions on public comment (time, place, or manner – no viewpoint restrictions)



**Notification that items may:**

Be taken out of order  
Be combined with other agenda items  
Be removed or delayed for discussion at any time

- Amendments to an agenda should be clearly made and follow notice/posting requirements.
- An addition has different challenges than a subtraction, though members of the public who make time for a meeting may be frustrated to find a subject is removed.

## OPEN ACTION, OPEN DELIBERATION



### The agenda as a tool.

Can be used to plan for future meetings.  
Use as a roadmap for current meetings.



### Clear communication and expectations.

Public bodies should use committee staff support to share information and avoid the “reply all” issue.



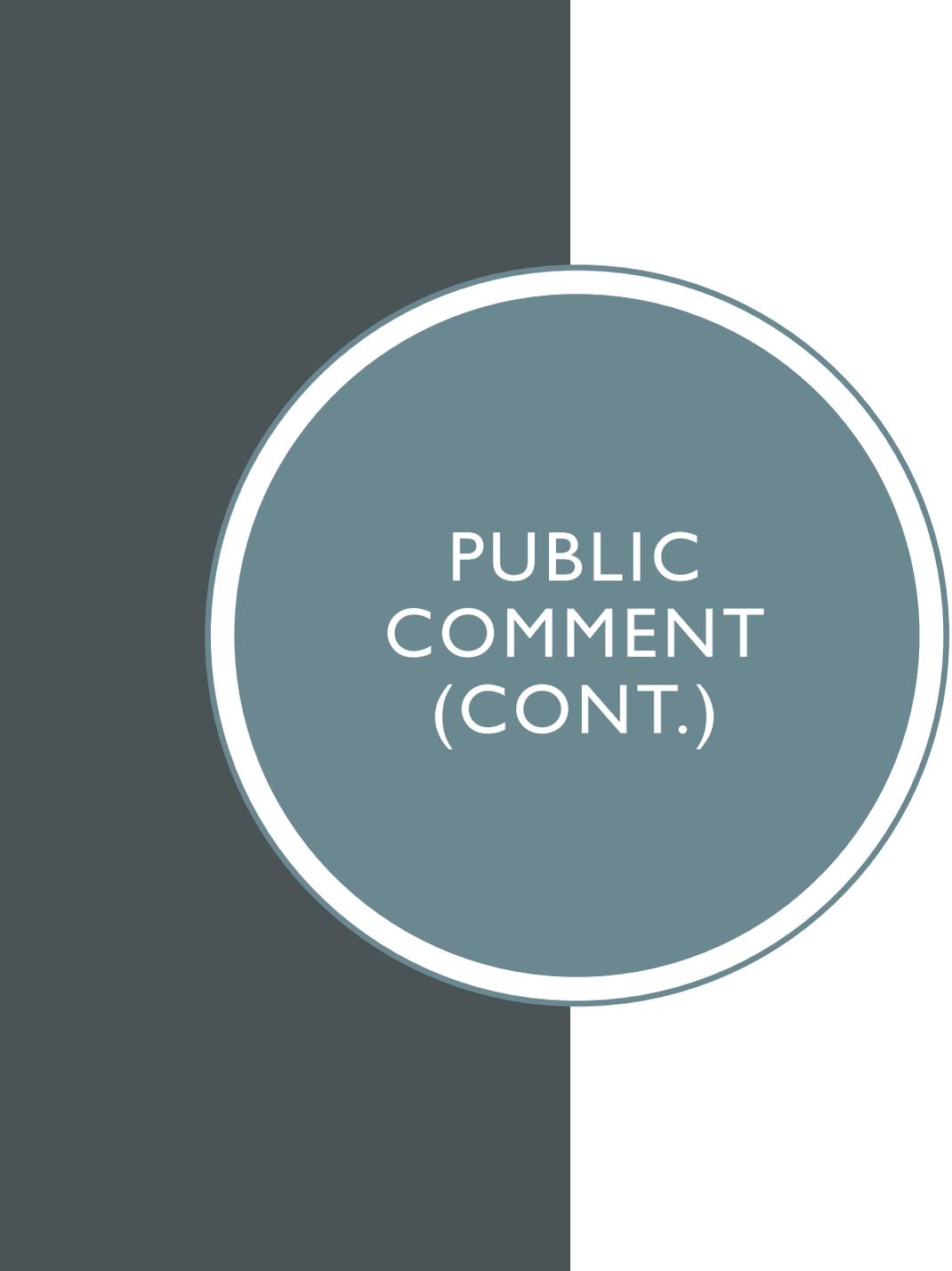
### Would a member of the public be able to have notice and involvement in this deliberation or action?

- Once before first action item and again before the meeting's end or
- On all action items before each action along with a general public comment period about general topics within the public body's jurisdiction.
- Time limits (if used) must be on the agenda and content & viewpoint neutral.
  - Accommodation of disabilities (an individual may require additional time to share their comment).

See NRS 241.020(3)(d)(7).



PUBLIC  
COMMENT



## PUBLIC COMMENT (CONT.)

- Public bodies cannot take action based on public comment unless in relation to an action item on the agenda.
  - If the agenda has action set for inclusion of future agenda items, this may be a good place to incorporate public comment.
  - This can frustrate members of the public as their concerns may be set for future meetings.
- When using remote technology, the public must be able to not only hear and observe but participate during the meeting with live comment or pre-recorded messages.
  - Pre-recorded messages can be a way to ensure those in attendance perceive and review comment contemporaneously with the comment period (versus written comment when an individual can't make the meeting).

See NRS 241.020 and NRS 241.023

# TRANSPARENCY

- Transparency matters and the **intent to be transparent matters**.
- Be mindful of any bylaws or specific public body statutes.
  - Example: general belief that Robert's Rules of Order are binding on public bodies (this could come from bylaws specific to one body over another).
  - Example: statute creating the body may give a specific framework for their scope.
- It takes courage to offer input and comment or be under scrutiny for employment consideration.
- *Note: caution about engaging with certain public comment for specific reasons (such as in situations relating to the considerations of character) can result in improper statements from public bodies about not being allowed to discuss comments with the public in any circumstance, which is not accurate.*

# REMOTE TECHNOLOGY AND PUBLIC PARTICIPATION

- Public bodies must reasonably ensure the public can participate in the portion of the meeting that pertains to them using the remote technology system.
  - Compliance is sufficient where the individual is provided with a web-based link and telephone number, in case of technical difficulties, that allows them to attend and participate in real time. This does not mean having to provide tech support.
- If all members of the public body are required to be elected officials, a physical location is required for public attendance/participation.
- If a member of the public body attends remotely, the chair or their designee must make reasonable efforts to ensure:
  - Members present at the physical location can hear or observe the remote member and
  - Each member of the public body in attendance can participate.

## CONSULTATIONS WITH COUNSEL

- Watch for “polling” activity.
- “Non-meeting” - NRS 241.015(3)(b)(2) excludes from the definition of a meeting with public body counsel, “To receive information from the attorney employed or retained by the public body regarding potential or existing litigation involving a matter over which the public body has supervision, control, jurisdiction or advisory power and to deliberate toward a decision on the matter, or both.”
  - Note: this does not include action, just deliberation.

# OPEN MEETING LAW RESOURCES

- NRS Chapter 241  
[www.leg.state.nv.us/NRS/NRS-241.html](http://www.leg.state.nv.us/NRS/NRS-241.html)
- Attorney General's Office Portal  
[ag.nv.gov/About/Governmental\\_Affairs/OML/](http://ag.nv.gov/About/Governmental_Affairs/OML/)
  - Open Meeting Law Opinions
  - Open Meeting Law Enforcement Unit
  - Open Meeting Law Manual
  - General Complaint Form
- The Open Meeting Law Manual includes cites to notable opinions that can help offer examples
- The Open Meeting Law Opinions are organized by date
- Inquiries to Attorney General's Office
- Bill Draft Request List:  
<https://www.leg.state.nv.us/App/NELIS/REL/82nd2023/Bdrs/List>
  - BDR 416 filed September 1, 2022
    - **Attorney General**  
Makes various changes related to the Open Meeting Law.

# QUESTIONS?

[hwoodrum@ag.nv.gov](mailto:hwoodrum@ag.nv.gov)

Thank you!

# Agenda Item #5

# Information Technology Advisory Board Legislative References and Recommendations for Possible Amendment Support

**Summary** – There is no explicit legislative intent related to the parameters of the Information Technology Advisory Board that would give pause to the 2022 board in recommended certain adjustments to NRS 242 and NRS 233F as may be necessary to address conflicting language and provisions that pose challenges for board activities (timing and nature of certain budgetary disclosures, quorum/appointment concerns, and the like). The following research and recommendations are provided by counsel for the Board’s review, consideration, and possible action.

**Detailed Review** - The Information Technology Advisory Board was established through legislation passed in the final days of the 1993 Legislative Session – passed out of Assembly Ways and Means without any testimony on June 26, 1993 and heard in Senate Government Affairs on June 28<sup>th</sup> before being declared an emergency measure and passed the next day for final delivery to the governor on July 1, 1993. The hearing for AB 782 references that it had already received budgetary approval and brief discussion ensued of a graphic reflecting reorganization of the executive department. The Secretary of the Board of Sheep Commissioners gave a presentation related to the bill and suggested amendments which is of note because of how far from anything related to technology that Board would likely be. No specific intention associated with the board is reflected in its initial introduction to the NRS, though the Information Technology Advisory Board is mentioned on June 3<sup>rd</sup> in Assembly Ways and Means as part of the “Data Processing Subcommittee Report:”

Fourth, the subcommittee recommended, as proposed in the Executive Budget, to transfer the Telecommunications Division from the Department of General Services and the State Communications Board from the Department of Motor Vehicles to the Department of Information Services and maintain these entities as separate divisions. This recommendation would ensure a cohesive administrative approach for managing the state's information resources and the means for communicating and transmitting those resources.

Fifth, the subcommittee recommended that the Advisory Committee for Data Processing, the Telecommunications Advisory Board, and the State Communications Board be consolidated into one Information Technology Advisory Board. With the transfer of the Telecommunications Division and the State Communications Board in the Department of Information Services, the need for three separate boards is no longer necessary.

It can be inferred that ITAB was created as a catch all board for those housed outside of what would later become Enterprise Information Technology Services. The reorganization itself

was referenced in the State of the State presented by Governor Bob Miller: “This reorganization proposal brings state government down to 13 departments, three major boards and four major commissions. All other boards and commissions will report to the governor through various state agencies. This reduces the span of control down to 20 to 1, a more workable ratio for proper review and good management.” *1993 State of the State Address* at 10.

The language changed in order to consolidate the boards may be useful for determination of the origins of provisions used for ITAB (the overlap with the Communications Board in NRS 233F is also informative but very unlike the actual composition and role of the Communications Board before it was folded into the entity similar to today’s ITAB – *See Sidebar*).

The Select Committees on Government Reorganization made no mention in 1993 of specific intent related to ITAB. Judy Mattecucci, then Director of the Department of Administration, presented generally about the consolidation and reorganization efforts to both the Assembly and Senate from February 2 through March 17. She testified that there was a list of Board and Commissions and how they would be handled in the reorganization, for example, on January 21, 1993 to the Joint meeting of the Assembly Committee on Ways and Means and the Senate Committee on Finance. This aligns with the Data Processing Subcommittee Report reference quoted above.

In 2011, there was further discussion of the board via SB 82. SB 82 was introduced via the Technological Crime Advisory Board and presented by the Office of the Attorney General. *February 9, 2011 Minutes of the Senate Committee on Government Affairs*, at 14. The then Executive Director of TCAB spoke of briefings about cyber threats and indicated “The problem that confronts government is how to do more with less. The Department of Information Technology can provide Information Technology (IT) goods and services to counties and municipalities if it has excess capacity. The Department of Information Technology has not had excess capacity for years and will not in the future. This limits collaboration between State and county and city agencies in the computer security field.” *Id.* The goal of the bill therefore was presented to help localities get the “best deal in terms of price and security.” *Id.*

Three requirements for leveraging the state option for localities were presented as follows: “First, counties and cities have to request assistance and second, do what has to be appropriately compensated; third, the State has to save money on the bundled

NRS 233F in 1975 included the creation of the Communications Board which then was amended via AB 782 in 1993 to conform a name change of the Communications Board to ITAB. The Communications Board was to establish certain minimum standards related to state communication and microwave channels as well as appointing the state communications director to serve at the pleasure of the board.

The previous Communications Board created by AB 161 in 1975 focused on duties and powers relating to studying expansion, savings and fiscal analysis for the same related to the importance of the state’s communication system (“communication equipment and associated facilities owned, leased or used by state agencies”). The original makeup of the board included: the director of the civil defense and disaster agency, the director of the department of general services the director of the department of law enforcement assistance, the director of the department of motor vehicles, the director of the Nevada department of fish and game, the director of the state department of conservation and natural resources, and the state highway engineer.

transaction.” *Id.* at 14-15. [Testimony from the TCAB meeting related to the bill](#) was included as an exhibit to testimony the day of the bill’s presentation, and thus became part of its legislative history.

SB 82 defined membership of ITAB and also made changes to procurement and criminal statutes. “The bill is best seen as a part of a continuum of legislative measures over the past several Sessions to make Nevada an “information secure” locale – more attractive to businesses dependent on information security – and more protective of the tremendous amount of citizen information contained on government systems throughout the state.” *Id.* at 15.

In the March 2, 2011 work session related to SB 82, amendments were proposed to adjust ITAB to remove the Superintendent of Public Instruction of the Department of Education from the Board as well as removing proposed additional language adding the Administrator of the State Library and Archives to the Board. *March 2, 2011 Minutes of the Senate Committee on Government Affairs* at 11. Discussion took place regarding compelling publication of advertisements in the procurement (NRS 333) process, requested by a lobbyist for the newspaper industry. *Id.* at 12. Lastly, flexibility was discussed for notifying the CIO’s designee if they were unavailable and a proposed amendment was discussed to specify notice to “the Office of Information Security” instead of the CIO. *Id.* at 14.

AB 782 in 1993 does not have specific legislative history details about the creation of ITAB and 2011’s SB 82’s editing of its membership seems to have been referenced to “defining” it, but not really addressing why the need had arisen. It did delete the timing requirements for members appointed from the legislature, deleted the Superintendent of Public Instruction of the Department of Education, added the Attorney General or his designee, and added three (instead of one) individuals from a locality, adding that they have at least one engaged in IT or IS. Appointees had 4 years of their term instead of just 2. Testimony at the time seemed to indicate this was to deal with turnover since there were just 4 meetings per year.

A possible precursor to ITAB (aside from the Communications Board mentioned previously) could have been data processing commission (and supporting board) created by SB 484 in 1969 as it was a group consisting of the state controller as chairperson, the director of the DMV, the director of the DOA, and the state highway engineer. They were to meet at least once every 3 months and were to determine data processing policy, location of equipment, use of the equipment, and service procedures. That commission was to appoint a “data processing advisory board” made up of groups performing data processing functions among using agencies and the manager of “the computer facility.” That board would provide guidance to the commission, recommend standards and policies, and provide direction on software support.

By 1979’s AB 103, references to now repealed NRS 242.190 had a composition for the data processing commission including the controller, the director of the DMV, the director of the DOA, the director of the DOT, the director of the employment security department, the chair of the Nevada industrial commission, the director of LCB, and the court administrator (those additional seats were only applicable if those entities had services “furnished by the computer facility”).

AB 65 in 1981 did create language moving the data processing commission into what would then be NRS 242.151, which means that conceptually the intention of the legislature was to fold the role of the commission not into ITAB years later, but instead vest the Administrator with authority in that regard. Still, it may be that the data processing board would later be the basis for ITAB moreso than the Communications Board though the Communications Board was specifically renamed as ITAB in NRS 233F.

***Recommendations for Possible Amendments*** – Two provisions related to ITAB are currently problematic: (1) language that sets membership such that affect the ability to make quorum for meeting purposes and (2) language that implies certain budgetary disclosures which are otherwise barred by conflicting statute. It is recommended that ITAB issue a letter of support for adjustments as follows given an upcoming Bill Draft Request which relates to both referencing NRS chapters (NRS 242 and 233F) for ITAB.

***Draft Proposed Letter of Support*** – A letter of support to be provided during the legislative session could contain the following language for signature and presentation by the ITAB Chair:

The Information Technology Advisory Board (NRS 242.122 and NRS 233F.030) voted at its October 26, 2022 meeting to request the following conceptual adjustments in statute:

- NRS 242.122 sets forth the members of the Information Technology Advisory Board. At this time all members of the board must be in attendance to establish a quorum because of the number of vacant positions. The board seeks language permitting a quorum to be a simple majority of appointed members, not available seats (which would include unappointed members). Given NRS 242.123 requires meetings every 3 months and two appointed members are sitting legislators under NRS 242.122(1)(a)-(b), it can be difficult to comply with this requirement absent a full slate of appointed members.
  
- NRS 242.124(1)(c) requires that the Board “Review the Division’s proposed budget before its submission to the Budget Division of the Office of Finance created by NRS 223.400.” This requirement would put the Division in violation of relevant provisions of NRS 353.205, which provides for the confidentiality of the state budget. The Board would appreciate the ability to review and offer feedback of an otherwise publicly available Budget for the Division at such time as it is permissible.