

Joe Lombardo
Governor



Timothy D. Galluzi
State Chief Information Officer

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STATE OF NEVADA
GOVERNOR'S OFFICE
Office of the Chief Information Officer

100 N. Stewart Street, Suite 100 | Carson City, Nevada 89701
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March 15th, 2024

TO: OCIO Listserv Recipients
Nevada County Libraries
State Library and Archives

FROM: Timothy Galluzi, Chief Information Officer
Office of the Chief Information Officer

SUBJECT: NOTICE OF WORKSHOP --- Permanent Amendments to NAC 242

The topics that may be addressed regarding changes to and/or additions to regulations included with this memorandum are being proposed for permanent adoption. In order to review these topics and solicit comments from interested persons, a workshop will be held at 1:00 p.m. on April 5, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart St., Room 110, Carson City, Nevada.

Please circulate or post the attached *Notice of Workshop to Solicit Comments on Proposed Permanent Regulations* along with the text of the proposed regulations.

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REGULATION WORKSHOP

DATE: April 5th, 2024
TIME: 1:00 p.m.
PLACE: Nevada State Library and Archives
100 N. Stewart Street
Room 110
Carson City, Nevada

Meeting materials are available on the Office Of the Chief Information Officer's website at:
<http://it.nv.gov/Governance/Meetings>

AGENDA

1. Call to Order
2. Review of related topics that may be addressed in proposed permanent changes to and/or additions to Chapter 242 of the Nevada Administrative Code.
3. Adjournment

This workshop will be conducted in accordance with the Open Meeting Law (NRS 241.020).

NOTE: Comments by the general public will be taken following a description of the proposed regulation changes. Public comment may be limited to 5 minutes per person at the discretion of the staff member conducting the workshop.

If anyone has questions or wishes to discuss in further detail, the items scheduled for this regulation workshop, please contact Michael Hanna-Butros Meyering at (775) 531-3027.

Notices have been posted on the Office of The Chief Information Officer's website at www.it.nv.gov and at the following locations:

CARSON CITY

NV State Library and Archives, 100 N. Stewart Street

Legislative Counsel Bureau (LCB), 401 S. Carson Street

Nevada State Capitol Building, 101 N. Carson Street

WEBSITES

LCB website: www.leg.state.nv.us

Nevada Public Notice website: www.notice.nv.gov

We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Michael Hanna-Butros Meyering at (775) 531-3027 or michaelhbm@it.nv.gov no later than five working days before the meeting.

**NOTICE OF WORKSHOP
TO SOLICIT COMMENTS ON PROPOSED PERMENANT REGULATIONS**

The Office of The Chief Information Officer, 100 N. Stewart Street Suite 101, Carson City, Nevada, telephone number (775) 684-****, is proposing the permanent amendment of regulations pertaining to Chapter 242 of Nevada Administrative Code. A workshop has been set for 1:00 p.m. on April 5, 2024, at the Nevada State Library and Archives Building, 100 N. Stewart St., Room 110, Carson City, Nevada. The purpose of the workshop is to solicit comments from interested persons on the following topics that may be addressed in the proposed regulations.

**Meeting materials are available on the Office of The Chief Information Officer’s website at:
<http://it.nv.gov/Governance/Meetings>**

Request for Comments and Review of Nevada Administrative Code, Chapter 242, related to the amendment of regulations regarding:

1. **Comprehensive Review of Regulations** to NAC 242.110;
2. **Regulation for Removal** to NAC 242.120, 242.130, 242.140, 242.150, 242.160, 242.020, 242.040, 242.050, 242.060, 242.070, 242.080, 242.090, 242.100, and 242.010.

A copy of all materials relating to the proposal may be obtained by contacting the Office of The Chief Information Officer at (775) 531-3027 or michaelhbm@it.nv.gov. A reasonable fee for copying may be charged. The agency’s Small Business Impact Statement is attached.

This Notice of Workshop to Solicit Comments on Proposed Temporary Regulations has been sent to all persons on the agency’s mailing list for administrative regulations and posted at the following locations:

CARSON CITY

NV State Library and Archives, 100 N. Stewart Street Legislative Counsel Bureau (LCB), 401 S. Carson Street
Nevada State Capitol Building, 101 N. Carson Street

WEBSITES

LCB website: www.leg.state.nv.us

Office of The Chief Information Officer’s website: www.it.nv.gov

Nevada Public Notice website: www.notice.nv.gov

In addition, this Notice of Workshop to Solicit Comments on Proposed Temporary Regulations has been sent to:

OCIO LISTSERV RECIPIENTS

ALL NEVADA COUNTY PUBLIC LIBRARIES

NOTE: We are pleased to make reasonable accommodations for individuals with disabilities who wish to participate in the meeting. If special arrangements for the meeting are necessary, please notify Michael Hanna-Butros Meyering at (775) 531-3027 or michaelhbm@it.nv.gov no later than five working days before the meeting.

Explanations of Proposed Changes

Topic 1

1. NAC 242.110 Adoption by reference of Nevada Information *Technology and Security* ~~{Systems}~~ Policies and Standards ~~{Manual}~~. (NRS 242.111)
 1. The Nevada Information *Technology and Security* ~~{Systems}~~ Policies and Standards ~~{Manual}~~ *available on it.nv.gov are* ~~[is]~~ hereby adopted by reference ~~-[as it existed on September 1, 1992].~~
 - ~~2. Except as otherwise provided in subsection 3, a copy of:~~
 - ~~(a) The Nevada Information Systems Policies and Standards Manual may be obtained from the Division of Enterprise Information Technology Services, 100 North Stewart Street, Suite 100, Carson City, Nevada 89701, for the price of \$25.~~
 - ~~(b) Section 12 of the Nevada Information Systems Policies and Standards Manual may be obtained from the Division of Enterprise Information Technology Services, 100 North Stewart Street, Suite 100, Carson City, Nevada 89701, for the price of \$10.~~
 - ~~3. The Division will provide, without charge, a copy of the Manual to each state agency.]~~

Explanation of Change: The referenced manual has not existed for more than a decade, and the applicable policies and standards are available on the office's website at no cost.

Topic 2

NAC 242.010

1. ~~[NAC 242.010 Definitions. (NRS 242.111) As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 242.015 to 242.100, inclusive, have the meanings ascribed to them in those sections.]~~

Explanation of Change: The referenced definitions, NAC 242.015 through NAC 242.100, are recommended for removal, so this regulation is no longer needed.

2. ~~[NAC 242.015 "Administrator" defined. (NRS 242.111) "Administrator" means the Administrator of the Division.]~~

Explanation of Change: This term is now defined by NRS 242.013 and does not need a definition in regulation.

3. ~~[NAC 242.020 "Division" defined. (NRS 242.111) "Division" means the Division of Enterprise Information Technology Services of the Department of Administration.]~~

Explanation of Change: Added in 1992, this definition is outdated as the name of the division is now defined by NRS 242.045 and does not need a definition in regulation.

4. ~~[NAC 242.040 "Feasibility study" defined. (NRS 242.111) "Feasibility study" means the definition and examination of alternative methods to meet a requesting agency's business needs in determining whether a course of action based on the needs, priorities and capabilities of a project is possible.]~~

Explanation of Change: The parallel NRS is not currently reflected in statute and this definition should be removed. As the practice of requiring a feasibility study did not continue after the Department of Information Technology (DOIT) transition to EITS in 2011, any regulations concerning a feasibility study are recommended for removal.

5. ~~[NAC 242.050 “Information system” defined. (NRS 242.111) “Information system” means any automated process used for data processing, office automation or communications technology.]~~

Explanation of Change: This regulation should be removed as it conflicts with NRS 242.057 which states, “‘Information system’ means any communications or computer equipment, computer software, procedures, personnel or technology used to collect, process, distribute or store information.”

6. ~~[NAC 242.060 “Project” defined. (NRS 242.111) “Project” means a deployment of resources for an information system.]~~

Explanation of Change: This regulation should be removed because it is inaccurate as currently written. There are other roles for OCIO besides the narrow definition of NAC 242.050; the definition of NAC 242.060 does not include projects related to equipment, only processes, which is inaccurate.

7. ~~[NAC 242.070 “Requesting agency” defined. (NRS 242.111) “Requesting agency” means a state agency which requests resources for an information system or services from the Division.]~~

Explanation of Change: NRS 242.068, last amended in 1993, defines instead a “using agency,” and NRS 242.141 does reference requests of agencies. NAC 242.070 is recommended for removal because the associated regulation NAC 242.150 is also recommended for removal.

8. ~~[NAC 242.080 “Resources for an information system” defined. (NRS 242.111) “Resources for an information system” means any hardware or software for a computer, data files, hard copy generated by a computer, data facilities, communication lines, modems, multiplexors, concentrators, power sources or any other assets related to a computer-based information system or computer installation, including any services provided by natural persons in connection with that system or installation.]~~

Explanation of Change: This definition is outdated and should be removed.

9. ~~[NAC 242.090 “State agency” defined. (NRS 242.111) “State agency” means an agency or elected officer within the Executive Branch of State Government who uses or plans to use resources for an information system for electronic processing or storage of public records.]~~

Explanation of Change: This is an outdated definition as elsewhere in NRS 242 the definitions associated with using entities have shifted. This definition also limits the resources to storage for public records and that term is not defined in the NAC.

10. ~~[NAC 242.100 “Vendor” defined. (NRS 242.111) “Vendor” means a person or a governmental agency, other than a state agency, which provides resources for an information system.]~~

Explanation of Change: This regulation should be removed because the associated regulation 242.160 is also recommended for removal.

11. ~~[NAC 242.120 Feasibility study: Completion or waiver required before state agency may begin project. (NRS 242.111) A state agency shall not begin a project unless a feasibility study of the project has been completed or the requirement for a feasibility study has been waived by the Division.]~~

Explanation of Change: NAC 242.120 does not have a specific tie to any current NRS. As the practice of requiring a feasibility study did not continue after the DOIT transition to EITS in 2011, the related definition (242.040), this regulation, and similar regulations concerning a feasibility study (242.130, 242.140, and 242.150) are recommended for removal.

12. ~~[NAC 242.130 Feasibility study: Determination of requirement; contents; participation by Division. (NRS 242.111)-~~
- ~~1. The Division will determine whether a feasibility study is required for each proposed project.-~~
 - ~~2. Each feasibility study must include:-~~
 - ~~(a) A description of the problem to be resolved and its origin;-~~
 - ~~(b) The objectives, scope and anticipated results of the project;-~~
 - ~~(c) Any proposed alternate course of action;-~~
 - ~~(d) Sufficient information to allow the requesting agency and the Administrator to make decisions concerning the merits of the proposed project;-~~
 - ~~(e) An analysis of the costs and benefits and an assessment of the risks for each proposed alternate course of action; and-~~
 - ~~(f) A plan for the management of the project, including a schedule for reporting and reviewing the project.-~~
 - ~~3. Each alternate course of action included in a feasibility study must be consistent with:-~~
 - ~~(a) The state agency's plan for the use of resources for an information system;-~~
 - ~~(b) The biennial state plan; and-~~
 - ~~(c) The standards set forth in the Nevada Information Systems Policies and Standards Manual.-~~
 - ~~4. A requesting agency may conduct the feasibility study independently or in conjunction with the Division. If the Division participates in the study, it will charge the requesting agency for the cost of the services it provides to the agency.]~~

Explanation of Change: As the practice of requiring a feasibility study did not continue after the DOIT transition to EITS in 2011, this regulation and similar regulations concerning a feasibility study are recommended for removal.

13. ~~[NAC 242.140 Feasibility study: Maintenance of documentation. (NRS 242.111) Each state agency shall maintain sufficient documentation for each feasibility study to ensure the resolution of any questions concerning the purpose, justification, nature or scope of the project.]~~

Explanation of Change: As the practice of requiring a feasibility study did not continue after the DOIT transition to EITS in 2011, this regulation and similar regulations concerning a feasibility study are recommended for removal.

14. ~~[NAC 242.150 Request for assistance from Division; submission of services for approval of requesting agency; charging for services. (NRS 242.111)~~
1. ~~A state agency which requests assistance from the Division for an information system must submit a written proposal to the Division. The state agency may develop the proposal independently or in conjunction with the Division.~~
 2. ~~Each proposal must:~~
 - (a) ~~Include a feasibility study of the project which complies with the requirements set forth in NAC 242.130;~~
 - (b) ~~Include an estimate of the time and costs of the project;~~
 - (c) ~~Include specifications relating to the information system; and~~
 - (d) ~~Be approved by the Division and the requesting agency before the project may begin.~~
 3. ~~The Division will, after completing the request for an information system, submit the service to the requesting agency for its approval. The Division will not release the service to the requesting agency unless the requesting agency signs a statement that the service provided by the Division complies with the requirements of the request.~~
 4. ~~The Division will charge the requesting agency for the cost of the services it provides to the agency.~~

Explanation of Change: The majority of services offered by OCIO are standardized with a rates menu and documented in the OCIO-wide service level agreement (or SLA). Additionally, regulations concerning a feasibility study are recommended for removal.

15. ~~[NAC 242.160 Contract between Division and vendor: Procedure. (NRS 242.111) If the Division wishes to enter into a contract with a vendor on behalf of the requesting agency, it will:~~
1. ~~Review the list of qualified vendors in accordance with the Information System Contracting Standards set forth in section 8 of the Nevada Information Systems Policies and Standards Manual;~~
 2. ~~Coordinate the requests for proposals with the requesting agency and the Purchasing Division of the Department of Administration;~~
 3. ~~Coordinate and recommend approval of the proposed contract to the Budget Division of the Department of Administration; and~~
 4. ~~Manage the project in conjunction with the requesting agency. The Division will be primarily responsible for the technical management of the contract.~~

Explanation of Change: This regulation is out of date and does not reflect the current business operations of OCIO, which follows only the contracting standards established by the Purchasing Division of the Department of Administration.

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REGULATION WORKSHOP

Regulation Small Business Impact Statement

Section 15 of Article 15 of the Nevada Constitution requires the Legislature to provide for a State merit system governing the employment of employees in the Executive Branch of State government and in 1969 the Legislature provided for such in NRS 242. Additionally, NRS 242.300 provides limitations to which employees of the Executive Branch are covered by NRS 242.

Due to the limitations of the Nevada State Constitution and NRS 242, the Office of The Chief Information Officer's staff has determined that the adoption of this proposed regulation does not affect small businesses, impose a significant economic burden on small businesses, nor will it restrict the formation, operation or expansion of small business. This regulation only impacts other agencies and removes artifact NAC that are no longer relevant.

I certify that to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business and that the information contained in this statement was prepared properly and is accurate.

Timothy Galluzi, Chief Information Officer

March 15, 2024

Date