

**PROPOSED REGULATION OF THE CHIEF OF THE
OFFICE OF THE CHIEF INFORMATION OFFICER WITHIN
THE OFFICE OF THE GOVERNOR**

LCB File No. R082-24

June 26, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 242.111.

A REGULATION relating to information services; removing the adoption by reference of the *Nevada Information Systems Policies and Standards Manual*; adopting by reference certain policies, standards and procedures relating to the information security of certain state agencies; repealing various provisions relating to the regulation of information services; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law previously created the Division of Enterprise Information Technology Services within the Department of Administration, which consisted of the Administrator of the Division, the Office of Information Security and certain other units. (NRS 242.080, as that section existed before July 1, 2023) Existing law previously required the Administrator to adopt certain regulations relating to information services. (NRS 242.111, as that section existed before July 1, 2023) Senate Bill No. 431 of the 2023 Legislative Session eliminated the Division and the Administrator, created the Office of the Chief Information Officer within the Office of the Governor and transferred the duty of the Administrator to adopt regulations governing information services to the Chief of the Office of the Chief Information Officer. (NRS 242.080, as amended by section 60 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3559, and NRS 242.111, as amended by section 62 of Senate Bill No. 431, chapter 532, Statutes of Nevada 2023, at page 3559)

Existing regulations adopt by reference the *Nevada Information Systems Policies and Standards Manual*. (NAC 242.110) Existing regulations require: (1) certain components of a feasibility study conducted by a state agency concerning a proposed information system project to comply with the standards set forth in the *Manual*; and (2) the Division to comply with certain provisions of the *Manual* if the Division wishes to enter into a contract with a vendor on behalf of a state agency which requests resources for an information system or services from the Division. (NAC 242.130, 242.160) **Section 1** of this regulation removes the adoption by reference of the *Nevada Information System Policies and Standards Manual*. **Section 2** of this regulation repeals provisions requiring compliance with provisions of the *Manual*. **Section 1** instead adopts by reference the *State Information Security Policies, Standards and Procedures*,

in the form most recently published by the State Information Security Committee, and requires that each agency within the Executive Branch of the State Government that operates, manages or uses information technology in support of the business needs of the agency and each state employee, contractor or other person who has access to or manages state information comply with all applicable provisions of the *State Information Security Policies, Standards and Procedures*.

Existing regulations define the term “feasibility study” to mean the definition and examination of alternative methods to meet the business needs of certain agencies in determining whether a course of action based on the needs, priorities and capabilities of a project is possible. (NAC 242.040) Existing regulations prohibit a state agency from beginning a project unless a feasibility study of the project has been completed or the requirement for a feasibility study has been waived. (NAC 242.120) Existing regulations set forth certain requirements for the contents and conduct of a feasibility study and for the maintenance of documentation relating to the feasibility study. (NAC 242.130, 242.140) **Section 2** repeals those provisions.

Existing regulations set forth certain requirements for a state agency which requests assistance from the Division for an information system and provides that the Division will take certain actions upon receiving such a request. (NAC 242.150) **Section 2** repeals those requirements.

Existing regulations require the Division to take certain actions if the Division wishes to enter into a contract with a vendor on behalf of a state agency which requests resources for an information system or services from the Division. (NAC 242.160) **Section 2** repeals those provisions.

Existing regulations define certain terms relating to the regulation of information services. (NAC 242.010-242.100) **Section 2** repeals those definitions.

Section 1. NAC 242.110 is hereby amended to read as follows:

242.110 1. ~~{The Nevada Information Systems Policies and Standards Manual is}~~ *Each state agency within the Executive Branch of the State Government that operates, manages or uses information technology in support of the business needs of the agency and each state employee, contractor or other person, including, without limitation, a third party, who has access to or manages state information shall comply with all applicable provisions of the State Information Security Policies, Standards and Procedures, in the form most recently published by the State Information Security Committee, which are* hereby adopted by reference. ~~{as it existed on September 1, 1992.}~~ *A copy of the State Information Security Policies, Standards*

and Procedures may be obtained free of charge at the Internet address

https://it.nv.gov/Governance/Security/State_Security_Policies_Standards_Procedures/

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.~~

The Chief will review each revision to the State Information Security Policies, Standards and Procedures adopted by reference pursuant to subsection 1 to determine its suitability for this State. If the Chief determines that the revision is not suitable for this State, the Chief will hold a public hearing to review his or her determination and give notice of that hearing within 30 days after the date of the publication of the revision. If, after the hearing, the Chief does not revise his or her determination, the Chief will give notice that the revision is not suitable for this State within 30 days after the hearing. If the Chief does not give such notice, the revision becomes part of the State Information Security Policies, Standards and Procedures adopted by reference pursuant to subsection 1.

Sec. 2. NAC 242.010, 242.015, 242.020, 242.040, 242.050, 242.060, 242.070, 242.080, 242.090, 242.100, 242.120, 242.130, 242.140, 242.150 and 242.160 are hereby repealed.

TEXT OF REPEALED SECTIONS

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.

242.015 “Administrator” defined. (NRS 242.111) “Administrator” means the Administrator of the Division.

242.020 “Division” defined. (NRS 242.111) “Division” means the Division of Enterprise Information Technology Services of the Department of Administration.

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.

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

242.060 “Project” defined. (NRS 242.111) “Project” means a deployment of resources for an information system.

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.

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.

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.

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.

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.

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.

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.

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.

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.

