

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

Phone: (775) 684-5800 | www.it.nv.gov | CIO@it.nv.gov | Fax: (775) 687-9097

June 27th, 2024

TO: Regulations@lcb.state.nv.us

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

SUBJECT: Notice Of Intent To Act Upon A Regulation --- Permanent Amendments to NAC
242

The Office of the Chief Information Officer within the Office of the Governor will hold a public hearing at 1:00 PM - 3:00 PM, on Wednesday, August 7, 2024, at NSLA Room 110, 100 North Stewart Street, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 242 of the Nevada Administrative Code.

Notice Of Intent to Act Upon A Regulation

Notice of Hearing for the Adoption of Regulations of the Office of the Chief Information Officer within the Office of the Governor

The Office of the Chief Information Officer within the Office of the Governor will hold a public hearing at 1:00 PM - 3:00 PM, on Wednesday, August 7, 2024, at NSLA Room 110, 100 North Stewart Street, Carson City, Nevada. The purpose of the hearing is to receive comments from all interested persons regarding the adoption of regulations that pertain to chapter 242 of the Nevada Administrative Code.

The following information is provided pursuant to the requirements of NRS 233B.0603:

1. The need for and the purpose of the proposed regulation or amendment:
 - The proposed regulation aims to update and streamline the information security policies, standards, and procedures for state agencies, replacing outdated guidelines with current best practices.
2. Terms or substance of the proposed regulation:
 - The proposed regulation will adopt by reference the State Information Security Policies, Standards, and Procedures, as published by the State Information Security Committee.
3. How to obtain the approved or revised text of the proposed regulation:
 - The approved or revised text of the proposed regulation can be obtained from the Office of the Chief Information Officer at 100 North Stewart Street, Suite 100, Carson City, Nevada, or online at https://it.nv.gov/Governance/Security/State_Security_Policies_Standards_Procedures/.
4. Estimated economic effect of the regulation:
 - A. On businesses:
 - Adverse effects: None anticipated.
 - Beneficial effects: None anticipated.
 - B. On the public:
 - Adverse effects: None anticipated.
 - Beneficial effects: None anticipated.
5. Methods used to determine the impact on small businesses:
 - No surveys were deemed necessary as the regulation is expected to have no impact on small businesses.
6. Estimated cost to the agency for enforcement:
 - The enforcement of the proposed regulation is expected to be managed within the current budget of the Office of the Chief Information Officer.
7. Description and citation of overlapping or duplicative regulations:
 - The proposed regulation aligns with federal information security standards but does not duplicate existing state or local regulations.
8. Federal law citation if applicable:
 - The regulation is informed by federal standards such as the Federal Information Security Management Act (FISMA).
9. More stringent provisions than federal regulation:
 - The proposed regulation may include provisions that are more stringent than federal regulations to address specific state needs.
10. New or increased fees:
 - The proposed regulation does not establish new fees or increase existing fees.

Persons wishing to comment upon the proposed action of the Office of the Chief Information Officer may appear at the scheduled public hearing or may address their comments, data, views, or arguments in written

form to the Office of the Chief Information Officer, 100 North Stewart Street, Suite 100, Carson City, Nevada. Written submissions must be received by the Office of the Chief Information Officer on or before July 31, 2024. If no person who is directly affected by the proposed action appears to request time to make an oral presentation, the Office of the Chief Information Officer may proceed immediately to act upon any written submissions.

A copy of this notice and the regulation to be adopted will be on file at the State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada, for inspection by members of the public during business hours. Additional copies of the notice and the regulation to be adopted will be available at the Office of the Chief Information Officer, 100 North Stewart Street, Suite 100, Carson City, Nevada, and online at <https://it.nv.gov/>, for inspection and copying by members of the public during business hours. This notice and the text of the proposed regulation are also available in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the Internet at <http://www.leg.state.nv.us/>. Copies of this notice and the proposed regulation will also be mailed to members of the public at no charge upon request.

Upon adoption of any regulation, the agency, if requested to do so by an interested person, either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice of hearing has been posted at the following locations:

- Office of the Chief Information Officer, 100 North Stewart Street, Suite 100, Carson City, Nevada
- State Library, Archives and Public Records, 100 Stewart Street, Carson City, Nevada
- Online at <https://it.nv.gov/> and <http://www.leg.state.nv.us/>

For additional information, please contact the Office of the Chief Information Officer at 100 North Stewart Street, Suite 100, Carson City, Nevada, or by phone at (775) 684-5800.

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REGULATION WORKSHOP

Regulation Small Business Impact Statement

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.

A small business is defined in Nevada Revised Statutes (NRS) 233B as a "business conducted for profit which employs fewer than 150 full-time or part-time employees."

This small business impact statement is made pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business as stated below. This small business impact statement is made pursuant to NRS 233B.0608(3) and complies with the requirements of NRS 233B.0609. As required by NRS 233B.0608(3), this statement identifies the methods used by the agency in determining the impact of the proposed regulation on a small business as stated below.

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

June 28, 2024
Date



State of Nevada

Intent To Act Upon A Regulation Permanent Amendments to NAC Agenda

| | | | | |
|---------------|---------------|--|----------------|-----------------|
| Meeting Date: | Meeting Time: | Meeting Location: | Meeting Type: | Agenda Version: |
| 08/07/2024 | 1:00 PM | Nevada State Library and Archives 100 N. Stewart Street Room 110 Carson City, Nevada | Public Hearing | 1.0 |

1. Call to Order (**for discussion only**) – Timothy Galluzi, State Chief Information Officer of the Office of the Chief Information Officer (OCIO).
2. General Public Comment
In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments will be limited to two (2) minutes. No action will be taken on any items raised in the public comment period.
3. Roll Call
4. **Adoption Hearing regarding proposed amendment (LCB File Number R082-24)**
5. **Public Comment Period.**
In consideration of others, who may also wish to provide public comment, please avoid repetition. Comments will be limited to two (2) minutes. No action will be taken on any items raised in the public comment period.
6. Adjourn

**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.

