
ASSEMBLY BILL NO. 364—ASSEMBLYWOMAN TIFFANY

MARCH 2, 1999

Referred to Committee on Ways and Means

SUMMARY—Creates office of chief information officer and information technology commission.
(BDR 19-335)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: Yes.

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

AN ACT relating to information services; providing in skeleton form for the creation of the office of the chief information officer and the information technology commission; defining the qualifications, powers and duties of the chief information officer and information technology commission; eliminating the information technology advisory board; and providing other matters properly relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE
AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** Chapter 242 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 10, inclusive, of this act.
3 **Sec. 2.** *“Commission” means the information technology*
4 *commission created pursuant to section 5 of this act.*
5 **Sec. 3.** *The governor shall appoint a chief information officer who*
6 *has:*
7 1. *Not less than 5 years of experience managing an information*
8 *technology business or managing an information technology division*
9 *within a company;*
10 2. *Significant experience managing large and complex information*
11 *technology projects;*
12 3. *Knowledge of the Internet and software development; and*
13 4. *Skill in interpersonal communications and management.*

Sec. 4. 1. The chief information officer shall:

(a) Develop objectives, policies, procedures and standards for the development of information systems within the using agencies to achieve maximum economy and quality while preserving maximum flexibility, including, without limitation:

(1) Policies, procedures and standards for the interchange of information within and among using agencies.

(2) Policies and standards concerning the use of the Internet by using agencies.

(3) Policies to ensure the protection of data, resources and individual privacy.

(b) Require each using agency to prepare and submit a biennial information technology plan that has been reviewed and updated at least once every 6 months containing the information required in subsection 2.

(c) Coordinate the preparation of the information technology plans of each using agency.

(d) Upon receipt of an information technology plan from a using agency, provide a copy of the plan to each member of the commission.

(e) Facilitate the implementation of information technology plans that have been approved by the commission.

(f) Establish priorities in terms of importance and order of implementation for the development and implementation of information systems.

(g) Monitor the development of information systems to achieve the maximum use of existing resources.

(h) Advise the governor concerning information technology policy and make recommendations to the governor regarding appropriations for information technology projects.

(i) Communicate frequently with the legislative and judicial branches of government, local governments, the federal government, private industry and consumers to promote cooperation and to obtain relevant information and advice.

(j) Obtain reports from the director regarding:

(1) The strategic plan of the department, including, without limitation, the services the department plans to offer to using agencies;

(2) Any planned major expenditures; and

(3) Any other item determined jointly by the director and the chief information officer.

(k) Perform, at least once every 2 years with the assistance of the planning unit created pursuant to section 7 of this act, a technical audit of the management and use of information technology within the using agencies and distribute copies of the results of the audit as set forth in subsection 4.

1 (l) Prepare and submit an annual report before December 1st of each
2 year to the governor and to the director of the legislative counsel bureau
3 that contains:

4 (1) A summary of the current and projected use of information
5 technology within the using agencies.

6 (2) A description of any major changes in information technology
7 policy.

8 (3) A brief description of the information technology plans of each
9 using agency.

10 2. An information technology plan from a using agency must include
11 information concerning the objectives and expenditures for the next year
12 in the level of detail and in the format specified by the chief information
13 officer.

14 3. The chief information officer may approve or disapprove any of
15 the items listed in subparagraph (1), (2) or (3) of paragraph (j) of
16 subsection 1.

17 4. Upon completion of the technical audit performed pursuant to
18 paragraph (k) of subsection 1, the chief information officer shall:

19 (a) Provide copies of the results of the audit to:

20 (1) The using agency that was audited;

21 (2) The governor;

22 (3) The director of the legislative counsel bureau; and

23 (4) The commission.

24 (b) Present and review the results of the audit with the commission at
25 the next meeting of the commission.

26 5. The chief information officer may contract with a person who has
27 significant experience with information technology contracts to:

28 (a) Advise the chief information officer, the commission and using
29 agencies concerning information technology contracts; and

30 (b) Draft information technology contracts.

31 6. The chief information officer may monitor any ongoing
32 information technology project and may report the progress of a project
33 at each meeting of the commission.

34 7. Each using agency shall, upon request, provide the chief
35 information officer with complete access to any records, documents and
36 reports, including, without limitation, any electronic, analog or digital
37 records.

38 **Sec. 5. 1.** The information technology commission is hereby
39 created.

40 2. The commission is composed of up to 20 members as follows:

41 (a) The chief information officer.

42 (b) The director.

1 (c) Two members of the assembly, one whom is appointed by the
2 speaker of the assembly and one of whom is appointed by the minority
3 leader of the assembly.

4 (d) Two members of the senate, one of whom is appointed by the
5 majority leader of the senate and one of whom is appointed by the
6 minority leader of the senate.

7 (e) Four members from the executive branch of government,
8 appointed by the governor.

9 (f) Not more than 10 members from private industry who are experts
10 at information technology and are appointed by the governor.

11 3. Members of the commission who are officers or employees of this
12 state serve without additional compensation.

13 4. Members of the commission who are not officers or employees of
14 this state:

15 (a) Shall not receive compensation or other benefits for their service
16 on the commission.

17 (b) May, upon written request, receive a per diem allowance and
18 travel expenses provided for state officers and employees generally.

19 5. The legislators who are members of the commission are entitled to
20 receive the salary provided for a majority of the members of the
21 legislature during the first 60 days of the preceding session for each
22 day's attendance at a meeting of the commission.

23 6. The members of the committee shall select the chairman from
24 among the legislative members of the committee. If a vacancy occurs in
25 the chairmanship, the vacancy must be filled in the same manner as the
26 original selection.

27 **Sec. 6. 1.** The commission shall meet at least once every 3 months
28 and at such other times deemed necessary by the chairman.

29 2. The commission shall:

30 (a) Study the present and future information technology needs of the
31 using agencies.

32 (b) Study any issue regarding information technology that the
33 commission finds relevant to furthering its general purposes.

34 (c) Make recommendations to the chief information officer regarding
35 policy, procedures and standards regarding information technology.

36 (d) Review the results of any technical audit performed by the chief
37 information officer pursuant to section 4 of this act.

38 (e) Create and keep current a long-term strategic plan for the use of
39 information technology in using agencies.

40 (f) Submit proposed legislation concerning the use of information
41 technology in using agencies.

42 (g) Rotate its meetings between a convenient location in Reno or
43 Carson City and Las Vegas.

1 3. The commission may terminate any information technology
2 project of the department or a using agency after holding a hearing at
3 which the relevant department or using agency may be heard and upon
4 approval of the governor.

5 4. The chairman may create any subcommittees that he deems
6 necessary to carry out the duties of the commission.

7 **Sec. 7. 1.** A planning unit is hereby created within the office of the
8 chief information officer.

9 2. The planning unit shall:

10 (a) Assist the chief information officer, the commission and using
11 agencies in developing short-term and long-term information technology
12 plans.

13 (b) Perform feasibility studies and cost-benefit analyses.

14 (c) Assist the chief information officer, the commission and using
15 agencies in estimating the budget and creating a schedule for a proposed
16 information technology project.

17 (d) Advise using agencies concerning the security of their information
18 systems and planning for recovery from a disaster.

19 (e) Assist the chief information officer in performing technical audits.

20 (f) Provide technical advice to the chief information officer, the
21 commission and using agencies for:

22 (1) Developing proposals for information technology projects;

23 (2) Business process reengineering;

24 (3) Establishing qualifications for consultants and contractors;

25 (4) Evaluating software and hardware that may be used in an
26 information technology project; and

27 (5) Oversight by the chief information officer of information
28 technology projects.

29 **Sec. 8. 1.** A contract administration unit is hereby created within
30 the office of the chief information officer.

31 2. The contract administration unit shall:

32 (a) Develop and issue requests for proposals for projects involving
33 information technology.

34 (b) Monitor the performance of existing contracts.

35 (c) Coordinate and monitor requests from using agencies for
36 information technology consultants through master service agreements.

37 (d) Advise the chief information officer and the commission
38 concerning issues related to contracts entered into by the chief
39 information officer, the commission and using agencies.

40 **Sec. 9. 1.** An emerging technology unit is hereby created within
41 the office of the chief information officer.

42 2. The emerging technology unit shall:

1 (a) *Provide technical advice for and monitor the use of the Internet by*
2 *using agencies to provide information and services to the public.*

3 (b) *Review available information technology, including, without*
4 *limitation and if necessary, traveling to information technology*
5 *conferences and agencies in other states with innovative information*
6 *technology solutions.*

7 (c) *Advise the chief information officer and the commission*
8 *concerning all acquisitions of information technology, including, without*
9 *limitation, whether the proposed acquisition:*

10 (1) *Is necessary given the information technology resources*
11 *currently owned by the using agency;*

12 (2) *Is the best available information technology solution for*
13 *optimizing the work flow and business processes of the using agency;*
14 *and*

15 (3) *Will be compatible and will integrate with the existing*
16 *information systems of the using agency.*

17 **Sec. 10.** 1. *A committee for the setting of fees is hereby created.*

18 2. *The committee consists of five members composed of the following*
19 *people:*

20 (a) *The director, who is the chairman of the committee.*

21 (b) *The chief information officer.*

22 (c) *The chief of the budget division of the department of*
23 *administration or his designee.*

24 (d) *Two persons appointed by the governor who are employees of two*
25 *of the largest users of information technology within the using agencies.*

26 3. *The committee shall meet as often as necessary to determine the*
27 *fees that the department may charge for its services.*

28 4. *Three members constitute a quorum for the conduct of business.*

29 5. *The members of the committee are entitled to receive the per diem*
30 *allowance provided for state officers and employees generally and travel*
31 *expenses.*

32 **Sec. 11.** NRS 242.011 is hereby amended to read as follows:

33 242.011 As used in this chapter, unless the context otherwise requires,
34 the words and terms defined in NRS ~~242.015~~ 242.031 to 242.068,
35 inclusive, *and section 2 of this act* have the meanings ascribed to them in
36 those sections.

37 **Sec. 12.** NRS 242.068 is hereby amended to read as follows:

38 242.068 "Using agency" means an *executive* agency of ~~the~~ *this* state
39 which has a function requiring the use of information technology,
40 information services or an information system. *The term does not include*
41 *the University and Community College System of Nevada or the Nevada*
42 *criminal justice information computer system.*

1 **Sec. 13.** NRS 242.080 is hereby amended to read as follows:
2 242.080 1. The department of information technology is hereby
3 created.

4 2. The department consists of the director and the:
5 (a) ~~[Planning and programming]~~ **Programming** division.
6 (b) Communication and computing division.

7 3. ~~[A planning and research unit is hereby created within the planning
8 and programming division of the department.
9 —4.]~~ A communications unit and a telecommunications unit are hereby
10 created within the communication and computing division of the
11 department.

12 **Sec. 14.** NRS 242.101 is hereby amended to read as follows:
13 242.101 1. The director shall:

14 (a) Appoint the chiefs of the divisions in the unclassified service of the
15 state;

16 (b) Administer the provisions of this chapter and other provisions of
17 law relating to the duties of the department; and

18 (c) Carry out other duties and exercise other powers specified by law.

19 2. The director may form committees to ~~[establish standards and
20 determine criteria for evaluation of policies relating to]~~ **determine the best
21 methods for delivering** informational services.

22 **Sec. 15.** NRS 242.111 is hereby amended to read as follows:

23 242.111 The director shall adopt regulations necessary for the
24 administration of this chapter, including:

25 1. ~~[The policy for the information systems of the executive branch of
26 government, excluding the University and Community College System of
27 Nevada and the Nevada criminal justice information computer system, as
28 that policy relates, but is not limited, to such items as standards for systems
29 and programming and criteria for selection, location and use of
30 information systems to meet the requirements of state agencies and officers
31 at the least cost to the state;~~

32 ~~—2.]~~ The procedures of the department in providing information
33 services, which may include provision for the performance, by an agency
34 which uses the services or equipment of the department, of preliminary
35 procedures, such as data recording and verification, within the agency;

36 ~~[3.]~~ 2. The effective administration of the communication and
37 computing division, including security to prevent unauthorized access to
38 information systems and plans for the recovery of systems and applications
39 after they have been disrupted; and

40 ~~[4.]~~ 3. Specifications and standards for the employment of all
41 personnel of the department.

1 **Sec. 16.** NRS 242.135 is hereby amended to read as follows:

2 242.135 1. The director may recommend to the governor that a state
3 agency or elected officer that is required to use the department's equipment
4 or services be authorized to employ one or more persons to provide
5 information services exclusively for the agency or officer if:

6 (a) *The recommendation is first approved by the information*
7 *technology commission;*

8 (b) The director finds that it is in the best interests of the state to
9 authorize the employment by the agency or elected officer;

10 ~~[(b)]~~ (c) The agency or elected officer agrees to provide annually to the
11 department sufficient information to determine whether the authorized
12 employment continues to be in the best interests of the state; and

13 ~~[(c)]~~ (d) The agency or elected officer agrees to ensure that the person
14 or persons employed complies with the provisions of this chapter and the
15 regulations adopted thereunder.

16 2. The director may recommend to the governor the revocation of the
17 authority of a state agency or elected officer to employ a person or persons
18 pursuant to subsection 1 if the director finds that the person or persons
19 employed have not complied with the provisions of this chapter or the
20 regulations adopted thereunder.

21 **Sec. 17.** NRS 242.151 is hereby amended to read as follows:

22 242.151 The director shall advise the using agencies regarding ~~1:~~

23 ~~—1.—The policy for information services of the executive branch of~~
24 ~~government, as that policy relates, but is not limited, to such items as~~
25 ~~standards for systems and programming and criteria for the selection,~~
26 ~~location and use of information systems in order that the requirements of~~
27 ~~state agencies and officers may be met at the least cost to the state;~~

28 ~~—2.—The~~ *the* procedures in performing information services . ~~1;~~ and

29 ~~—3.—The effective administration and use of the computer facility,~~
30 ~~including security to prevent unauthorized access to data and plans for the~~
31 ~~recovery of systems and applications after they have been disrupted.]~~

32 **Sec. 18.** NRS 242.171 is hereby amended to read as follows:

33 242.171 ~~1:]~~ The department is responsible for:

34 ~~[(a)]~~ 1. The applications of information systems;

35 ~~[(b)]~~ 2. Designing and placing those systems in operation;

36 ~~[(c)]~~ 3. Any application of an information system which it furnishes to
37 state agencies and officers after negotiation; and

38 ~~[(d)]~~ 4. The writing, testing and performance of programs,
39 for the state agencies and elected state officers which are required to use its
40 services.

41 ~~[2.—The director shall review and approve or disapprove, pursuant to~~
42 ~~standards for justifying cost, any application of an information system~~

1 ~~having an estimated developmental cost of \$50,000 or more. No using~~
2 ~~agency may commence development work on any such applications until~~
3 ~~approval and authorization have been obtained from the director.]~~

4 **Sec. 19.** NRS 242.181 is hereby amended to read as follows:

5 242.181 1. Any state agency or elected state officer which uses the
6 equipment or services of the department shall adhere to the regulations,
7 standards, practices, policies and conventions of the *chief information*
8 *officer, the information technology commission and the* department.

9 2. The *chief information officer, the information technology*
10 *commission and the* department shall provide services to each agency
11 uniformly with respect to degree of service, priority of service, availability
12 of service and cost of service.

13 **Sec. 20.** NRS 242.015, 242.071, 242.115, 242.122, 242.123 and
14 242.124 are hereby repealed.

15 **Sec. 21.** This act becomes effective on July 1, 1999.

LEADLINES OF REPEALED SECTIONS

242.015 "Board" defined.

242.071 Legislative declaration; purposes of department of
information technology.

242.115 Duties of planning and research unit.

242.122 Information technology advisory board: Creation;
members; chairman.

242.123 Information technology advisory board: Meetings;
compensation.

242.124 Information technology advisory board: Duties; powers.