
SENATE BILL NO. 130—COMMITTEE ON GOVERNMENT AFFAIRS
(ON BEHALF OF THE DEPARTMENT OF INFORMATION TECHNOLOGY)

FEBRUARY 24, 2005

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing organization and duties of Department of Information Technology. (BDR 19-608)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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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; abolishing the divisions and units of the Department of Information Technology and authorizing the Director of the Department to organize the Department into such divisions and units as he deems necessary; revising the provisions relating to the exemption or withdrawal of state officers or agencies from the requirement to use the services or equipment of the Department; repealing the prospective expiration of the authority of the Director to classify certain records of the Department as confidential; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law creates the Department of Information Technology and certain
2 divisions and units within the Department. (NRS 242.080) Existing law requires the
3 Director of the Department to appoint chiefs of the divisions. (NRS 242.101)
4 This bill abolishes the divisions and units of the Department and authorizes the
5 Director to establish the organization of the Department. This bill also requires the
6 Director to appoint a Deputy Director.
7 Existing law requires all state agencies and elected state officers to use the
8 services and equipment of the Department of Information Technology, except for
9 specifically exempted agencies and officers. The exempted agencies and officers
10 may, however, contract with the Department for its services or use of its equipment.
11 (NRS 242.131)



This bill removes the exemption from the requirement to use the Department's services and equipment for all state officers and agencies other than the Court Administrator and the Legislative Counsel Bureau.

Under existing law, an agency or officer that is not exempt from the requirement of using the services of the Department of Information Technology may apply to the Director of the Department to withdraw from such use. If the Director denies the application, the agency or officer may seek the approval of the Legislature or the Interim Finance Committee, as applicable, to withdraw from using the services of the Department. (NRS 242.131)

This bill removes the requirement of obtaining such approval from the Legislature or the Interim Finance Committee and instead requires approval of the Governor to withdraw from using the services of the Department.

Existing law requires the approval of the Director of the Department for the purchase by a state agency of an information system that has an estimated developmental cost of \$50,000 or more. (NRS 242.171)

This bill decreases to \$10,000 the threshold developmental cost of an information system for which approval by the Department for the purchase is required.

Existing law provides the Director of the Department with the authority until June 30, 2007, to classify as confidential certain records of the Department relating to homeland security. (NRS 241.105, Section 40 of Chapter 402, Statutes of Nevada 2003, at page 2469)

This bill removes the expiration date, thereby making permanent the authority of the Director to classify such records as confidential.

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

Section 1. NRS 242.080 is hereby amended to read as follows:
242.080 1. The Department of Information Technology is hereby created.

2. The Department consists of the Director and ~~the:~~

~~—(a) Planning and Programming Division.~~

~~—(b) Communication and Computing Division.~~

~~—3. A Planning and Research Unit is hereby created within the Planning and Programming Division of the Department.~~

~~—4. A Communications Unit and a Telecommunications Unit are hereby]~~ any divisions and units created within ~~[the Communication and Computing Division of]~~ the Department ~~[.]~~ by the Director

pursuant to subsection 3.

3. The Director may organize the Department into such divisions and units as he deems necessary and assign such responsibilities and duties to those divisions and units as he deems appropriate.

Sec. 2. NRS 242.101 is hereby amended to read as follows:

242.101 1. The Director shall:



(a) Appoint *a Deputy Director and* the chiefs of ~~[the divisions]~~
such divisions as he may create pursuant to NRS 242.080 in the
unclassified service of the State;

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

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

2. The Director may form committees to establish standards
and determine criteria for evaluation of policies relating to
informational services.

Sec. 3. NRS 242.111 is hereby amended to read as follows:

242.111 The Director shall adopt regulations necessary for the
administration of this chapter, including:

1. The policy for the information systems of the Executive
Branch of Government, ~~[excluding the University and Community
College System of Nevada and the Nevada Criminal Justice
Information Computer System,]~~ as that policy relates, but is not
limited, to such items as standards for systems and programming
and criteria for selection, location and use of information systems to
meet the requirements of state agencies and officers at the least cost
to the State;

2. The procedures of the Department in providing information
services, which may include ~~[provision]~~ :

(a) The use of contractors; and

(b) Provision for the performance, by an agency which uses the
services or equipment of the Department, of preliminary procedures,
such as data recording and verification, within the agency;

3. The effective administration of the ~~[Communication and
Computing Division,]~~ *Department*, including security to prevent
unauthorized access to information systems and plans for the
recovery of systems and applications after they have been disrupted;
and

4. Specifications and standards for the employment of all
personnel of the Department.

Sec. 4. NRS 242.131 is hereby amended to read as follows:

242.131 1. The Department shall provide state agencies and
elected state officers with all their required design of information
systems. All agencies and officers must use those services and
equipment, except as otherwise provided in ~~[subsection 2.]~~
subsections 2 and 3.

2. The following agencies may negotiate with the Department
for its services or the use of its equipment, subject to the provisions
of this chapter, and the Department shall provide those services and
the use of that equipment as may be mutually agreed:



- 1 (a) The Court Administrator; *and*
- 2 (b) ~~{The Department of Motor Vehicles;~~
- 3 ~~—(c) The Department of Public Safety;~~
- 4 ~~—(d) The Department of Transportation;~~
- 5 ~~—(e) The Employment Security Division of the Department of~~
- 6 ~~Employment, Training and Rehabilitation;~~
- 7 ~~—(f) The Department of Wildlife;~~
- 8 ~~—(g) The Housing Division of the Department of Business and~~
- 9 ~~Industry;~~
- 10 ~~—(h)} The Legislative Counsel Bureau . {;~~
- 11 ~~—(i) The State Controller;~~
- 12 ~~—(j) The State Gaming Control Board and Nevada Gaming~~
- 13 ~~Commission; and~~
- 14 ~~—(k) The University and Community College System of Nevada.}~~

15 3. Any state agency or elected state officer who ~~{uses}~~ *is*
16 *required to use* the services of the Department *pursuant to*
17 *subsection 1* and desires to withdraw ~~{substantially}~~ from that use
18 must apply to the Director for approval. The application must set
19 forth justification for the withdrawal. If the Director denies the
20 application, the agency or officer must ~~{};~~

21 ~~—(a) If the Legislature is in regular or special session,} obtain the~~
22 ~~approval of the {Legislature by concurrent resolution.~~

23 ~~—(b) If the Legislature is not in regular or special session, obtain~~
24 ~~the approval of the Interim Finance Committee. The Director shall,~~
25 ~~within 45 days after receipt of the application, forward the~~
26 ~~application together with his recommendation for approval or denial~~
27 ~~to the Interim Finance Committee. The Interim Finance Committee~~
28 ~~has 45 days after the application and recommendation are submitted~~
29 ~~to its Secretary within which to consider the application. Any~~
30 ~~application which is not considered by the Committee within the 45-~~
31 ~~day period shall be deemed approved.} *Governor.*~~

32 4. If the demand for services or use of equipment exceeds the
33 capability of the Department to provide them, the Department may
34 contract with other agencies or independent contractors to furnish
35 the required services or use of equipment and is responsible for the
36 administration of the contracts.

37 **Sec. 5.** NRS 242.135 is hereby amended to read as follows:

38 242.135 1. The Director may recommend to the Governor
39 that a state agency or elected officer that is required to use the
40 Department's equipment or services be authorized to employ one or
41 more persons to provide information services exclusively for the
42 agency or officer if:

43 (a) The Director finds that it is in the best interests of the State
44 to authorize the employment by the agency or elected officer;



(b) The agency or elected officer agrees to provide annually to the Department sufficient information to determine whether the authorized employment continues to be in the best interests of the State; and

(c) The agency or elected officer agrees to ensure that the person or persons employed complies with the provisions of this chapter and the regulations adopted thereunder.

2. The Director may recommend to the Governor the revocation of the authority of a state agency or elected officer to employ a person or persons pursuant to subsection 1 if the Director finds that ~~the~~:

(a) *The person or persons employed have not complied with the provisions of this chapter or the regulations adopted thereunder ~~H~~;*
or

(b) *The continued employment of the person or persons is no longer in the best interests of the State.*

Sec. 6. NRS 242.161 is hereby amended to read as follows:

242.161 1. All equipment of an agency or elected state officer which is owned or leased by the State must be under the managerial control of the Department, except the equipment of the agencies and officers ~~specified in subsection 2~~ *described in subsections 2 and 3* of NRS 242.131.

2. The Department may ~~permit~~ *allow* an agency which is required to use such equipment to operate it on the agency's premises.

Sec. 7. NRS 242.171 is hereby amended to read as follows:

242.171 1. The Department is responsible for:

(a) The applications of information systems;

(b) Designing and placing those systems in operation;

(c) Any application of an information system which it furnishes to state agencies and officers after negotiation; ~~and~~

(d) The writing, testing and performance of programs ~~H~~; *and*

(e) *The management of projects relating to information systems and the assurance of the quality of those projects,*

→ for the state agencies and elected state officers which are required to use its services.

2. The Director shall review and approve or disapprove, pursuant to standards for justifying cost, any application of an information system having an estimated developmental cost of ~~[\$50,000]~~ *\$10,000* or more. No using agency may commence development work on any such applications until approval and authorization have been obtained from the Director.

Sec. 8. NRS 242.191 is hereby amended to read as follows:

242.191 1. Except as otherwise provided in subsection 3, the amount receivable from an agency availing itself of the services of



1 the Department must be determined by the Director in each case and
2 include:

3 (a) The annual expense, including depreciation, of operating and
4 maintaining the ~~{Communication and Computing Division,}~~
5 *infrastructure for information systems*, distributed among the
6 agencies in proportion to the services performed for each agency.

7 (b) A service charge in an amount determined by distributing the
8 monthly installment for the construction costs of the computer
9 facility among the agencies in proportion to the services performed
10 for each agency.

11 2. The Director shall prepare and submit monthly to the
12 agencies for which services of the Department have been performed
13 an itemized statement of the amount receivable from each agency.

14 3. The Director may authorize, if in his judgment the
15 circumstances warrant, a fixed cost billing, including a factor for
16 depreciation, for services rendered to an agency.

17 **Sec. 9.** NRS 233F.010 is hereby amended to read as follows:

18 233F.010 As used in this chapter, unless the context otherwise
19 requires, the words and terms defined in NRS 233F.020 to
20 ~~{233F.065,}~~ *233F.060*, inclusive, have the meanings ascribed to
21 them in those sections.

22 **Sec. 10.** NRS 233F.117 is hereby amended to read as follows:

23 233F.117 If a state agency other than the ~~{Communications~~
24 ~~Unit}~~ *Department* adds equipment which extends the state
25 communications system to another location, the extension, if
26 approved by the Director, becomes part of the state communications
27 system. An approved extension of the system is subject to the
28 provisions of this chapter relating to the system.

29 **Sec. 11.** NRS 233F.260 is hereby amended to read as follows:

30 233F.260 The Board shall provide advice to the
31 ~~{Telecommunications—Unit}~~ *Department* on the use of
32 telecommunications by the State Government, including:

- 33 1. The development of policies, standards, plans and designs;
- 34 2. The procurement of systems, facilities and services;
- 35 3. The integration of telecommunications systems with other
36 state and local governmental systems; and
- 37 4. New technology that may become or is available.

38 **Sec. 12.** NRS 233F.270 is hereby amended to read as follows:

39 233F.270 1. The ~~{Telecommunications—Unit,}~~ *Department*,
40 with the advice of the Board, shall:

41 (a) Plan, carry out and administer a state telecommunications
42 system. When available at a competitive cost, the
43 ~~{Telecommunications—Unit}~~ *Department* shall use the facilities of
44 telephone companies providing local exchange service.



(b) Make arrangements for the installation of a central telephone switchboard or switchboards to serve the state offices in one or more buildings as may be practical or feasible.

2. The system must be integrated and may include services between the State and any cities, counties and schools.

3. The Department may consider for the system all the telecommunications requirements of the State and its political subdivisions.

Sec. 13. NRS 459.742 is hereby amended to read as follows:

459.742 The Commission, in carrying out its duties and within the limits of legislative appropriations and other available money, may:

1. Enter into contracts, leases or other agreements or transactions;

2. Provide grants of money to local emergency planning committees to improve their ability to respond to emergencies involving hazardous materials;

3. Assist with the development of comprehensive plans for responding to such emergencies in this State;

4. Provide technical assistance and administrative support to the ~~{Telecommunications Unit of the Communication and Computing Division of the}~~ Department of Information Technology for the development of systems for communication during such emergencies;

5. Provide technical and administrative support and assistance for training programs;

6. Develop a system to provide public access to data relating to hazardous materials;

7. Support any activity or program eligible to receive money from the Contingency Account for Hazardous Materials;

8. Adopt regulations setting forth the manner in which the Division of Emergency Management of the Department shall:

(a) Allocate money received by the Division which relates to hazardous materials or is received pursuant to 42 U.S.C. §§ 11001 et seq. or 49 U.S.C. §§ 5101 et seq.; and

(b) Approve programs developed to address planning for and responding to emergencies involving hazardous materials; and

9. Coordinate the activities administered by state agencies to carry out the provisions of this chapter, 42 U.S.C. §§ 11001 et seq. and 49 U.S.C. §§ 5101 et seq.

Sec. 14. Section 40 of chapter 402, Statutes of Nevada 2003, at page 2469, is hereby amended to read as follows:

Sec. 40. 1. This section and sections 1 to 33, inclusive, 38, 38.5 and 39 of this act become effective on July 1, 2003.



- 1 2. Sections 34 to 37, inclusive, of this act become
2 effective on January 1, 2004.
3 3. The provisions of sections 21 to 24, inclusive, ~~and~~
4 ~~27.5~~ of this act expire by limitation on June 30, 2007.
5 **Sec. 15.** NRS 233F.045, 233F.065 and 242.115 are hereby
6 repealed.
7 **Sec. 16.** This act becomes effective on July 1, 2005.

TEXT OF REPEALED SECTIONS

233F.045 “Communications Unit” defined.
“Communications Unit” means the Communications Unit of the
Communication and Computing Division of the Department.

233F.065 “Telecommunications Unit” defined.
“Telecommunications Unit” means the Telecommunications Unit of
the Communication and Computing Division of the Department.

242.115 Duties of Planning and Research Unit.

1. Except as otherwise provided in subsection 2, the Planning
and Research Unit of the Planning and Programming Division of the
Department shall:

(a) Develop policies and standards for the information systems
of the Executive Branch of Government;

(b) Coordinate the development of a biennial state plan for the
information systems of the Executive Branch of Government;

(c) Develop guidelines to assist state agencies in the
development of short- and long-term plans for their information
systems;

(d) Develop guidelines and procedures for the procurement and
maintenance of the information systems of the Executive Branch of
Government;

(e) Develop standards to ensure the security of the information
systems of the Executive Branch of Government; and

(f) Perform other planning and research functions at the
direction of the Director.

2. This section does not apply to the University and
Community College System of Nevada or the Nevada Criminal
Justice Information Computer System used to provide support for
the operations of law enforcement agencies in this State.

