

Chapter 30

DEPARTMENT OF ENTERPRISE TECHNOLOGY SERVICES

Original Senate File No. 33

AN ACT relating to administration of government; creating a new department of enterprise technology services; specifying powers and duties of department; placing the state chief information officer in the position of director of the department of enterprise technology services; removing the division of information technology from the department of administration and information and generally transferring functions of the division to the new department; transferring other information technology related functions as specified; authorizing the transfer of positions and funds; providing for subsequent budgeting of the new department; providing for a study; providing for reports; making conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1.

(a) The division of information technology within the department of administration and information and the position and office of state chief information officer are transferred by a type 1 transfer to the department of enterprise technology services created by this act. All positions, personnel, appropriations, property, equipment and authority in agencies and programs transferred to the department of enterprise technology services by this act are under the control of the department as provided by this act. The validity of rules, regulations, contracts, agreements or other obligations of agencies or programs transferred by this act is not affected by this act.

(b) Notwithstanding any other provision of law, the governor may authorize the use of authorized positions within the department of administration and information and the office of state chief information officer and funds appropriated to those agencies to staff and fund the department of enterprise technology services for the remainder of the fiscal biennium ending June 30, 2012 and for the fiscal biennium commencing July 1, 2012. For the fiscal biennium commencing July 1, 2014, the director of the department of enterprise technology services shall submit an estimated budget to the governor and the governor shall submit a recommended budget for the department in accordance with W.S. 9-2-2907.

(c) Notwithstanding W.S. 9-2-2903, the governor may appoint a temporary director for the department of enterprise technology services upon the effective date of this act. Thereafter the governor shall submit any proposed

STATE OF WYOMING GENERAL SESSION 2012

appointment of a director of the department to the senate in accordance with W.S. 28-12-101 through 28-12-103.

Section 2. W.S. 9-2-2019 and 9-2-2901 through 9-2-2907 are created to read:

9-2-2019. Department of enterprise technology services created.

As part of the reorganization of Wyoming state government, there is created the department of enterprise technology services consisting of the existing division of information technology within the department of administration and information and the position and office of state chief information officer. The department shall not be subject to a transition period as defined in W.S. 9-2-1703(a)(ix). A reorganization plan shall not be required of the director.

ARTICLE 29

DEPARTMENT OF ENTERPRISE TECHNOLOGY SERVICES

9-2-2901. Department of enterprise technology services created.

There is created the department of enterprise technology services.

9-2-2902. Department divisions.

(a) The department shall consist of the following divisions in addition to the office of the director of the department:

- (i) Information technology division;
- (ii) Information services division.

9-2-2903. Director and division administrators; appointment; removal.

(a) The governor shall appoint a state chief information officer with the advice and consent of the senate. The state chief information officer shall serve as the director of the department of enterprise technology services and shall be

STATE OF WYOMING GENERAL SESSION 2012

the department's executive and administrative head.

(b) With the approval of the governor, the state chief information officer may appoint administrators for each of the divisions. The governor may remove the state chief information officer and division administrators as provided in W.S. 9-1-202.

9-2-2904. Definitions; powers generally; duties of governor; cooperation with legislature and judiciary.

(a) As used in this article:

(i) "Agency" means an office, department, board, commission, council, institution, separate operating agency or any other operating unit of the executive branch of state government. "Agency" shall not include the University of Wyoming or Wyoming community colleges;

(ii) "Data analytics" means data analysis, including the ability to use the data for assessment and extraction of policy relevant information;

(iii) "Department" means the department of enterprise technology services;

(iv) "Enterprise data analytics" means data analytics which affect or are conducted by more than one (1) agency;

(v) "Executive branch" means the executive department of state government established by article 2, section 1 of the Wyoming constitution;

(vi) "Information processing software" means all purchased, procured or developed software for use on any information technology equipment;

(vii) "Information technology equipment" means all business and personal computing devices, intelligent handheld devices including tablets and smart phones, printers and other related peripheral equipment;

(viii) "Judiciary" means the judicial department of state government

STATE OF WYOMING GENERAL SESSION 2012

established by article 2, section 1 of the Wyoming constitution;

(ix) “Legislature” means the legislative department of state government established by article 2, section 1 of the Wyoming constitution;

(x) “State chief information officer” means the person appointed in accordance with W.S. 9-2-2903. The state chief information officer shall also function as the director of the department;

(xi) “Telecommunications transport services” means the telecommunication transmission facilities under which voice, data and video communications are distributed between distant locations for use by state agencies, institutions and educational institutions on a shared basis.

9-2-2905. Duties of the department in assisting the governor.

(a) The department may assist the governor in discharging his duties as chief executive and administrative officer of the executive branch of government of the state of Wyoming. The governor through the department shall:

(i) Coordinate, consolidate and provide information technology services which are used by more than one (1) agency;

(ii) Review agency information technology programs, expenditures and management to identify problems and suggest improvements;

(iii) Promote economy and efficiency in government use of information technology; and

(iv) Establish uniform standards of information technology administration.

(b) This article shall be construed to provide the governor, through the department, with a more coordinated and responsive system of information technology management of the executive branch of state government, and to preserve and protect the separation of powers mandated by article 2, section 1 of the Wyoming constitution. The legislature and the judiciary shall cooperate with the department and may utilize the services and assistance of the department to achieve economy in government, but information technology

STATE OF WYOMING GENERAL SESSION 2012

procedures affecting the administration of the legislature shall be determined by the legislature and the management council, and information technology procedures affecting the administration of the judiciary shall be determined by the judges for their respective courts, and they shall not be bound by rules and regulations promulgated by the department.

9-2-2906. Office of the state chief information officer and director; authority; duties of department.

(a) The state chief information officer may:

(i) Employ professional, technical and other assistants to work in the director's office or in any of the divisions, along with other employees necessary to carry out the purpose of this article;

(ii) Formulate through his office the policies and programs to be carried out by the department through its respective divisions.

(b) The department shall carry out the following coordination and management functions:

(i) Develop a biennial information technology plan for the executive branch. The department may inventory agency software, hardware, servers and data centers as it determines necessary to develop the plan, using existing information available to the department and as supplemented by agencies upon request of the department;

(ii) Implement and maintain an information technology governance program for the agencies;

(iii) Establish review criteria for the agencies information technology projects, procurements and purchases;

(iv) Develop and implement recommendations for the proper management of agencies information technology resources;

(v) Review and make recommendations to the governor concerning information technology budget requests made by agencies;

STATE OF WYOMING GENERAL SESSION 2012

(vi) Adopt information technology policies and standards and ensure agency compliance with the policies and standards;

(vii) Recommend information technology procurement improvements;

(viii) Develop and promote information technology training programs for all branches of government;

(ix) Encourage information technology coordination, information sharing and collaboration among all branches and levels of government in Wyoming;

(x) Enhance geographic information systems coordination among all governmental users of geographic information systems;

(xi) Carry out the duties prescribed by W.S. 9-2-2501;

(xii) Enhance statewide broadband adoption and coordination among all governmental users and where possible among the citizens of the state;

(xiii) Advise the governor and the legislature on technology and telecommunications matters;

(xiv) Establish, maintain and annually evaluate a quality management model. The quality management model shall include training and assurances for data privacy, protection and use throughout the agency and shall track customer feedback on technology services and oversight. The department shall involve the agencies in assessment of needs, successes and areas of improvement and shall produce customer satisfaction and performance reports. The department shall report, annually on or before December 1, to the joint appropriations interim committee its findings from the quality management model.

(c) The University of Wyoming, Wyoming community colleges, and the judicial and legislative departments of state government may adhere to the standards, policies and plans developed pursuant to subsection (b) of this section to the extent feasible, as determined by the entity or the department of

STATE OF WYOMING GENERAL SESSION 2012

government, as applicable.

(d) The department shall carry out the following oversight and approval functions:

(i) Review agency expenditure requests for information technology or telecommunications personnel, hardware or software or contractual services for information technology if the expenditure exceeds the maximum amount established by department policy for small purchases. No funds for purchase in excess of the maximum amount shall be expended until the state chief information officer has approved the expenditure. Upon request for expenditure, the state chief information officer shall review the request and shall:

(A) Disapprove a request which fails to meet existing department standards, security and procurement policies; and

(B) If the state chief information officer determines a less expensive alternative to effectively accomplish the need is available, approve the request only for the lesser amount.

(ii) Review agency expenditures for information technology or telecommunications personnel, hardware or software or contractual services for information technology which are within the maximum amount established by department policy for small purchases as the state chief information officer determines necessary. Agencies shall provide information as requested by the department regarding small purchases;

(iii) Establish and enforce data security policies and standards for the state data infrastructure. These provisions shall be the minimum security requirements adhered to by all agencies. Agencies may choose to set additional security requirements to exceed but not in lieu of or that in any way interfere with the standards set by the state chief information officer;

(iv) Establish policies and standards for enterprise data analytics.

(e) The department shall provide the following services:

STATE OF WYOMING GENERAL SESSION 2012

(i) Develop and provide computer and information technology services to agencies and the judiciary and the legislature. Central delivery of common services shall be promoted to the extent they encourage a more economical and efficient operation of state programs, while maintaining a compatibility of hardware and software among agencies, the legislature and the judiciary;

(ii) Upon request of an agency, provide information and recommendations regarding the installation and acquisition of computer and information technology equipment, the qualifications of information technology personnel and software systems required by the agency. The information and recommendations shall be directed to advising the agency how to comply with the uniform standards, minimize duplication and promote effectiveness in the collection, storage, interchange, retrieval, processing and transmission of information;

(iii) Upon request of an agency, provide enterprise data analytics services;

(iv) Data analytics security services and validation services as directed by the governor.

(f) The state chief information officer shall administer through his office all accounting, billing and collection functions required by the department. These activities shall be taken pursuant to policies adopted by the state chief information officer after consultation and in cooperation with the director of the department of administration and information. The policies shall include provisions for attributing shared costs to agencies receiving common services from the department and for interagency accounting, billing and collection for other services provided to individual agencies. The department of enterprise technology services and the department of administration and information shall jointly develop a memorandum of understanding through which the departments will exchange administrative support, accounting functions and information technology services.

(g) The department shall carry out the following functions:

(i) Establish and promulgate rules and regulations governing the use and funding of telecommunications services, equipment, software and networks by agencies;

(ii) In consultation with state agencies and educational institutions,

STATE OF WYOMING GENERAL SESSION 2012

develop recommendations for a current and long-range telecommunications transport service plan for state government and higher education involving telephone, radio, microwave, facsimile, closed circuit television, teleconferencing, interactive educational training, public radio, public television, data communications, transmission circuits, fiberoptics, satellites and cellular radio and the integration of these mediums into applicable telecommunications networks. The plan shall be submitted to the governor for approval;

(iii) Administer the approved current and long-range plan for use of telecommunications by agencies and coordinate the telecommunications transport service network;

(iv) Inventory current telecommunications infrastructure of agencies, solicit comments and recommendations on needs, practices and technologies for providing telecommunications services in the most efficient manner possible, accommodate economic growth and development in the state and enhance educational opportunities at all levels of instruction;

(v) Review all existing and future agencies telecommunications planning, networks, systems and programs and recommend priorities therefor in accordance with the purposes of this section;

(vi) As appropriate, coordinate the acquisition of compatible telecommunications equipment, software and licensure for telecommunications transport service networks with agencies and with educational institutions;

(vii) Establish telecommunications procedures, standards and records for management of telecommunications transport service networks and facilities for agencies;

(viii) Review, assess and ensure compliance with federal and state telecommunications regulations governing the needs and functions of agencies for telecommunication transport services;

(ix) Provide telecommunications services including billing, installation and repair of telephone services including interstate and intrastate long distance, to agencies;

STATE OF WYOMING GENERAL SESSION 2012

(x) Coordinate telecommunications network training for agencies.

(h) Notwithstanding subsection (g) of this section:

(i) The director of the Wyoming department of transportation and the colonel of the Wyoming highway patrol shall administer and control the operation, maintenance and conduct of the two-way, land based mobile and related facilities for the public safety radio-microwave systems specifically provided by the department and patrol and performed by radio technicians, dispatchers and telephone operators. The department shall provide and accommodate agency needs as approved jointly by the department and the agency and as agency budgets allow;

(ii) The attorney general shall administer and control the operation and conduct of the criminal law enforcement system and shall coordinate statewide telecommunications network services under this system through the department;

(iii) The University of Wyoming and community college districts shall administer the operation and control of telephone data and video systems on the respective campuses and the department shall coordinate statewide telecommunications network services under these systems;

(iv) Telecommunications transport service requirements for any agency and educational institutions shall be coordinated through the department;

(v) Any public broadcasting service operating in the state shall be responsible for its operational services and federal licensing. The department shall assist in the coordination of any required statewide telecommunications transport services as appropriate;

(vi) The state public safety communications commission established under W.S. 9-2-1101 shall coordinate its statewide telecommunications transport service requirements through the department;

(vii) An agency may independently contract with a private service provider to obtain telecommunications services, equipment, software and net- works, provided:

STATE OF WYOMING GENERAL SESSION 2012

(A) The services, equipment and software meet compatibility standards established by the department; and

(B) The agency's action will result in at least ten percent (10%) savings compared to the cost of similar services, equipment and software provided through the department;

(C) The action is approved as provided by subsection (d) of this section.

(j) The department may, through the infrastructure network developed under the statewide education technology plan in accordance with W.S. 21-2-202(a)(xx), contract with one (1) or more telecommunications providers to provide telecommunications services to:

(i) Private schools if the department determines network capacity is sufficiently available and private schools accessing the network reimburse the department for the costs of services provided under this subsection, including proportionate overhead and administrative costs;

(ii) Private health care providers if services are requested by the department of health under this subsection. The department of health shall:

(A) Determine health care services necessary for the effective and efficient operation of a telehealth network in the state;

(B) Notify the department in writing of the services deemed necessary;

(C) Reimburse the department for costs incurred for the provision of telecommunications services under this subsection from funds available for this purpose, including proportionate overhead and administrative costs;

(D) Develop charges for telecommunication services that cover the costs of the provision of telecommunication services to private health care providers; and

(E) In providing or facilitating the provision of services under this subsection, the department of health shall determine that services are not

STATE OF WYOMING GENERAL SESSION 2012

reasonably available from other sources.

(k) The state chief information officer may authorize a designee to carry out any duties assigned, whether denominated as the state chief information officer or director of the department, unless specifically precluded from doing so by statute.

(m) The department shall adopt reasonable rules and regulations to administer this article pursuant to the Wyoming Administrative Procedure Act.

(n) Nothing in this article shall be construed to authorize the department or the director to regulate or otherwise have any jurisdiction or authority over nongovernmental providers of telecommunications services or broadband services. Nothing in this article shall be construed to authorize the department or the state to be a telecommunications services provider to the private sector.

(o) The department shall report by November 1 of each year to the joint appropriations committee a list of any federal program being implemented by the department. The list shall include the specific statutory authorization, if any, authorizing the department's implementation of the program. The department shall not be required to report any program pursuant to this subsection for which it is providing solely support services for an agency charged with implementing the federal program.

9-2-2907. Department budget.

(a) The department shall not develop or use a standard budget, base budget and exception budget as provided in W.S. 9-2-1002 through 9-2-1014. The department of administration and information budget division shall transmit on or before August 15 of each odd numbered year, to the department of enterprise technology services its budget as approved by the legislature for the previous biennium. The director of the department shall develop an estimated budget for the subsequent fiscal biennium by revising the current budget, taking into account the duties and functions of the department and the most efficient means of performing those duties and functions and prepare and submit to the department of administration and information an estimated budget for the subsequent fiscal biennium. The estimated budget shall identify differences from the current budget, itemizing and explaining in writing the reason for each change.

STATE OF WYOMING GENERAL SESSION 2012

(b) The information developed in budget documents shall include:

(i) Appropriations or other allotted revenues authorized to the department including all types of revenue regardless of source and final fund destination, federal fund identification and expected length of continuance of the federal funding;

(ii) Expenditures, obligations, encumbrances and balances of funds appropriated to the department from whatever source derived;

(iii) Estimates of revenues and future needs of the department;

(iv) Program changes, descriptions and activities of the department;

(v) An explanation of and reasons for anticipated receipts and expenditures of the department;

(vi) An assurance that the budget estimate was prepared in accordance with the department plan prepared according to W.S. 28-1-115 and 28-1-116;

(vii) Recommended transfers of appropriations and positions from other agencies within the executive branch to the department of enterprise technology.

(c) On or before September 15 of each odd numbered year the director shall return the completed estimated budget to the department of administration and information.

(d) The director of the department of administration and information and administrator of the budget division after compiling the requested budget estimate and related information shall include the estimated budget with those collected from the several agencies of the state and shall submit the overall state budget estimate and related information along with their comments and recommendations to the governor no later than November 1 of each year.

(e) The governor may, upon examining the budget estimate and requests and after consultation with the director of the department of enterprise technology

STATE OF WYOMING GENERAL SESSION 2012

services approve, disapprove, alter or revise the estimate and requests in accordance with applicable state and federal laws.

(f) The submission of the department's budget and expenditures therefrom, including preparation of supplemental budgets for presentation in general sessions shall be made within the time frame of W.S. 9-2-1012 and shall otherwise be in accordance with the provisions of W.S. 9-2-1002 through 9-2-1014.

Section 3. W.S. 9-2-117(a)(viii), 9-2-1003(c)(iv), 9-2-1005(a)(xii)(intro) and (B), 9-2-1104(a)(i), (iii) and (c), 9-2-1704(a)(intro), 9-2-2501(b), (c)(intro), (d) and (h), 9-12-103(g)(i), 16-4-202(d)(v), 19-13-104(d)(iii) and by creating a new paragraph (v), 21-2-202(a)(xx) and (xxxiv), 24-2-114(a)(i), 37-15-104(b), 37-15-407(b), 40-21-118(b)(intro) and 40-21-119 are amended to read:

9-2-117. Office of rural health care created; duties.

(a) The office of rural health care is created within the department of health. The office shall:

(viii) In collaboration with the state health officer and the state chief information officer or their designees, develop and promote a common direction for a statewide interoperable telemedicine/telehealth network among state agencies, in conformity with rules adopted by the ~~state chief information officer~~ department of enterprise technology services.

9-2-1003. Director and division administrators; appointment; removal; powers of director.

(c) The director may:

(iv) Formulate through his office ~~or the information technology division~~ the policies and programs to be carried out by the department through its respective divisions.

9-2-1005. Payment of warrants; budget powers of governor; agency budgets; federal funds; new employees.

STATE OF WYOMING GENERAL SESSION 2012

(a) No warrant shall be drawn by the auditor or paid by the treasurer:

(xii) If the expenditure is for data processing hardware, software, consultants or training and exceeds the small purchase amount established by the department of enterprise technology services, unless specifically approved by one (1) of the following:

(B) The state chief information officer, ~~the director of the department making the expenditure or, if the agency is a separate operating agency, the administrative head of the agency for the executive branch.~~ A purchase shall not be approved pursuant to this subparagraph if it fails to conform with the criteria developed pursuant to W.S. ~~9-1-222(a)(iii)~~ 9-2-2906(b)(iii);

9-2-1104. Commission; powers and duties; advisory capacity to promote system development; public meetings; clerical and administrative support.

(a) The commission shall:

(i) Work with the ~~administrator of the information technology division of the department of administration and information enterprise technology services, the department of homeland security and the department of transportation~~ in an advisory capacity to promote the development, improvement and efficiency of public safety communications systems in the state;

(iii) Submit a plan for statewide system networking to the ~~administrator of the information technology division department of enterprise technology services~~ for inclusion in the statewide telecommunications plan developed pursuant to W.S. ~~9-2-1026.1(a)~~ 9-2-2906(g);

(c) Necessary clerical and administrative support for the commission shall be furnished in accordance with W.S. ~~9-2-1026.1(a)(xiii)~~ 19-13-104(d)(v).

9-2-1704. Reorganization plan; structure; time frame.

(a) Pursuant to this act and other laws establishing individual departments, the entire executive branch of state government shall be organized into not

STATE OF WYOMING GENERAL SESSION 2012

more than ~~fifteen (15)~~ sixteen (16) principal departments except for the offices of the following officials and except as provided in subsections (d), and (e) ~~and (f)~~ of this section:

9-2-2501. Director of department of enterprise technology services; duties; electronic transaction of business.

(b) The state chief information officer may provide for any state agency business to be conducted electronically in accordance with rules adopted under this section and in conformity with the provisions of the Uniform Electronic Transactions Act in title 40, chapter 21. No state agency shall be required by the chief information officer to conduct business electronically. Any state agency desiring to conduct business electronically shall adopt the procedures contained in rules of the ~~chief information officer~~ department of enterprise technology services.

(c) The ~~chief information officer~~ department of enterprise technology services may enact rules ~~he~~ the chief information officer deems necessary to implement this section subject to the provisions of the Uniform Electronic Transactions Act in title 40, chapter 21. The rules shall at a minimum:

(d) In adopting rules the ~~chief information officer~~ department of enterprise technology services shall consider whether the rule will allow for efficient, safe, secure and accurate transactions.

(h) No statutory provision which authorizes facsimile or electronic filing with any state agency shall be superseded by this section or any rule of the ~~chief information officer~~ department adopted pursuant to this section.

9-12-103. Wyoming business council; creation; composition; compensation; termination; meetings; surety bonds; fiscal control.

(g) Except as specifically provided in this act, the following provisions do not apply to the council:

(i) W.S. 9-2-1001 through ~~9-2-1026~~ 9-2-1026;

16-4-202. Right of inspection; rules and regulations; unavailability.

STATE OF WYOMING GENERAL SESSION 2012

(d) If a public record exists primarily or solely in an electronic format, the custodian of the record shall so inform the requester. Electronic record inspection and copying shall be subject to the following:

(v) Nothing in this section shall prohibit the ~~state chief information officer~~ director of the office of homeland security from enacting any rules pursuant to his authority under W.S. ~~9-2-2501~~ 19-13-104(d)(v).

19-13-104. Powers of governor generally; director, office of homeland security.

(d) The position of the director, office of homeland security is created in the governor's office and shall be appointed by the governor. He shall be responsible to the governor and may be removed by the governor as provided in W.S. 9-1-202. The director shall:

(iii) Coordinate with the federal department of homeland security; ~~and~~

(v) Provide necessary administrative and clerical assistance to the public safety communications commission established under W.S. 9-2-1101.

21-2-202. Duties of the state superintendent.

(a) In addition to any other duties assigned by law, the state superintendent shall:

(xx) In cooperation with the state board, the Wyoming community college commission, University of Wyoming, ~~state telecommunications council~~, public service commission, department of transportation, department of ~~ad-~~ administration and information enterprise technology services, public libraries, school district boards of trustees, classroom teachers and other appropriate groups identified by the superintendent, develop and implement a statewide education technology plan which shall address staff training, curriculum integration and network connectivity in and between schools, communities and between the state and the world, and which shall have as its goal the provision of equal access to educational instruction and information. The statewide technology education plan may include telecommunications services provided by the department of ~~administration and information enterprise technology services~~ pursuant to

STATE OF WYOMING GENERAL SESSION 2012

W.S. ~~9-2-1026.1(d)~~ 9-2-2906(g). Not later than January 10 of each year and with the assistance of participating agencies, an annual report on the status of the statewide education technology plan shall be prepared and issued by the state superintendent;

(xxxiv) In consultation with the ~~office of the chief information officer~~ department of enterprise technology services and through a single repository, establish criteria and guidelines for the collection, storage, management and reporting of data related to teacher certification and the administration of the school finance system.

24-2-114. State agency law enforcement communications system; department duties and responsibilities.

(a) The department of transportation shall:

(i) Maintain, install, operate and dispatch the state agency law enforcement communications system as defined by W.S. 9-2-1101(b);, ~~subject to the supervision of the director of telecommunications as provided by W.S. 9-2-1026.1;~~

37-15-104. Services not regulated by this title.

(b) In addition to subsection (a) of this section, telecommunications service does not include, and the provisions of this title do not apply to telecommunications services provided by the department of ~~administration and in formation~~ enterprise technology to private health care providers under W.S. ~~9-2-1026.1(d)~~ 9-2-2906(j).

37-15-407. Annual report.

(b) The commission's report shall be filed with the legislature, and the governor. ~~and the state telecommunications council.~~

40-21-118. Acceptance and distribution of electronic records by governmental agencies.

STATE OF WYOMING GENERAL SESSION 2012

(b) To the extent that a governmental agency uses electronic records and electronic signatures under subsection (a) of this section, the ~~state chief information officer~~ department of enterprise technology services shall promulgate rules in accordance with the Wyoming Administrative Procedure Act to specify for state agencies:

40-21-119. Interoperability.

The ~~state chief information officer~~ department of enterprise technology services in adopting standards pursuant to W.S. 40-21-118 may encourage and promote consistency and interoperability with similar requirements adopted by other governmental agencies of this and other states and the federal government and nongovernmental persons interacting with governmental agencies of this state. If appropriate, those standards may specify differing levels of standards from which governmental agencies of this state may choose in implementing the most appropriate standard for a particular application.

Section 4. W.S. 9-1-222, 9-2-1002(d)(iv), 9-2-1018, 9-2-1026.1 and 9-2-1026.2 are repealed.

Section 5.

(a) The directors of the departments of enterprise technology services and administration and information, with recommendations from the information technology policy council or any successor entity formed under the information technology governance program, shall review all existing authorized positions providing information technology support to an executive branch state agency. The directors shall submit to the governor's office a list of all such positions which provide common or shared services and should be transferred to the department of enterprise technology services in order to more efficiently provide services to the citizens of the state or state agencies.

(b) Commencing with the effective date of this section, no vacant position providing information technology support within an executive branch agency shall be filled until the agency director provides to the state chief information officer a description of the position and the agency director's recommendation as to whether the position should remain within the agency, be transferred to

STATE OF WYOMING GENERAL SESSION 2012

the department of enterprise technology or be eliminated with the department of enterprise technology assuming the responsibilities of the position. The governor may authorize the agency to fill, eliminate or transfer to the department of enterprise technology any position subject to this subsection.

(c) By November 1, 2012, the governor shall submit a list to the joint appropriations interim committee of those positions subject to subsection (a) of this section which he recommends should be transferred to the department of enterprise technology services. The listing shall include for each position the source of funding and for positions not wholly funded by the state general fund whether the funding source would be affected by transfer of the position. The governor shall also separately identify any positions eliminated or transferred to the department of enterprise technology pursuant to subsection (b) of this section.

(d) The joint appropriations interim committee shall review the lists provided and sponsor legislation in the 2013 general session as it determines appropriate to transfer positions and associated equipment and funding to the department of enterprise technology services and to remove from agency budgets positions eliminated pursuant to subsection (b) of this section or transferred to the department of information technology.

(e) Nothing in this section shall be construed to limit the authority of the governor to effect voluntary transfers of positions between agencies as otherwise authorized by law.

Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

Approved March 8, 2012