

SENATE FILE NO. SF0033

Department of enterprise technology services.

Sponsored by: Management Audit Committee

A BILL

for

1 AN ACT relating to administration of government; creating a
2 new department of enterprise technology services;
3 specifying powers and duties of department; placing the
4 state chief information officer in the position of director
5 of the department of enterprise technology services;
6 removing the division of information technology from the
7 department of administration and information and generally
8 transferring functions of the division to the new
9 department; transferring other information technology
10 related functions as specified; authorizing the transfer of
11 positions and funds; providing for subsequent budgeting of
12 the new department; providing for a study; making
13 conforming amendments; and providing for an effective date.

14

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

16

17 **Section 1.**

1

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

14

15 (b) Notwithstanding any other provision of law, the
16 governor may authorize the use of authorized positions
17 within the department of administration and information and
18 the office of state chief information officer and funds
19 appropriated to those agencies to staff and fund the
20 department of enterprise technology services for the
21 remainder of the fiscal biennium ending June 30, 2012 and
22 for the fiscal biennium commencing July 1, 2012. For the
23 fiscal biennium commencing July 1, 2014, the director of
24 the department of enterprise technology services shall

1 submit an estimated budget to the governor and the governor
2 shall submit a recommended budget for the department in
3 accordance with W.S. 9-2-2907.

4

5 (c) Notwithstanding W.S. 9-2-2903, the governor may
6 appoint a temporary director for the department of
7 enterprise technology services upon the effective date of
8 this act. Thereafter the governor shall submit any
9 proposed appointment of a director of the department to the
10 senate in accordance with W.S. 28-12-101 through 28-12-103.

11

12 **Section 2.** W.S. 9-2-2019 and 9-2-2901 through
13 9-2-2907 are created to read:

14

15 **9-2-2019. Department of enterprise technology**
16 **services created.**

17

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

1 A reorganization plan shall not be required of the
2 director.

3

4

ARTICLE 29

5

DEPARTMENT OF ENTERPRISE TECHNOLOGY SERVICES

6

7

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

9

10 There is created the department of enterprise technology
11 services.

12

13

9-2-2902. Department divisions.

14

15

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

18

19

(i) Information technology division;

20

21

(ii) Information services division.

22

23

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

1

2 (a) The governor shall appoint a state chief
3 information officer with the advice and consent of the
4 senate. The state chief information officer shall serve as
5 the director of the department of enterprise technology
6 services and shall be the department's executive and
7 administrative head.

8

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

14

15 **9-2-2904. Definitions; powers generally; duties of**
16 **governor; cooperation with legislature and judiciary.**

17

18 (a) As used in this article:

19

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

1

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

5

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

8

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

12

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

16

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

20

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

1

2 (viii) "Judiciary" means the judicial department
3 of state government established by article 2, section 1 of
4 the Wyoming constitution;

5

6 (ix) "Legislature" means the legislative
7 department of state government established by article 2,
8 section 1 of the Wyoming constitution;

9

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

14

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

21

22 **9-2-2905. Duties of the department in assisting the**
23 **governor.**

24

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

6

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

10

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

14

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

17

18 (iv) Establish uniform standards of information
19 technology administration.

20

21 (b) This article shall be construed to provide the
22 governor, through the department, with a more coordinated
23 and responsive system of information technology management
24 of the executive branch of state government, and to

1 preserve and protect the separation of powers mandated by
2 article 2, section 1 of the Wyoming constitution. The
3 legislature and the judiciary shall cooperate with the
4 department and may utilize the services and assistance of
5 the department to achieve economy in government, but
6 information technology procedures affecting the
7 administration of the legislature shall be determined by
8 the legislature and the management council, and information
9 technology procedures affecting the administration of the
10 judiciary shall be determined by the judges for their
11 respective courts, and they shall not be bound by rules and
12 regulations promulgated by the department.

13

14 **9-2-2906. Office of the state chief information**
15 **officer and director; authority; duties of department.**

16

17 (a) The state chief information officer may:

18

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

23

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

4

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

7

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

14

15 (ii) Implement and maintain an information
16 technology governance program for the executive branch;

17

18 (iii) Establish review criteria for executive
19 branch information technology projects, procurements and
20 purchases;

21

22 (iv) Develop and implement recommendations for
23 the proper management of executive branch information
24 technology resources;

1

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

5

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

9

10 (vii) Recommend information technology
11 procurement improvements;

12

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

16

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

20

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

24

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

3

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

7

8 (xiii) Advise the governor and the legislature
9 on technology and telecommunications matters.

10

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

17

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

20

21 (i) Review agency expenditure requests for
22 information technology or telecommunications personnel,
23 hardware or software or contractual services for
24 information technology if the expenditure exceeds the

1 maximum amount established by department policy for small
2 purchases. No funds for purchase in excess of the maximum
3 amount shall be expended until the state chief information
4 officer has approved the expenditure. Upon request for
5 expenditure, the state chief information officer shall
6 review the request and shall:

7

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

11

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

16

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

1

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

9

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

12

13 (e) The department shall provide the following
14 services:

15

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

23

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

11

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

14

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

17

18 (f) The state chief information officer shall
19 administer through his office all accounting, billing and
20 collection functions required by the department. These
21 activities shall be taken pursuant to policies adopted by
22 the state chief information officer after consultation and
23 in cooperation with the director of the department of
24 administration and information. The policies shall include

1 provisions for attributing shared costs to agencies
2 receiving common services from the department and for
3 interagency accounting, billing and collection for other
4 services provided to individual agencies. The department
5 of enterprise technology services and the department of
6 administration and information shall jointly develop a
7 memorandum of understanding through which the departments
8 will exchange administrative support, accounting functions
9 and information technology services.

10

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

13

14 (i) Establish and promulgate rules and
15 regulations governing the use and funding of
16 telecommunications services, equipment, software and
17 networks;

18

19 (ii) In consultation with state agencies and
20 educational institutions, develop recommendations for a
21 current and long-range telecommunications transport service
22 plan for state government and higher education involving
23 telephone, radio, microwave, facsimile, closed circuit
24 television, teleconferencing, interactive educational

1 training, public radio, public television, data
2 communications, transmission circuits, fiberoptics,
3 satellites and cellular radio and the integration of these
4 mediums into applicable telecommunications networks. The
5 plan shall be submitted to the governor for approval;

6

7 (iii) Administer the approved current and long-
8 range plan for telecommunications and coordinate the
9 telecommunications transport service network;

10

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

18

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

23

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

5

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

9

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

14

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

19

20 (x) Represent the needs and interests of
21 telecommunications users of the state in proceedings before
22 the Wyoming public service commission, the federal
23 communications commission and other governmental regulatory
24 agencies as appropriate;

1

2 (xi) Coordinate telecommunications network
3 training for agencies.

4

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

6

7 (i) The director of the Wyoming department of
8 transportation and the colonel of the Wyoming highway
9 patrol shall administer and control the operation,
10 maintenance and conduct of the two-way, land based mobile
11 and related facilities for the law enforcement and
12 maintenance radio-microwave systems specifically provided
13 by the department and patrol and performed by radio
14 technicians, dispatchers and telephone operators. The
15 department shall provide and accommodate agency needs as
16 approved jointly by the department and the agency and as
17 agency budgets allow;

18

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

24

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

7

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

11

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

17

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

22

1 (vii) An agency may independently contract with
2 a private service provider to obtain telecommunications
3 services, equipment, software and networks, provided:

4
5 (A) The services, equipment and software
6 meet compatibility standards established by the department;
7 and

8
9 (B) The agency's action will result in at
10 least ten percent (10%) savings compared to the cost of
11 similar services, equipment and software provided through
12 the department;

13
14 (C) The action is approved as provided by
15 subsection (d) of this section.

16
17 (j) In addition to subsection (g) of this section,
18 the department may, through the infrastructure network
19 developed under the statewide education technology plan in
20 accordance with W.S. 21-2-202(a)(xx), provide
21 telecommunications services to:

22
23 (i) Private schools if the department determines
24 network capacity is sufficiently available and private

1 schools accessing the network reimburse the department for
2 the costs of services provided under this subsection,
3 including proportionate overhead and administrative costs;

4

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

8

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

12

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

15

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

21

22 (D) Develop charges for telecommunication
23 services that cover the costs of the provision of

1 telecommunication services to private health care
2 providers; and

3

4 (E) In providing or facilitating the
5 provision of services under this subsection, the department
6 of health shall determine that services are not reasonably
7 available from other sources.

8

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

14

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

18

19 **9-2-2907. Department budget.**

20

21 (a) The department shall not develop or use a
22 standard budget, base budget and exception budget as
23 provided in W.S. 9-2-1002 through 9-2-1014. The department
24 of administration and information budget division shall

1 transmit on or before August 15 of each odd numbered year,
2 to the department of enterprise technology services its
3 budget as approved by the legislature for the previous
4 biennium. The director of the department shall develop an
5 estimated budget for the subsequent fiscal biennium by
6 revising the current budget, taking into account the duties
7 and functions of the department and the most efficient
8 means of performing those duties and functions and prepare
9 and submit to the department of administration and
10 information an estimated budget for the subsequent fiscal
11 biennium. The estimated budget shall identify differences
12 from the current budget, itemizing and explaining in
13 writing the reason for each change.

14

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

17

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

23

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

4
5 (iii) Estimates of revenues and future needs of
6 the department;

7
8 (iv) Program changes, descriptions and
9 activities of the department;

10
11 (v) An explanation of and reasons for
12 anticipated receipts and expenditures of the department;

13
14 (vi) An assurance that the budget estimate was
15 prepared in accordance with the department plan prepared
16 according to W.S. 28-1-115 and 28-1-116;

17
18 (vii) Recommended transfers of appropriations
19 and positions from other agencies within the executive
20 branch to the department of enterprise technology.

21
22 (c) On or before September 15 of each odd numbered
23 year the director shall return the completed estimated
24 budget to the department of administration and information.

1

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

10

11 (e) The governor may, upon examining the budget
12 estimate and requests and after consultation with the
13 director of the department of enterprise technology
14 services approve, disapprove, alter or revise the estimate
15 and requests in accordance with applicable state and
16 federal laws.

17

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

24

1 **Section 3.** W.S. 9-2-117(a)(viii), 9-2-1003(c)(iv),
2 9-2-1005(a)(xii)(intro) and (B), 9-2-1104(a)(i), (iii) and
3 (c), 9-2-1704(a)(intro), 9-2-2501(b), (c)(intro), (d) and
4 (h), 9-12-103(g)(i), 16-4-202(d)(v), 19-13-104(d)(iii) and
5 by creating a new paragraph (v), 21-2-202(a)(xx) and
6 (xxxiv), 24-2-114(a)(i), 37-15-104(b), 37-15-407(b),
7 40-21-118(b)(intro) and 40-21-119 are amended to read:

8

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

10

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

13

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

21

22 **9-2-1003. Director and division administrators;**
23 **appointment; removal; powers of director.**

24

1 (c) The director may:

2

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

7

8 **9-2-1005. Payment of warrants; budget powers of**
9 **governor; agency budgets; federal funds; new employees.**

10

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

13

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

19

20 (B) The state chief information officer ~~;~~
21 ~~the director of the department making the expenditure or,~~
22 ~~if the agency is a separate operating agency, the~~
23 ~~administrative head of the agency for the executive branch.~~

24 A purchase shall not be approved pursuant to this

1 subparagraph if it fails to conform with the criteria
2 developed pursuant to W.S. ~~9-1-222(a)(iii)~~
3 9-2-2906(b)(iii);

4

5 **9-2-1104. Commission; powers and duties; advisory**
6 **capacity to promote system development; public meetings;**
7 **clerical and administrative support.**

8

9 (a) The commission shall:

10

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

18

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

24

1 (c) Necessary clerical and administrative support for
2 the commission shall be furnished in accordance with W.S.
3 ~~9-2-1026.1(a)(xiii)~~ 19-13-104(d)(v).

4
5 **9-2-1704. Reorganization plan; structure; time frame.**

6
7 (a) Pursuant to this act and other laws establishing
8 individual departments, the entire executive branch of
9 state government shall be organized into not more than
10 ~~fifteen (15)~~ sixteen (16) principal departments except for
11 the offices of the following officials and except as
12 provided in subsections (d), and (e) ~~and (f)~~ of this
13 section:

14
15 **9-2-2501. Director of department of enterprise**
16 **technology services; duties; electronic transaction of**
17 **business.**

18
19 (b) The state chief information officer may provide
20 for any state agency business to be conducted
21 electronically in accordance with rules adopted under this
22 section and in conformity with the provisions of the
23 Uniform Electronic Transactions Act in title 40, chapter
24 21. No state agency shall be required by the chief

1 information officer to conduct business electronically. Any
2 state agency desiring to conduct business electronically
3 shall adopt the procedures contained in rules of the ~~chief~~
4 ~~information officer~~ department of enterprise technology
5 services.

6
7 (c) The ~~chief information officer~~ department of
8 enterprise technology services may enact rules ~~he~~ the chief
9 information officer deems necessary to implement this
10 section subject to the provisions of the Uniform Electronic
11 Transactions Act in title 40, chapter 21. The rules shall
12 at a minimum:

13
14 (d) In adopting rules the ~~chief information officer~~
15 department of enterprise technology services shall consider
16 whether the rule will allow for efficient, safe, secure and
17 accurate transactions.

18
19 (h) No statutory provision which authorizes facsimile
20 or electronic filing with any state agency shall be
21 superseded by this section or any rule of the ~~chief~~
22 ~~information officer~~ department adopted pursuant to this
23 section.

24

1 **9-12-103. Wyoming business council; creation;**
2 **composition; compensation; termination; meetings; surety**
3 **bonds; fiscal control.**

4
5 (g) Except as specifically provided in this act, the
6 following provisions do not apply to the council:

7
8 (i) W.S. 9-2-1001 through ~~9-2-1026.1~~ 9-2-1026;

9
10 **16-4-202. Right of inspection; rules and regulations;**
11 **unavailability.**

12
13 (d) If a public record exists primarily or solely in
14 an electronic format, the custodian of the record shall so
15 inform the requester. Electronic record inspection and
16 copying shall be subject to the following:

17
18 (v) Nothing in this section shall prohibit the
19 ~~state chief information officer~~ director of the office of
20 homeland security from enacting any rules pursuant to his
21 authority under W.S. ~~9-2-2501~~ 19-13-104(d)(v).

22
23 **19-13-104. Powers of governor generally; director,**
24 **office of homeland security.**

1

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

7

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

10

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

14

15 **21-2-202. Duties of the state superintendent.**

16

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

19

20 (xx) In cooperation with the state board, the
21 Wyoming community college commission, University of
22 Wyoming, ~~state telecommunications council,~~ public service
23 commission, department of transportation, department of
24 ~~administration and information~~ enterprise technology

1 services, public libraries, school district boards of
2 trustees, classroom teachers and other appropriate groups
3 identified by the superintendent, develop and implement a
4 statewide education technology plan which shall address
5 staff training, curriculum integration and network
6 connectivity in and between schools, communities and
7 between the state and the world, and which shall have as
8 its goal the provision of equal access to educational
9 instruction and information. The statewide technology
10 education plan may include telecommunications services
11 provided by the department of ~~administration~~ and
12 ~~information~~ enterprise technology services pursuant to W.S.
13 ~~9-2-1026.1(d)~~ 9-2-2906(g). Not later than January 10 of
14 each year and with the assistance of participating
15 agencies, an annual report on the status of the statewide
16 education technology plan shall be prepared and issued by
17 the state superintendent;

18

19 (xxxiv) In consultation with the ~~office of the~~
20 ~~chief information officer~~ department of enterprise
21 technology services and through a single repository,
22 establish criteria and guidelines for the collection,
23 storage, management and reporting of data related to

1 teacher certification and the administration of the school
2 finance system.

3

4 **24-2-114. State agency law enforcement communications**
5 **system; department duties and responsibilities.**

6

7 (a) The department of transportation shall:

8

9 (i) Maintain, install, operate and dispatch the
10 state agency law enforcement communications system as
11 defined by W.S. 9-2-1101(b), subject to the supervision of
12 the ~~director of telecommunications~~ department of enterprise
13 technology as provided by W.S. ~~9-2-1026.1~~ 9-2-2906(g);

14

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

16

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

23

24 **37-15-407. Annual report.**

1

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

5

6 **40-21-118. Acceptance and distribution of electronic**
7 **records by governmental agencies.**

8

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

15

16 **40-21-119. Interoperability.**

17

18 The ~~state chief information officer~~ department of
19 enterprise technology services in adopting standards
20 pursuant to W.S. 40-21-118 may encourage and promote
21 consistency and interoperability with similar requirements
22 adopted by other governmental agencies of this and other
23 states and the federal government and nongovernmental
24 persons interacting with governmental agencies of this

1 state. If appropriate, those standards may specify
2 differing levels of standards from which governmental
3 agencies of this state may choose in implementing the most
4 appropriate standard for a particular application.

5

6 **Section 4.** W.S. 9-1-222, 9-2-1002(d)(iv), 9-2-1018,
7 9-2-1026.1 and 9-2-1026.2 are repealed.

8

9 **Section 5.**

10

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

23

1 (b) Commencing with the effective date of this
2 section, no vacant position providing information
3 technology support within an executive branch agency shall
4 be filled until the agency director provides to the state
5 chief information officer a description of the position and
6 the agency director's recommendation as to whether the
7 position should remain within the agency, be transferred to
8 the department of enterprise technology or be eliminated
9 with the department of enterprise technology assuming the
10 responsibilities of the position. The governor may
11 authorize the agency to fill, eliminate or transfer to the
12 department of enterprise technology any position subject to
13 this subsection.

14

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

1 enterprise technology pursuant to subsection (b) of this
2 section.

3

4 (d) The joint appropriations interim committee shall
5 review the lists provided and sponsor legislation in the
6 2013 general session as it determines appropriate to
7 transfer positions and associated equipment and funding to
8 the department of enterprise technology services and to
9 remove from agency budgets positions eliminated pursuant to
10 subsection (b) of this section or transferred to the
11 department of information technology.

12

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

17

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

22

23

(END)