

102ND GENERAL ASSEMBLY

State of Illinois

2021 and 2022

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Introduced 3/4/2021, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

| 20 | ILCS | 1370/1-3 new | | | | | |
|----|------|----------------|------|-----|------|------|---------|
| 20 | ILCS | 1370/1-5 | | | | | |
| 20 | ILCS | 1370/1-10 | | | | | |
| 20 | ILCS | 1370/1-15 | | | | | |
| 20 | ILCS | 1370/1-35 | | | | | |
| 20 | ILCS | 1370/1-40 | | | | | |
| 20 | ILCS | 1370/1-20 rep. | | | | | |
| 20 | ILCS | 1370/1-30 rep. | | | | | |
| 20 | ILCS | 1370/1-50 rep. | | | | | |
| 20 | ILCS | 1370/1-55 rep. | | | | | |
| 20 | ILCS | 1370/1-60 rep. | | | | | |
| 30 | ILCS | 105/6p-1 | from | Ch. | 127, | par. | 142p1 |
| 30 | ILCS | 105/8.16a | from | Ch. | 127, | par. | 144.16a |

Amends the Department of Innovation and Technology Act. Modifies provisions concerning the powers and duties of the Department of Innovation and Technology and its Secretary. Provides purpose provisions. Modifies definitions. Makes conforming and other changes in the Department of Innovation and Technology Act and the State Finance Act.

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AN ACT concerning State government.

Be it enacted by the People of the State of Illinois, represented in the General Assembly:

4 Section 5. The Department of Innovation and Technology Act 5 is amended by changing Sections 1-5, 1-10, 1-15, 1-35, and 6 1-40 and by adding Section 1-3 as follows:

7 (20 ILCS 1370/1-3 new)

8 Sec. 1-3. Purpose. The Department of Innovation and 9 Technology was created by Executive Order 2016-001. This Act is the implementation of that Executive Order, together with 10 additional provisions to ensure that the Department is able to 11 12 function as intended under that Executive Order. The intent of this Act is to ensure that the Department is able to fulfill 13 14 its duties and purpose under that Executive Order. If there is a conflict between the provisions of the Executive Order and 15 16 this Act, this Act shall be controlling.

17 (20 ILCS 1370/1-5)

18 Sec. 1-5. Definitions. In this Act:

19 "Bureau of Communications and Computer Services" means the 20 Bureau of Communications and Computer Services, also known as 21 the Bureau of Information and Communication Services, created 22 by rule (2 Illinois Administrative Code 750.40) within the HB3966 - 2 - LRB102 17128 RJF 22559 b

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Department of Central Management Services.

2 "Client agency" means each transferring agency, or its 3 successor, and . When applicable, "client agency" may also 4 include any other public agency to which the Department 5 provides service to the extent specified in an interagency 6 agreement contract with the public agency.

"Dedicated unit" means the dedicated bureau, division, 7 office, or other unit within a transferring agency that is 8 9 responsible for the information technology functions of the 10 transferring agency. For the Office of the Governor, "dedicated unit" means the Information Technology Office, also 11 12 known as the Office of the Chief Information Officer. For the Department of Central Management Services, "dedicated unit" 13 means the Bureau of Communications and Computer Services, also 14 known as the Bureau of Information and Communication Services. 15 "Department" means the Department of Innovation and 16

17 Technology.

"Information technology" 18 means technology, 19 infrastructure, equipment, systems, software, networks, and 20 processes used to create, send, receive, and store electronic information, including, without limitation, 21 or digital 22 computer systems and telecommunication services and systems. 23 "Information technology" shall be construed broadly to incorporate future technologies (such as sensors and balanced 24 25 private hybrid or public cloud posture tailored to the mission 26 of the agency) that change or supplant those in effect as of

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1 the effective date of this Act.

2 "Information technology functions" means the development, 3 procurement, installation, retention, maintenance, operation, 4 possession, storage, and related functions of all information 5 technology.

6 "Information Technology Office" means the Information
7 Technology Office, also known as the Office of the Chief
8 Information Officer, within the Office of the Governor,
9 created by Executive Order 1999 05, or its successor.

10 "Legacy information technology division" means any 11 division, bureau, or other unit of a transferring agency which 12 has responsibility for information technology functions for 13 the agency prior to the transfer of those functions to the 14 Department, including, without limitation, the Bureau of 15 Communications and Computer Services.

16 "Secretary" means the Secretary of Innovation and 17 Technology.

18 "State agency" means each State agency, department, board, 19 and commission <u>under the jurisdiction of directly responsible</u> 20 to the Governor.

21 "Transferring agency" means the Department on Aging; the 22 Departments of Agriculture, Central Management Services, 23 Children and Family Services, Commerce and Economic 24 Opportunity, Corrections, Employment Security, Financial and 25 Professional Regulation, Healthcare and Family Services, Human 26 Rights, Human Services, Insurance, Juvenile Justice, Labor, - 4 - LRB102 17128 RJF 22559 b

Lottery, Military Affairs, Natural Resources, Public Health, 1 2 Revenue, State Police, Transportation, and Veterans' Affairs; 3 the Capital Development Board; the Deaf and Hard of Hearing Commission; the Environmental Protection Agency; 4 the 5 Governor's Office of Management and Budget; the Guardianship 6 and Advocacy Commission; the Abraham Lincoln Presidential 7 Library and Museum Historic Preservation Agency; the Illinois Illinois Council 8 Council; the on Developmental Arts 9 Disabilities; the Illinois Emergency Management Agency; the 10 Illinois Gaming Board; the Illinois Health Information 11 Exchange Authority; the Illinois Liquor Control Commission; 12 the Illinois Technology Office; the Office of the State Fire Marshal; and the Prisoner Review Board. "Transferring agency" 13 does not include a State constitutional office, the Office of 14 15 the Executive Inspector General, or any office of the 16 legislative or judicial branches of State government.

17 (Source: P.A. 100-611, eff. 7-20-18; 100-1169, eff. 1-4-19.)

18 (20 ILCS 1370/1-10)

Sec. 1-10. Transfer of functions. On and after March 25,
20 2016 (the effective date of Executive Order 2016-001):

(a) <u>(Blank)</u>. For each transferring agency, the dedicated
unit or units within that agency responsible for information
technology functions together with those information
technology functions outside of the dedicated unit or units
within a transferring agency to which this Act applies shall

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1 be designated by the Governor.

2 (b) <u>(Blank).</u> All powers, duties, rights, and 3 responsibilities of those dedicated units and information 4 technology functions designated by the Governor are 5 transferred to the Department of Innovation and Technology.

6 (c) The personnel of each transferring agency designated 7 by the Governor are transferred to the Department of Innovation and Technology. The status and rights of the 8 9 employees and the State of Illinois or its transferring 10 agencies under the Personnel Code, the Illinois Public Labor 11 Relations Act, and applicable collective bargaining agreements 12 or under any pension, retirement, or annuity plan shall not be 13 affected by this Act. Under the direction of the Governor, the Secretary, in consultation with the transferring agencies and 14 15 labor organizations representing the affected employees, shall 16 identify each position and employee who is engaged in the 17 performance of functions transferred to the Department, or engaged in the administration of a law the administration of 18 which is transferred to the Department, to be transferred to 19 20 the Department. An employee engaged primarily in providing 21 administrative support for information technology functions to 22 a legacy information technology division or information 23 technology personnel may be considered engaged in the performance of functions transferred to the Department. 24

25 (d) All books, records, papers, documents, property (real
26 and personal), contracts, causes of action, and pending

business pertaining to the powers, duties, rights, 1 and 2 responsibilities relating to dedicated units and information 3 technology functions transferred under this Act to the Department of Innovation and Technology, including, but not 4 5 limited to, material in electronic or magnetic format and necessary computer hardware and software, shall be transferred 6 7 to the Department of Innovation and Technology.

8 (e) All unexpended appropriations and balances and other 9 funds available for use relating to dedicated units and 10 information technology functions transferred under this Act 11 shall be transferred for use by the Department of Innovation 12 and Technology at the direction of the Governor. Unexpended 13 balances so transferred shall be expended only for the purpose 14 for which the appropriations were originally made.

(f) The powers, duties, rights, and responsibilities relating to dedicated units and information technology functions transferred by this Act shall be vested in and shall be exercised by the Department of Innovation and Technology.

19 (g) Whenever reports or notices are now required to be 20 made or given or papers or documents furnished or served by any person to or upon each dedicated unit in connection with any of 21 22 the powers, duties, rights, and responsibilities relating to 23 information technology functions transferred by this Act, the 24 same shall be made, given, furnished, or served in the same 25 manner to or upon the Department of Innovation and Technology. 26 (h) This Act does not affect any act done, ratified, or

1 canceled or any right occurring or established or any action 2 or proceeding had or commenced in an administrative, civil, or 3 criminal cause by each dedicated unit relating to information 4 technology functions before the transfer of responsibilities 5 under this Act; such actions or proceedings may be prosecuted 6 and continued by the Department of Innovation and Technology.

7 (Blank). Any rules of a dedicated unit or a (i) 8 transferring agency that relate to the powers, duties, rights, 9 and responsibilities relating to the dedicated unit or to 10 information technology functions and are in full force on the 11 effective date of this Act shall become the rules of the 12 Department of Innovation and Technology. This Act does not Illinois affect the legality of any such rules in 13 the Administrative Code. 14

15 (j) (Blank). Any proposed rules filed with the Secretary 16 of State by the dedicated unit or the transferring agency that are pending in the rulemaking process on March 25, 2016 (the 17 effective date of Executive Order 2016 001) and that pertain 18 to the powers, duties, rights, and responsibilities of the 19 20 dedicated unit or the information technology functions transferred, shall be deemed to have been filed by the 21 22 Department of Innovation and Technology. As soon as 23 practicable, the Department of Innovation and Technology shall revise and clarify the rules transferred to it under this Act 24 25 to reflect the reorganization of powers, duties, rights, and 26 responsibilities relating to information technology functions

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| 1 | affected by this Act, using the procedures for recodification |
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| 2 | of rules available under the Illinois Administrative Procedure |
| 3 | Act, except that existing title, part, and section numbering |
| 4 | for the affected rules may be retained. The Department of |
| 5 | Innovation and Technology may propose and adopt under the |
| 6 | Illinois Administrative Procedure Act such other rules of each |
| 7 | dedicated unit or transferring agency that will now be |
| 8 | administered by the Department of Innovation and Technology. |
| 9 | (Source: P.A. 100-611, eff. 7-20-18.) |
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| 10 | (20 ILCS 1370/1-15) |
| 11 | Sec. 1-15. Powers and duties. |
| 12 | (a) The head officer of the Department is the Secretary, |
| 13 | who shall be the chief information officer for the State and |
| 14 | the steward of State data with respect to those agencies under |
| 15 | the jurisdiction of the Governor. The Secretary shall be |
| 16 | appointed by the Governor, with the advice and consent of the |
| 17 | Senate. The Department may employ or retain other persons to |
| 18 | assist in the discharge of its functions, subject to the |
| 19 | Personnel Code. |
| 20 | (b) The Department shall promote best-in-class innovation |

and technology to client agencies to foster collaboration among client agencies, empower client agencies to provide better service to residents of Illinois, and maximize the value of taxpayer resources. The Department shall be responsible for information technology functions on behalf of - 9 - LRB102 17128 RJF 22559 b

client agencies.

2 (c) The Department shall provide for and coordinate 3 information technology for State agencies and, when requested and when in the best interests of the State, for State 4 5 constitutional offices, units of federal or local governments, and public and not-for-profit institutions of 6 primary, 7 secondary, and higher education, or other parties not 8 associated with State government. The Department shall 9 establish charges for information technology for State 10 agencies and, when requested, for State constitutional offices, units of federal or local government, and public and 11 12 not-for-profit institutions of primary, secondary, or higher education and for use by other parties not associated with 13 14 State government. Entities charged for these services shall 15 make payment to the Department. The Department may instruct 16 all State agencies to report their usage of information 17 technology regularly to the Department in the manner the Secretary may prescribe. 18

19 (d) The Department shall develop and implement standards, 20 policies, and procedures to protect the security and 21 interoperability of State data with respect to those agencies 22 under the jurisdiction of the Governor, including in 23 particular data that are confidential, sensitive, or protected 24 from disclosure by privacy or other laws, while recognizing 25 and balancing the need for collaboration and public 26 transparency.

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| 1 | (e) The Department shall be responsible for providing the |
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| 2 | Governor with timely, comprehensive, and meaningful |
| 3 | information pertinent to the formulation and execution of |
| 4 | fiscal policy. In performing this responsibility, the |
| 5 | Department shall have the power to do the following: |
| 6 | (1) Control the procurement, retention, installation, |
| 7 | maintenance, and operation, as specified by the |
| 8 | Department, of information technology equipment used by |
| 9 | client agencies in such a manner as to achieve maximum |
| 10 | economy and provide appropriate assistance in the |
| 11 | development of information suitable for management |
| 12 | analysis. |
| 13 | (2) Establish principles and standards of information |
| 14 | technology-related reporting by client agencies and |
| 15 | priorities for completion of research by those agencies in |
| 16 | accordance with the requirements for management analysis |
| 17 | specified by the Department. |
| 18 | (3) Establish charges for information technology and |
| 19 | related services requested by client agencies and rendered |
| 20 | by the Department. The Department is likewise empowered to |
| 21 | establish prices or charges for all information technology |
| 22 | reports purchased by agencies and individuals not |
| 23 | connected with State government. |
| 24 | (4) Instruct all client agencies to report regularly |
| 25 | to the Department, in the manner the Department may |
| 26 | prescribe, their usage of information technology, the cost |

| 1 | incurred, the information produced, and the procedures |
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| 2 | followed in obtaining the information. All client agencies |
| 3 | shall request from the Department assistance and |
| 4 | consultation in securing any necessary information |
| 5 | technology to support their requirements. |

6 (5) Examine the accounts and information 7 technology-related data of any organization, body, or agency receiving appropriations from the General Assembly, 8 9 except for a State constitutional office, the Office of 10 the Executive Inspector General, or any office of the 11 legislative or judicial branches of State government. For 12 a State constitutional office, the Office of the Executive Inspector General, or any office of the legislative or 13 14 judicial branches of State government, the Department 15 shall have the power to examine the accounts and 16 information technology-related data of the State constitutional office, the Office of the Executive 17 Inspector General, or any office of the legislative or 18 19 judicial branches of State government when requested by 20 those offices.

21 (6) Install and operate a modern information 22 technology system using equipment adequate to satisfy the 23 requirements for analysis and review as specified by the 24 Department. Expenditures for information technology and 25 related services rendered shall be reimbursed by the 26 recipients. The reimbursement shall be determined by the 1Department as amounts sufficient to reimburse the2Technology Management Revolving Fund for expenditures3incurred in rendering the services.

(f) In addition to the other powers and duties listed in 4 5 subsection (e), the Department shall analyze the present and future aims, needs, and requirements of information 6 7 technology, research, and planning in order to provide for the 8 formulation of overall policy relative to the use of 9 information technology and related equipment by the State of 10 Illinois. In making this analysis, the Department shall 11 formulate a master plan for information technology, using 12 information technology most advantageously, and advising whether information technology should be leased or purchased 13 14 by the State. The Department shall prepare and submit interim reports of meaningful developments and proposals for 15 16 legislation to the Governor on or before January 30 each year. 17 The Department shall engage in a continuing analysis and evaluation of the master plan so developed, and it shall be the 18 19 responsibility of the Department to recommend from time to time any needed amendments and modifications of any master 20 21 plan enacted by the General Assembly.

(g) The Department may make information technology and the use of information technology available to units of local government, elected State officials, State educational institutions, the judicial branch, the legislative branch, and all other governmental units of the State requesting them. The Department shall establish prices and charges for the information technology so furnished and for the use of the information technology. The prices and charges shall be sufficient to reimburse the cost of furnishing the services and use of information technology.

6 <u>(h) The Department may establish standards to provide</u> 7 <u>consistency in the operation and use of information</u> 8 technology.

9 <u>(i) The Department may adopt rules under the Illinois</u> 10 <u>Administrative Procedure Act necessary to carry out its</u> 11 responsibilities under this Act.

12 The Department and each public agency shall continue to 13 all authority provided to them have under the Intergovernmental Cooperation Act and other applicable law to 14 15 enter into interagency contracts. The Department may enter into contracts to use personnel and other resources that are 16 17 retained by client agencies or other public agencies, to provide services to public agencies within the State, and for 18 19 other appropriate purposes to accomplish the Department's 20 mission.

21 (Source: P.A. 100-611, eff. 7-20-18.)

22 (20 ILCS 1370/1-35)

23 Sec. 1-35. Communications <u>services</u>.

(a) The Department shall develop and implement acomprehensive plan to coordinate or centralize communications

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services among State agencies with offices at different 1 2 locations. The plan shall be updated based on a continuing 3 study of communications problems of State government and shall any information technology-related equipment 4 include or 5 service used for communication purposes including digital, analog, or future transmission medium, whether for voice, 6 7 data, or any combination thereof. The plan shall take into 8 consideration systems that might affect economies, 9 including, but not limited to, quantity discount services and 10 may include provision of telecommunications service to local 11 and federal government entities located within this State if 12 State interests can be served by so doing.

13 The Department shall provide for and coordinate (b) 14 communications services for State agencies and, when requested 15 and when in the best interests of the State, for units of 16 federal or local governments and public and not-for-profit 17 institutions of primary, secondary, and higher education. The Department may make use of, or support or provide any 18 19 information technology-related communications equipment or 20 services necessary and available to support the needs of interested parties not associated with State government 21 22 provided that State government usage shall have first 23 priority. For this purpose the Department shall have the power to do all of the following: 24

(1) Provide for and control the procurement,
 retention, installation, and maintenance of communications

equipment or services used by State agencies in the interest of efficiency and economy.

3 (2) Review existing standards and, where appropriate, propose to establish new or modified standards for State 4 5 agencies which shall include а minimum of one telecommunication device for the deaf 6 installed and 7 operational within each State agency, to provide public 8 access to agency information for those persons who are 9 hearing or speech impaired. The Department shall consult 10 the Department of Human Services to develop standards and 11 implementation for this equipment.

12 (3) Establish charges for information technology for 13 State agencies and, when requested, for units of federal 14 local government and public and not-for-profit or 15 institutions of primary, secondary, or higher education. 16 Entities charged for these services shall pay the 17 Department.

(4) Instruct all State agencies to report their usage
of communication services regularly to the Department in
the manner the Department may prescribe.

(5) Analyze the present and future aims and needs of
all State agencies in the area of communications services
and plan to serve those aims and needs in the most
effective and efficient manner.

25 (6) Provide telecommunications and other26 communications services.

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1 (7) Establish the administrative organization within 2 the Department that is required to accomplish the purpose 3 of this Section.

As used in this subsection (b) only, "State agencies" 4 5 means all departments, officers, commissions, boards, 6 institutions, and bodies politic and corporate of the State 7 except (i) the judicial branch, including, without limitation, the several courts of the State, the offices of the clerk of 8 9 the supreme court and the clerks of the appellate court, and 10 the Administrative Office of the Illinois Courts, (ii) State 11 constitutional offices, and (iii) the General Assembly, legislative service agencies, and all officers of the General 12 Assembly. 13

14 This subsection (b) does not apply to the procurement of 15 Next Generation 9-1-1 service as governed by Section 15.6b of 16 the Emergency Telephone System Act.

17 (Source: P.A. 100-611, eff. 7-20-18; 101-81, eff. 7-12-19.)

18 (20 ILCS 1370/1-40)

Sec. 1-40. Bulk long distance telephone services for military personnel in military service.

21

(a) As used in this Section only:

"Immediate family" means a service member's spouse residing in the service member's household, brothers and sisters of the whole or of the half blood, children, including adopted children and stepchildren, parents, and grandparents. 1 "Military service" means any full-time training or duty,
2 no matter how described under federal or State law, for which a
3 service member is ordered to report by the President, Governor
4 of a state, commonwealth, or territory of the United States,
5 or other appropriate military authority.

6 "Service member" means a resident of Illinois who is a 7 member of any component of the United States Armed Forces or 8 the National Guard of any state, the District of Columbia, a 9 commonwealth, or a territory of the United States.

10 (b) The Department may enter into a contract to purchase 11 bulk long distance telephone services and make them available 12 at cost, or may make bulk long distance telephone services available at cost under any existing contract the Department 13 14 has entered into, to persons in the immediate family of 15 service members that have entered military service so that 16 immediate family those persons in the service members' 17 families can communicate with the service members. If the Department enters into a contract under this Section, it shall 18 do so in accordance with the Illinois Procurement Code and in a 19 20 nondiscriminatory manner that does not place any potential 21 vendor at a competitive disadvantage.

(c) In order to be eligible to use bulk long distance telephone services purchased by the Department under this Section, a service member or person in the service member's immediate family must provide the Department with a copy of the orders calling the service member to military service in

excess of 29 consecutive days and of any orders further
 extending the service member's period of military service.

3 (d) If the Department enters into a contract under this 4 Section, the Department shall adopt rules as necessary to 5 implement this Section.

6 (Source: P.A. 100-611, eff. 7-20-18.)

7 (20 ILCS 1370/1-20 rep.)

8 (20 ILCS 1370/1-30 rep.)

9 (20 ILCS 1370/1-50 rep.)

- 10 (20 ILCS 1370/1-55 rep.)
- 11 (20 ILCS 1370/1-60 rep.)

Section 10. The Department of Innovation and Technology Act is amended by repealing Sections 1-20, 1-30, 1-50, 1-55, and 1-60.

Section 15. The State Finance Act is amended by changing Sections 6p-1 and 8.16a as follows:

17 (30 ILCS 105/6p-1) (from Ch. 127, par. 142p1)

Sec. 6p-1. The Technology Management Revolving Fund (formerly known as the Statistical Services Revolving Fund) shall be initially financed by a transfer of funds from the General Revenue Fund. Thereafter, all fees and other monies received by the Department of Innovation and Technology in payment for information technology and related services

rendered pursuant to subsection (e) of Section 1-15 (b) of 1 2 Section 1-30 of the Department of Innovation and Technology Act shall be paid into the Technology Management Revolving 3 Fund. On and after July 1, 2017, or after sufficient moneys 4 5 have been received in the Communications Revolving Fund to pay all Fiscal Year 2017 obligations payable from the Fund, 6 7 whichever is later, all fees and other moneys received by the Department of Central Management Services in payment for 8 9 communications services rendered pursuant to the Department of Central Management Services Law of the Civil Administrative 10 11 Code of Illinois or sale of surplus State communications 12 equipment shall be paid into the Technology Management 13 Revolving Fund. The money in this fund shall be used by the Department of Innovation and Technology as reimbursement for 14 15 expenditures incurred in rendering information technology and 16 related services and, beginning July 1, 2017, as reimbursement 17 for expenditures incurred in relation to communications 18 services.

19 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18; 20 101-81, eff. 7-12-19.)

21 (30 ILCS 105/8.16a) (from Ch. 127, par. 144.16a)

22 Sec. 8.16a. Appropriations for the procurement, 23 installation, retention, maintenance, and operation of 24 electronic data processing and information technology devices 25 and software used by State agencies subject to subsection <u>(e)</u>

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of Section 1-15 (b) of Section 1-30 of the Department of 1 2 Innovation and Technology Act, the purchase of necessary 3 supplies and equipment and accessories thereto, and all other expenses incident to the operation and maintenance of those 4 5 electronic data processing and information technology devices and software are payable from the Technology Management 6 7 Revolving Fund. However, no contract shall be entered into or 8 obligation incurred for any expenditure from the Technology 9 Management Revolving Fund until after the purpose and amount 10 has been approved in writing by the Secretary of Innovation 11 and Technology. Until there are sufficient funds in the 12 Technology Management Revolving Fund (formerly known as the 13 Statistical Services Revolving Fund) to carry out the purposes of this amendatory Act of 1965, however, the State agencies 14 15 subject to subsection (b) of Section 1-30 of the Department of 16 Innovation and Technology Act shall, on written approval of 17 the Secretary of Innovation and Technology, pay the cost of operating and maintaining electronic data processing systems 18 19 from current appropriations as classified and standardized in 20 the State Finance Act.

21 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18; 22 101-81, eff. 7-12-19.)