

AN ACT concerning State government.

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

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

(20 ILCS 1370/1-3 new)

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

(20 ILCS 1370/1-5)

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

~~"Bureau of Communications and Computer Services" means the Bureau of Communications and Computer Services, also known as the Bureau of Information and Communication Services, created by rule (2 Illinois Administrative Code 750.40) within the~~

~~Department of Central Management Services.~~

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

"Dedicated unit" means the dedicated bureau, division, office, or other unit within a transferring agency that is responsible for the information technology functions of the transferring agency. ~~For the Office of the Governor, "dedicated unit" means the Information Technology Office, also known as the Office of the Chief Information Officer. For the Department of Central Management Services, "dedicated unit" means the Bureau of Communications and Computer Services, also known as the Bureau of Information and Communication Services.~~

"Department" means the Department of Innovation and Technology.

"Information technology" means technology, infrastructure, equipment, systems, software, networks, and processes used to create, send, receive, and store electronic or digital information, including, without limitation, computer systems and telecommunication services and systems.

"Information technology" shall be construed broadly to incorporate future technologies (such as sensors and balanced private hybrid or public cloud posture tailored to the mission of the agency) that change or supplant those in effect as of

the effective date of this Act.

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

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

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

"Secretary" means the Secretary of Innovation and Technology.

"State agency" means each State agency, department, board, and commission under the jurisdiction of ~~directly responsible to~~ the Governor.

"Transferring agency" means the Department on Aging; the Departments of Agriculture, Central Management Services, Children and Family Services, Commerce and Economic Opportunity, Corrections, Employment Security, Financial and Professional Regulation, Healthcare and Family Services, Human Rights, Human Services, Insurance, Juvenile Justice, Labor,

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

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

(20 ILCS 1370/1-10)

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

(a) (Blank). ~~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~~

~~be designated by the Governor.~~

(b) (Blank). ~~All powers, duties, rights, and responsibilities of those dedicated units and information technology functions designated by the Governor are transferred to the Department of Innovation and Technology.~~

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

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

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

(e) All unexpended appropriations and balances and other funds available for use relating to dedicated units and information technology functions transferred under this Act shall be transferred for use by the Department ~~of Innovation and Technology~~ at the direction of the Governor. Unexpended balances so transferred shall be expended only for the purpose 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~~.

(g) Whenever reports or notices are now required to be made or given or papers or documents furnished or served by any person to or upon each dedicated unit in connection with any of the powers, duties, rights, and responsibilities relating to information technology functions transferred by this Act, the same shall be made, given, furnished, or served in the same manner to or upon the Department ~~of Innovation and Technology~~.

(h) This Act does not affect any act done, ratified, or

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

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

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

~~affected by this Act, using the procedures for recodification of rules available under the Illinois Administrative Procedure Act, except that existing title, part, and section numbering for the affected rules may be retained. The Department of Innovation and Technology may propose and adopt under the Illinois Administrative Procedure Act such other rules of each dedicated unit or transferring agency that will now be administered by the Department of Innovation and Technology.~~

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

(20 ILCS 1370/1-15)

Sec. 1-15. Powers and duties.

(a) The head officer of the Department is the Secretary, who shall be the chief information officer for the State and the steward of State data with respect to those agencies under the jurisdiction of the Governor. The Secretary shall be appointed by the Governor, with the advice and consent of the Senate. The Department may employ or retain other persons to assist in the discharge of its functions, subject to the Personnel Code.

(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

client agencies.

(c) The Department shall provide for and coordinate information technology for State agencies and, when requested and when in the best interests of the State, for State constitutional offices, units of federal or local governments, and public and not-for-profit institutions of primary, secondary, and higher education, or other parties not associated with State government. The Department shall establish charges for information technology for State agencies and, when requested, for State constitutional offices, units of federal or local government, and public and not-for-profit institutions of primary, secondary, or higher education and for use by other parties not associated with State government. Entities charged for these services shall make payment to the Department. The Department may instruct all State agencies to report their usage of information technology regularly to the Department in the manner the Secretary may prescribe.

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

(e) The Department shall be responsible for providing the Governor with timely, comprehensive, and meaningful information pertinent to the formulation and execution of fiscal policy. In performing this responsibility, the Department shall have the power to do the following:

(1) Control the procurement, retention, installation, maintenance, and operation, as specified by the Department, of information technology equipment used by client agencies in such a manner as to achieve maximum economy and provide appropriate assistance in the development of information suitable for management analysis.

(2) Establish principles and standards of information technology-related reporting by client agencies and priorities for completion of research by those agencies in accordance with the requirements for management analysis specified by the Department.

(3) Establish charges for information technology and related services requested by client agencies and rendered by the Department. The Department is likewise empowered to establish prices or charges for all information technology reports purchased by agencies and individuals not connected with State government.

(4) Instruct all client agencies to report regularly to the Department, in the manner the Department may prescribe, their usage of information technology, the cost

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

(5) Examine the accounts and information technology-related data of any organization, body, or agency receiving appropriations from the General Assembly, except for a State constitutional office, the Office of the Executive Inspector General, or any office of the legislative or judicial branches of State government. For a State constitutional office, the Office of the Executive Inspector General, or any office of the legislative or judicial branches of State government, the Department shall have the power to examine the accounts and information technology-related data of the State constitutional office, the Office of the Executive Inspector General, or any office of the legislative or judicial branches of State government when requested by those offices.

(6) Install and operate a modern information technology system using equipment adequate to satisfy the requirements for analysis and review as specified by the Department. Expenditures for information technology and related services rendered shall be reimbursed by the recipients. The reimbursement shall be determined by the

Department as amounts sufficient to reimburse the Technology Management Revolving Fund for expenditures incurred in rendering the services.

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

(h) The Department may establish standards to provide consistency in the operation and use of information technology.

(i) The Department may adopt rules under the Illinois Administrative Procedure Act necessary to carry out its responsibilities under this Act.

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

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

(20 ILCS 1370/1-35)

Sec. 1-35. Communications services.

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

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

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

- (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.

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

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

(6) Provide telecommunications and other communications services.

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

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

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

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

(20 ILCS 1370/1-40)

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

(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.

"Military service" means any full-time training or duty, no matter how described under federal or State law, for which a service member is ordered to report by the President, Governor of a state, commonwealth, or territory of the United States, or other appropriate military authority.

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

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

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

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

(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.)

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:

(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 Section 1-30~~ of the Department of Innovation and Technology Act shall be paid into the Technology Management Revolving Fund. On and after July 1, 2017, or after sufficient moneys have been received in the Communications Revolving Fund to pay all Fiscal Year 2017 obligations payable from the Fund, whichever is later, all fees and other moneys received by the Department of Central Management Services in payment for communications services rendered pursuant to the Department of Central Management Services Law of the Civil Administrative Code of Illinois or sale of surplus State communications equipment shall be paid into the Technology Management Revolving Fund. The money in this fund shall be used by the Department of Innovation and Technology as reimbursement for expenditures incurred in rendering information technology and related services and, beginning July 1, 2017, as reimbursement for expenditures incurred in relation to communications services.

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

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

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

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

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