

1 AN ACT concerning State government.

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

4 Article 1. Department of Innovation and Technology

5 Section 1-1. Short title. This Article may be cited as the
6 Department of Innovation and Technology Act. References in this
7 Article to "this Act" mean this Article.

8 Section 1-5. Definitions. In this Act:

9 "Bureau of Communications and Computer Services" means the
10 Bureau of Communications and Computer Services, also known as
11 the Bureau of Information and Communication Services, created
12 by rule (2 Illinois Administrative Code 750.40) within the
13 Department of Central Management Services.

14 "Client agency" means each transferring agency, or its
15 successor. "Client agency" also includes each other public
16 agency to which the Department provides service.

17 "Dedicated unit" means the dedicated bureau, division,
18 office, or other unit within a transferring agency that is
19 responsible for the information technology functions of the
20 transferring agency. For the Office of the Governor, "dedicated
21 unit" means the Information Technology Office, also known as
22 the Office of the Chief Information Officer. For the Department

1 of Central Management Services, "dedicated unit" means the
2 Bureau of Communications and Computer Services, also known as
3 the Bureau of Information and Communication Services.

4 "Department" means the Department of Innovation and
5 Technology.

6 "Information technology" means technology, infrastructure,
7 equipment, systems, software, networks, and processes used to
8 create, send, receive, and store electronic or digital
9 information, including, without limitation, computer systems
10 and telecommunication services and systems. "Information
11 technology" shall be construed broadly to incorporate future
12 technologies (such as sensors and balanced private hybrid or
13 public cloud posture tailored to the mission of the agency)
14 that change or supplant those in effect as of the effective
15 date of this Act.

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

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

24 "Legacy information technology division" means any
25 division, bureau, or other unit of a transferring agency which
26 has responsibility for information technology functions for

1 the agency prior to the transfer of those functions to the
2 Department, including, without limitation, the Bureau of
3 Communications and Computer Services.

4 "Secretary" means the Secretary of Innovation and
5 Technology.

6 "State agency" means each State agency, department, board,
7 and commission directly responsible to the Governor.

8 "Transferring agency" means the Department on Aging; the
9 Departments of Agriculture, Central Management Services,
10 Children and Family Services, Commerce and Economic
11 Opportunity, Corrections, Employment Security, Financial and
12 Professional Regulation, Healthcare and Family Services, Human
13 Rights, Human Services, Insurance, Juvenile Justice, Labor,
14 Lottery, Military Affairs, Natural Resources, Public Health,
15 Revenue, State Police, Transportation, and Veterans' Affairs;
16 the Capital Development Board; the Deaf and Hard of Hearing
17 Commission; the Environmental Protection Agency; the
18 Governor's Office of Management and Budget; the Guardianship
19 and Advocacy Commission; the Historic Preservation Agency; the
20 Illinois Arts Council; the Illinois Council on Developmental
21 Disabilities; the Illinois Emergency Management Agency; the
22 Illinois Gaming Board; the Illinois Health Information
23 Exchange Authority; the Illinois Liquor Control Commission;
24 the Illinois Student Assistance Commission; the Illinois
25 Technology Office; the Office of the State Fire Marshal; and
26 the Prisoner Review Board.

1 Section 1-10. Transfer of functions. On and after March 25,
2 2016 (the effective date of Executive Order 2016-001):

3 (a) For each transferring agency, the dedicated unit or
4 units within that agency responsible for information
5 technology functions together with those information
6 technology functions outside of the dedicated unit or units
7 within a transferring agency to which this Act applies shall be
8 designated by the Governor.

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

13 (c) The personnel of each transferring agency designated by
14 the Governor are transferred to the Department of Innovation
15 and Technology. The status and rights of the employees and the
16 State of Illinois or its transferring agencies under the
17 Personnel Code, the Illinois Public Labor Relations Act, and
18 applicable collective bargaining agreements or under any
19 pension, retirement, or annuity plan shall not be affected by
20 this Act. Under the direction of the Governor, the Secretary,
21 in consultation with the transferring agencies and labor
22 organizations representing the affected employees, shall
23 identify each position and employee who is engaged in the
24 performance of functions transferred to the Department, or
25 engaged in the administration of a law the administration of

1 which is transferred to the Department, to be transferred to
2 the Department. An employee engaged primarily in providing
3 administrative support to a legacy information technology
4 division or information technology personnel may be considered
5 engaged in the performance of functions transferred to the
6 Department.

7 (d) All books, records, papers, documents, property (real
8 and personal), contracts, causes of action, and pending
9 business pertaining to the powers, duties, rights, and
10 responsibilities relating to dedicated units and information
11 technology functions transferred under this Act to the
12 Department of Innovation and Technology, including, but not
13 limited to, material in electronic or magnetic format and
14 necessary computer hardware and software, shall be transferred
15 to the Department of Innovation and Technology.

16 (e) All unexpended appropriations and balances and other
17 funds available for use relating to dedicated units and
18 information technology functions transferred under this Act
19 shall be transferred for use by the Department of Innovation
20 and Technology at the direction of the Governor. Unexpended
21 balances so transferred shall be expended only for the purpose
22 for which the appropriations were originally made.

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

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

8 (h) This Act does not affect any act done, ratified, or
9 canceled or any right occurring or established or any action or
10 proceeding had or commenced in an administrative, civil, or
11 criminal cause by each dedicated unit relating to information
12 technology functions before the transfer of responsibilities
13 under this Act; such actions or proceedings may be prosecuted
14 and continued by the Department of Innovation and Technology.

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

22 (j) Any proposed rules filed with the Secretary of State by
23 the dedicated unit or the transferring agency that are pending
24 in the rulemaking process on March 25, 2016 (the effective date
25 of Executive Order 2016-001) and that pertain to the powers,
26 duties, rights, and responsibilities of the dedicated unit or

1 the information technology functions transferred, shall be
2 deemed to have been filed by the Department of Innovation and
3 Technology. As soon as practicable, the Department of
4 Innovation and Technology shall revise and clarify the rules
5 transferred to it under this Act to reflect the reorganization
6 of powers, duties, rights, and responsibilities relating to
7 information technology functions affected by this Act, using
8 the procedures for recodification of rules available under the
9 Illinois Administrative Procedure Act, except that existing
10 title, part, and section numbering for the affected rules may
11 be retained. The Department of Innovation and Technology may
12 propose and adopt under the Illinois Administrative Procedure
13 Act such other rules of each dedicated unit or transferring
14 agency that will now be administered by the Department of
15 Innovation and Technology.

16 Section 1-15. Powers and duties. The Department shall
17 promote best-in-class innovation and technology to client
18 agencies to foster collaboration among client agencies,
19 empower client agencies to provide better service to residents
20 of Illinois, and maximize the value of taxpayer resources. The
21 Department shall be responsible for information technology
22 functions on behalf of client agencies.

23 The Department shall provide for and coordinate
24 information technology for State agencies and, when requested
25 and when in the best interests of the State, for State

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

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

23 Section 1-20. Security and interoperability. The
24 Department shall develop and implement standards, policies,
25 and procedures to protect the security and interoperability of

1 State data with respect to those agencies under the
2 jurisdiction of the Governor, including in particular data that
3 are confidential, sensitive, or protected from disclosure by
4 privacy or other laws, while recognizing and balancing the need
5 for collaboration and public transparency. The Department
6 shall comply with applicable federal and State laws pertaining
7 to information technology, data, and records of the Department
8 and the client agencies, including, without limitation, the
9 Freedom of Information Act, the State Records Act, the Personal
10 Information Protection Act, the federal Health Insurance
11 Portability and Accountability Act, the federal Health
12 Information Technology for Economic and Clinical Health Act,
13 and the federal Gramm-Leach-Bliley Act.

14 Section 1-25. Charges for services; non-State funding. The
15 Department may establish charges for services rendered by the
16 Department to client agencies from funds provided directly to
17 the client agency by appropriation or otherwise. In
18 establishing charges, the Department shall consult with client
19 agencies to make charges transparent and clear and seek to
20 minimize or avoid charges for costs for which the Department
21 has other funding sources available.

22 Client agencies shall continue to apply for and otherwise
23 seek federal funds and other capital and operational resources
24 for technology for which the agencies are eligible and, subject
25 to compliance with applicable laws, regulations, and grant

1 terms, make those funds available for use by the Department.
2 The Department shall assist client agencies in identifying
3 funding opportunities and, if funds are used by the Department,
4 ensuring compliance with all applicable laws, regulations, and
5 grant terms.

6 Section 1-30. Information technology.

7 (a) The Secretary shall be the Chief Information Officer
8 for the State and the steward of State data with respect to
9 those agencies under the jurisdiction of the Governor. It shall
10 be the duty of the Department and the policy of the State of
11 Illinois to manage or delegate the management of the
12 procurement, retention, installation, maintenance, and
13 operation of all information technology used by client
14 agencies, so as to achieve maximum economy consistent with
15 development of appropriate and timely information in a form
16 suitable for management analysis, in a manner that provides for
17 adequate security protection and back-up facilities for that
18 equipment, the establishment of bonding requirements, and a
19 code of conduct for all information technology personnel to
20 ensure the privacy of information technology information as
21 provided by law.

22 (b) The Department shall be responsible for providing the
23 Governor with timely, comprehensive, and meaningful
24 information pertinent to the formulation and execution of
25 fiscal policy. In performing this responsibility the

1 Department shall have the power to do the following:

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

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

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

20 (4) Instruct all client agencies to report regularly to
21 the Department, in the manner the Department may prescribe,
22 their usage of information technology, the cost incurred,
23 the information produced, and the procedures followed in
24 obtaining the information. All client agencies shall
25 request from the Department assistance and consultation in
26 securing any necessary information technology to support

1 their requirements.

2 (5) Examine the accounts and information
3 technology-related data of any organization, body, or
4 agency receiving appropriations from the General Assembly,
5 except for a State constitutional office. For a State
6 constitutional office, the Department shall have the power
7 to examine the accounts and information technology-related
8 data of the State constitutional office when requested by
9 that office.

10 (6) Install and operate a modern information
11 technology system utilizing equipment adequate to satisfy
12 the requirements for analysis and review as specified by
13 the Department. Expenditures for information technology
14 and related services rendered shall be reimbursed by the
15 recipients. The reimbursement shall be determined by the
16 Department as amounts sufficient to reimburse the
17 Technology Management Revolving Fund for expenditures
18 incurred in rendering the services.

19 (c) In addition to the other powers and duties listed in
20 subsection (b), the Department shall analyze the present and
21 future aims, needs, and requirements of information
22 technology, research, and planning in order to provide for the
23 formulation of overall policy relative to the use of
24 information technology and related equipment by the State of
25 Illinois. In making this analysis, the Department shall
26 formulate a master plan for information technology, utilizing

1 information technology most advantageously, and advising
2 whether information technology should be leased or purchased by
3 the State. The Department shall prepare and submit interim
4 reports of meaningful developments and proposals for
5 legislation to the Governor on or before January 30 each year.
6 The Department shall engage in a continuing analysis and
7 evaluation of the master plan so developed, and it shall be the
8 responsibility of the Department to recommend from time to time
9 any needed amendments and modifications of any master plan
10 enacted by the General Assembly.

11 (d) The Department may make information technology and the
12 use of information technology available to units of local
13 government, elected State officials, State educational
14 institutions, the judicial branch, the legislative branch, and
15 all other governmental units of the State requesting them. The
16 Department shall establish prices and charges for the
17 information technology so furnished and for the use of the
18 information technology. The prices and charges shall be
19 sufficient to reimburse the cost of furnishing the services and
20 use of information technology.

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

23 Section 1-35. Communications.

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

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

13 (b) The Department shall provide for and coordinate
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
18 Department may make use of, or support or provide any
19 information technology related communications equipment or
20 services necessary and available to support the needs of
21 interested parties not associated with State government
22 provided that State government usage shall have first priority.
23 For this purpose the Department shall have the power to do all
24 of the following:

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

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

3 (2) Review existing standards and, where appropriate,
4 propose to establish new or modified standards for State
5 agencies which shall include a minimum of one
6 telecommunication device for the deaf 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 or
14 local government and public and not-for-profit
15 institutions of primary, secondary, or higher education.
16 Entities charged for these services shall pay the
17 Department.

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

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

25 (6) Provide telecommunications and other
26 communications services.

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

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

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

19 (a) As used in this Section only:

20 "Immediate family" means a service member's spouse
21 residing in the service member's household, brothers and
22 sisters of the whole or of the half blood, children, including
23 adopted children and stepchildren, parents, and grandparents.

24 "Military service" means any full-time training or duty, no
25 matter how described under federal or State law, for which a

1 service member is ordered to report by the President, Governor
2 of a state, commonwealth, or territory of the United States, or
3 other appropriate military authority.

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

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

20 (c) In order to be eligible to use bulk long distance
21 telephone services purchased by the Department under this
22 Section, a service member or person in the service member's
23 immediate family must provide the Department with a copy of the
24 orders calling the service member to military service in excess
25 of 29 consecutive days and of any orders further extending the
26 service member's period of military service.

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

4 Section 1-45. Grants for distance learning services. The
5 Department may award grants to public community colleges and
6 education service centers for development and implementation
7 of telecommunications systems that provide distance learning
8 services.

9 Section 1-50. Rulemaking. The Department may adopt rules
10 under the Illinois Administrative Procedure Act necessary to
11 carry out its responsibilities under this Act.

12 Section 1-55. Executive Orders.

13 (a) Executive Order 2016-001. The Department of Innovation
14 and Technology was created by Executive Order 2016-001. This
15 Act is the implementation of that Executive Order, together
16 with additional provisions to ensure that the Department of
17 Innovation and Technology is able to function as intended under
18 that Executive Order. The intent of this Act is to ensure that
19 the Department is able to fulfill its duties and purpose under
20 that Executive Order. In the event of a conflict between the
21 provisions of the Executive Order and this Act, this Act shall
22 be controlling.

23 (b) Executive Order 1999-05. The Information Technology

1 Office, also known as the Office of the Chief Information
2 Officer, was created by Executive Order 1999-05. That Executive
3 Order is superseded by this Act.

4 Section 1-60. Construction.

5 (a) Notwithstanding any provision of law to the contrary,
6 on and after the effective date of this Act, references to
7 "Bureau of Communications and Computer Services", "Bureau of
8 Information and Communication Services", "Information
9 Technology Office", or "Office of the Chief Information
10 Officer" shall be construed as references to the Department of
11 Innovation and Technology.

12 (b) Notwithstanding any provision of law to the contrary,
13 on and after the effective date of this Act, references to
14 "Chief Information Officer of the State" shall be construed as
15 references to the Secretary of Innovation and Technology.

16 Section 1-905. The Civil Administrative Code of Illinois is
17 amended by changing Sections 5-10, 5-15, 5-20, and 5-605 and by
18 adding Sections 5-195 and 5-357 as follows:

19 (20 ILCS 5/5-10) (was 20 ILCS 5/2.1)

20 Sec. 5-10. "Director". As used in the Civil Administrative
21 Code of Illinois, unless the context clearly indicates
22 otherwise, the word "director" means the several directors of
23 the departments of State government as designated in Section

1 5-20 of this Law and includes the Secretary of Financial and
2 Professional Regulation, the Secretary of Innovation and
3 Technology, the Secretary of Human Services, and the Secretary
4 of Transportation.

5 (Source: P.A. 91-239, eff. 1-1-00.)

6 (20 ILCS 5/5-15) (was 20 ILCS 5/3)

7 Sec. 5-15. Departments of State government. The
8 Departments of State government are created as follows:

9 The Department on Aging.

10 The Department of Agriculture.

11 The Department of Central Management Services.

12 The Department of Children and Family Services.

13 The Department of Commerce and Economic Opportunity.

14 The Department of Corrections.

15 The Department of Employment Security.

16 The Illinois Emergency Management Agency.

17 The Department of Financial and Professional Regulation.

18 The Department of Healthcare and Family Services.

19 The Department of Human Rights.

20 The Department of Human Services.

21 The Department of Innovation and Technology.

22 The Department of Juvenile Justice.

23 The Department of Labor.

24 The Department of the Lottery.

25 The Department of Natural Resources.

1 The Department of Public Health.

2 The Department of Revenue.

3 The Department of State Police.

4 The Department of Transportation.

5 The Department of Veterans' Affairs.

6 (Source: P.A. 96-328, eff. 8-11-09; 97-618, eff. 10-26-11.)

7 (20 ILCS 5/5-20) (was 20 ILCS 5/4)

8 Sec. 5-20. Heads of departments. Each department shall have
9 an officer as its head who shall be known as director or
10 secretary and who shall, subject to the provisions of the Civil
11 Administrative Code of Illinois, execute the powers and
12 discharge the duties vested by law in his or her respective
13 department.

14 The following officers are hereby created:

15 Director of Aging, for the Department on Aging.

16 Director of Agriculture, for the Department of
17 Agriculture.

18 Director of Central Management Services, for the
19 Department of Central Management Services.

20 Director of Children and Family Services, for the
21 Department of Children and Family Services.

22 Director of Commerce and Economic Opportunity, for the
23 Department of Commerce and Economic Opportunity.

24 Director of Corrections, for the Department of
25 Corrections.

1 Director of the Illinois Emergency Management Agency, for
2 the Illinois Emergency Management Agency.

3 Director of Employment Security, for the Department of
4 Employment Security.

5 Secretary of Financial and Professional Regulation, for
6 the Department of Financial and Professional Regulation.

7 Director of Healthcare and Family Services, for the
8 Department of Healthcare and Family Services.

9 Director of Human Rights, for the Department of Human
10 Rights.

11 Secretary of Human Services, for the Department of Human
12 Services.

13 Secretary of Innovation and Technology, for the Department
14 of Innovation and Technology.

15 Director of Juvenile Justice, for the Department of
16 Juvenile Justice.

17 Director of Labor, for the Department of Labor.

18 Director of the Lottery, for the Department of the Lottery.

19 Director of Natural Resources, for the Department of
20 Natural Resources.

21 Director of Public Health, for the Department of Public
22 Health.

23 Director of Revenue, for the Department of Revenue.

24 Director of State Police, for the Department of State
25 Police.

26 Secretary of Transportation, for the Department of

1 Transportation.

2 Director of Veterans' Affairs, for the Department of
3 Veterans' Affairs.

4 (Source: P.A. 97-464, eff. 10-15-11; 97-618, eff. 10-26-11;
5 97-813, eff. 7-13-12; 98-499, eff. 8-16-13.)

6 (20 ILCS 5/5-195 new)

7 Sec. 5-195. In the Department of Innovation and Technology.
8 Assistant Secretary of Innovation and Technology.

9 (20 ILCS 5/5-357 new)

10 Sec. 5-357. In the Department of Innovation and Technology.
11 The Secretary of Innovation and Technology and the Assistant
12 Secretary of Innovation and Technology shall each receive an
13 annual salary as set by law.

14 (20 ILCS 5/5-605) (was 20 ILCS 5/12)

15 Sec. 5-605. Appointment of officers. Each officer whose
16 office is created by the Civil Administrative Code of Illinois
17 or by any amendment to the Code shall be appointed by the
18 Governor, by and with the advice and consent of the Senate. In
19 case of vacancies in those offices during the recess of the
20 Senate, the Governor shall make a temporary appointment until
21 the next meeting of the Senate, when the Governor shall
22 nominate some person to fill the office, and any person so
23 nominated who is confirmed by the Senate shall hold office

1 during the remainder of the term and until his or her successor
2 is appointed and qualified. If the Senate is not in session at
3 the time the Code or any amendments to the Code take effect,
4 the Governor shall make a temporary appointment as in the case
5 of a vacancy.

6 During the absence or inability to act of the director or
7 secretary of any department, ~~or of the Secretary of Human~~
8 ~~Services or the Secretary of Transportation,~~ or in case of a
9 vacancy in any such office until a successor is appointed and
10 qualified, the Governor may designate some person as acting
11 director or acting secretary to execute the powers and
12 discharge the duties vested by law in that director or
13 secretary.

14 During the term of a General Assembly, the Governor may not
15 designate a person to serve as an acting director or secretary
16 under this Section if that person's nomination to serve as the
17 director or secretary of that same Department was rejected by
18 the Senate of the same General Assembly. This Section is
19 subject to the provisions of subsection (c) of Section 3A-40 of
20 the Illinois Governmental Ethics Act.

21 (Source: P.A. 97-582, eff. 8-26-11.)

22 Section 1-910. The Department of Central Management
23 Services Law of the Civil Administrative Code of Illinois is
24 amended by changing Sections 405-10, 405-270, and 405-410 as
25 follows:

1 (20 ILCS 405/405-10) (was 20 ILCS 405/35.3)

2 Sec. 405-10. Director's duties; State policy. It shall be
3 the duty of the Director and the policy of the State of
4 Illinois to do the following:

5 (1) Place financial responsibility on State agencies
6 (as defined in subsection (b) of Section 405-5) and hold
7 them accountable for the proper discharge of this
8 responsibility.

9 (2) Require professional, accurate, and current
10 accounting with the State agencies (as defined in
11 subsection (b) of Section 405-5).

12 (3) Decentralize fiscal, procedural, and
13 administrative operations to expedite the business of the
14 State and to avoid expense, unwieldiness, inefficiency,
15 and unnecessary duplication where decentralization is
16 consistent with proper fiscal management.

17 (4) (Blank). ~~Manage or delegate the management of the~~
18 ~~procurement, retention, installation, maintenance, and~~
19 ~~operation of all electronic data processing equipment used~~
20 ~~by State agencies as defined in Section 405-20, so as to~~
21 ~~achieve maximum economy consistent with development of~~
22 ~~adequate and timely information in a form suitable for~~
23 ~~management analysis, in a manner that provides for adequate~~
24 ~~security protection and back-up facilities for that~~
25 ~~equipment, the establishment of bonding requirements, and~~

1 ~~a code of conduct for all electronic data processing~~
2 ~~personnel to ensure the privacy of electronic data~~
3 ~~processing information as provided by law.~~

4 (Source: P.A. 91-239, eff. 1-1-00.)

5 (20 ILCS 405/405-270) (was 20 ILCS 405/67.18)

6 Sec. 405-270. Broadcast communications ~~Communications~~
7 services. To provide for and coordinate broadcast ~~co-ordinate~~
8 communications services for State agencies and, when requested
9 and when in the best interests of the State, for units of
10 federal or local governments and public and not-for-profit
11 institutions of primary, secondary, and higher education. The
12 Department may make use of its satellite uplink available to
13 interested parties not associated with State government
14 provided that State government usage shall have first priority.
15 For this purpose the Department shall have the power and duty
16 to do all of the following:

17 (1) Provide for and control the procurement,
18 retention, installation, and maintenance of video
19 recording, satellite uplink, public information, and
20 broadcast communications equipment or services used by
21 State agencies in the interest of efficiency and economy.

22 (2) (Blank). ~~Establish standards by January 1, 1989 for~~
23 ~~communications services for State agencies which shall~~
24 ~~include a minimum of one telecommunication device for the~~
25 ~~deaf installed and operational within each State agency, to~~

1 ~~provide public access to agency information for those~~
2 ~~persons who are hearing or speech impaired. The Department~~
3 ~~shall consult the Department of Human Services to develop~~
4 ~~standards and implementation for this equipment.~~

5 (3) Establish charges (i) for video recording,
6 satellite uplink, public information, and broadcast
7 communication services for State agencies and, when
8 requested, for units of federal or local government and
9 public and not-for-profit institutions of primary,
10 secondary, or higher education and (ii) for use of the
11 Department's satellite uplink by parties not associated
12 with State government. Entities charged for these services
13 shall reimburse the Department.

14 (4) Instruct all State agencies to report their usage
15 of video recording, satellite uplink, public information,
16 and broadcast communication services regularly to the
17 Department in the manner the Director may prescribe.

18 (5) Analyze the present and future aims and needs of
19 all State agencies in the area of video recording,
20 satellite uplink, public information, and broadcast
21 communications services and plan to serve those aims and
22 needs in the most effective and efficient manner.

23 (6) Provide ~~services, including, but not limited to,~~
24 ~~telecommunications,~~ video recording, satellite uplink,
25 public information, and broadcast ~~other~~ communications
26 services.

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

4 The Department is authorized, in consultation with the
5 Department of Innovation and Technology, to conduct a study for
6 the purpose of determining technical, engineering, and
7 management specifications for the networking, compatible
8 connection, or shared use of existing and future public and
9 private owned television broadcast and reception facilities,
10 including but not limited to terrestrial microwave, fiber
11 optic, and satellite, for broadcast and reception of
12 educational, governmental, and business programs, and to
13 implement those specifications.

14 However, the Department may not control or interfere with
15 the input of content into the broadcast communications
16 ~~telecommunications~~ systems by the several State agencies or
17 units of federal or local government, or public or
18 not-for-profit institutions of primary, secondary, and higher
19 education, or users of the Department's satellite uplink.

20 As used in this Section, the term "State agencies" means
21 all departments, officers, commissions, boards, institutions,
22 and bodies politic and corporate of the State except (i) the
23 judicial branch, including, without limitation, the several
24 courts of the State, the offices of the clerk of the supreme
25 court and the clerks of the appellate court, and the
26 Administrative Office of the Illinois Courts and (ii) the

1 General Assembly, legislative service agencies, and all
2 officers of the General Assembly.

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

6 In the event of a conflict between the provisions of this
7 Section and any provision of the Department of Innovation and
8 Technology Act, the Department of Innovation and Technology Act
9 shall be controlling.

10 (Source: P.A. 99-6, eff. 1-1-16.)

11 (20 ILCS 405/405-410)

12 Sec. 405-410. Transfer of Information Technology
13 functions.

14 (a) Notwithstanding any other law to the contrary, the
15 Secretary of Innovation and Technology ~~Director of Central~~
16 ~~Management Services~~, working in cooperation with the Director
17 of any other agency, department, board, or commission directly
18 responsible to the Governor, may direct the transfer, to the
19 Department of Innovation and Technology ~~Central Management~~
20 ~~Services~~, of those information technology functions at that
21 agency, department, board, or commission that are suitable for
22 centralization.

23 Upon receipt of the written direction to transfer
24 information technology functions to the Department of
25 Innovation and Technology ~~Central Management Services~~, the

1 personnel, equipment, and property (both real and personal)
2 directly relating to the transferred functions shall be
3 transferred to the Department of Innovation and Technology
4 ~~Central Management Services~~, and the relevant documents,
5 records, and correspondence shall be transferred or copied, as
6 the Secretary ~~Director~~ may prescribe.

7 (b) Upon receiving written direction from the Secretary of
8 Innovation and Technology ~~Director of Central Management~~
9 ~~Services~~, the Comptroller and Treasurer are authorized to
10 transfer the unexpended balance of any appropriations related
11 to the information technology functions transferred to the
12 Department of Innovation and Technology ~~Central Management~~
13 ~~Services~~ and shall make the necessary fund transfers from any
14 special fund in the State Treasury or from any other federal or
15 State trust fund held by the Treasurer to the General Revenue
16 Fund or the Technology Management Revolving Fund, as designated
17 by the Secretary of Innovation and Technology ~~Director of~~
18 ~~Central Management Services~~, for use by the Department of
19 Innovation and Technology ~~Central Management Services~~ in
20 support of information technology functions or any other
21 related costs or expenses of the Department of Innovation and
22 Technology ~~Central Management Services~~.

23 (c) The rights of employees and the State and its agencies
24 under the Personnel Code and applicable collective bargaining
25 agreements or under any pension, retirement, or annuity plan
26 shall not be affected by any transfer under this Section.

1 (d) The functions transferred to the Department of
2 Innovation and Technology ~~Central Management Services~~ by this
3 Section shall be vested in and shall be exercised by the
4 Department of Innovation and Technology ~~Central Management~~
5 ~~Services~~. Each act done in the exercise of those functions
6 shall have the same legal effect as if done by the agencies,
7 offices, divisions, departments, bureaus, boards and
8 commissions from which they were transferred.

9 Every person or other entity shall be subject to the same
10 obligations and duties and any penalties, civil or criminal,
11 arising therefrom, and shall have the same rights arising from
12 the exercise of such rights, powers, and duties as had been
13 exercised by the agencies, offices, divisions, departments,
14 bureaus, boards, and commissions from which they were
15 transferred.

16 Whenever reports or notices are now required to be made or
17 given or papers or documents furnished or served by any person
18 in regards to the functions transferred to or upon the
19 agencies, offices, divisions, departments, bureaus, boards,
20 and commissions from which the functions were transferred, the
21 same shall be made, given, furnished or served in the same
22 manner to or upon the Department of Innovation and Technology
23 ~~Central Management Services~~.

24 This Section does not affect any act done, ratified, or
25 cancelled or any right occurring or established or any action
26 or proceeding had or commenced in an administrative, civil, or

1 criminal cause regarding the functions transferred, but those
2 proceedings may be continued by the Department of Innovation
3 and Technology ~~Central Management Services~~.

4 This Section does not affect the legality of any rules in
5 the Illinois Administrative Code regarding the functions
6 transferred in this Section that are in force on the effective
7 date of this Section. If necessary, however, the affected
8 agencies shall propose, adopt, or repeal rules, rule
9 amendments, and rule recodifications as appropriate to
10 effectuate this Section.

11 (Source: P.A. 100-23, eff. 7-6-17.)

12 (20 ILCS 405/405-20 rep.)

13 (20 ILCS 405/405-250 rep.)

14 (20 ILCS 405/405-255 rep.)

15 (20 ILCS 405/405-260 rep.)

16 (20 ILCS 405/405-265 rep.)

17 Section 1-915. The Department of Central Management
18 Services Law of the Civil Administrative Code of Illinois is
19 amended by repealing Sections 405-20, 405-250, 405-255,
20 405-260, and 405-265.

21 Section 1-920. The Department of Commerce and Economic
22 Opportunity Law of the Civil Administrative Code of Illinois is
23 amended by changing Sections 605-680 as follows:

1 (20 ILCS 605/605-680)

2 Sec. 605-680. Illinois goods and services website.

3 (a) The Department, in consultation with the Department of
4 Innovation and Technology, must establish and maintain an
5 Internet website devoted to the marketing of Illinois goods and
6 services by linking potential purchasers with producers of
7 goods and services who are located in the State.

8 (b) The Department must advertise the website to encourage
9 inclusion of producers on the website and to encourage the use
10 of the website by potential purchasers.

11 (Source: P.A. 93-868, eff. 1-1-05.)

12 Section 1-925. The Department of Commerce and Economic
13 Opportunity Law of the Civil Administrative Code of Illinois is
14 amended by changing Section 605-1007 as follows:

15 (20 ILCS 605/605-1007)

16 Sec. 605-1007. New business permitting portal.

17 (a) By July 1, 2017, the Department shall create and
18 maintain, in consultation with the Department of Innovation and
19 Technology, a website to help persons wishing to create new
20 businesses or relocate businesses to Illinois. The Department
21 shall consult with at least one organization representing small
22 businesses in this State while creating the website.

23 (b) The website shall include:

24 (1) an estimate of license and permitting fees for

1 different businesses;

2 (2) State government application forms for business
3 licensing or registration;

4 (3) hyperlinks to websites of the responsible agency or
5 organization responsible for accepting the application;
6 and

7 (4) contact information for any local government
8 permitting agencies that may be relevant.

9 (c) The Department shall contact all agencies to obtain
10 business forms and other information for this website. Those
11 agencies shall respond to the Department before July 1, 2016.

12 (d) The website shall also include some mechanism for the
13 potential business owner to request more information from the
14 Department that may be helpful in starting the business,
15 including, but not limited to, State-based incentives that the
16 business owner may qualify for when starting or relocating a
17 business.

18 (e) The Department shall update the website at least once a
19 year before July 1. The Department shall request that other
20 State agencies report any changes in applicable application
21 forms to the Department by June 1 of every year after 2016.

22 (Source: P.A. 99-134, eff. 1-1-16.)

23 Section 1-930. The State Fire Marshal Act is amended by
24 changing Section 2.5 as follows:

1 (20 ILCS 2905/2.5)

2 Sec. 2.5. Equipment exchange program.

3 (a) The Office shall create and maintain an equipment
4 exchange program under which fire departments, fire protection
5 districts, and township fire departments can donate or sell
6 equipment to, trade equipment with, or buy equipment from each
7 other.

8 (b) Under this program, the Office, in consultation with
9 the Department of Innovation and Technology shall maintain a
10 website that allows fire departments, fire protection
11 districts, and township fire departments to post information
12 and photographs about needed equipment and equipment that is
13 available for trade, donation, or sale. This website must be
14 separate from, and not a part of, the Office's main website;
15 however, the Office must post a hyperlink on its main website
16 that points to the website established under this subsection
17 (b).

18 (c) The Office or a fire department, fire protection
19 district, or township fire department that donates, trades, or
20 sells fire protection equipment to another fire department,
21 fire protection district, or township fire department under
22 this Section is not liable for any damage or injury caused by
23 the donated, traded, or sold fire protection equipment, except
24 for damage or injury caused by its willful and wanton
25 misconduct, if it discloses in writing to the recipient at the
26 time of the donation, trade, or sale any known damage to or

1 deficiencies in the equipment.

2 This Section does not relieve any fire department, fire
3 protection district, or township fire department from
4 liability, unless otherwise provided by law, for any damage or
5 injury caused by donated, traded, or sold fire protection
6 equipment that was received through the equipment exchange
7 program.

8 (d) The Office must promote the program to encourage the
9 efficient exchange of equipment among local government
10 entities.

11 (e) The Office must implement the changes to the equipment
12 exchange program required under this amendatory Act of the 94th
13 General Assembly no later than July 1, 2006.

14 (Source: P.A. 93-305, eff. 7-23-03; 94-175, eff. 7-12-05.)

15 Section 1-935. The Illinois Century Network Act is amended
16 by changing Sections 5, 10, and 15 and by adding Section 7 as
17 follows:

18 (20 ILCS 3921/5)

19 Sec. 5. Legislative findings and declarations. The General
20 Assembly finds and declares:

21 (1) That computing and communications technologies are
22 essential for sustaining economic competitiveness and
23 fostering the educational vitality of this State.

24 (2) That there is an established need for a

1 telecommunications infrastructure that will provide
2 high-speed, reliable, and cost-effective digital
3 connections throughout the State.

4 (3) That a network is required that will deliver
5 educational programs, advanced training, and access to the
6 growing global wealth of information services to citizens
7 in all parts of this State.

8 (4) That the State and communication providers shall
9 continue to collaborate to deliver communications links to
10 anchor institutions in Illinois.

11 (Source: P.A. 91-21, eff. 7-1-99.)

12 (20 ILCS 3921/7 new)

13 Sec. 7. Definitions. Beginning on July 1, 2018, as used in
14 this Act, "anchor institutions" means Illinois schools,
15 institutions of higher education, libraries, museums, research
16 institutions, State agencies, and units of local government.

17 (20 ILCS 3921/10)

18 Sec. 10. Illinois Century Network. The Illinois Century
19 Network shall be a service creating and maintaining high speed
20 telecommunications networks that provide reliable
21 communication links for wholesale connections with other
22 registered or certified providers and the direct communication
23 needs of various anchor institutions throughout Illinois ~~to and~~
24 ~~among Illinois schools, institutions of higher education,~~

1 ~~libraries, museums, research institutions, State agencies,~~
2 ~~units of local government, and other local entities that~~
3 ~~provide services to Illinois citizens.~~ The Illinois Century
4 Network may ~~shall~~ build on existing investments in networking
5 schools, colleges, and universities, and shall avoid
6 duplication of existing communication networks if those
7 networks are capable of maintaining ~~future efforts, maintain~~
8 sufficient capacity to meet the requirements of anchor
9 institutions ~~the participating institutions, and stay current~~
10 ~~with rapid developments in technology.~~ The Illinois Century
11 Network ~~shall be capable of delivering state-of-the-art access~~
12 ~~to education, training, and electronic information and shall~~
13 ~~provide access to networking technologies for institutions~~
14 ~~located in even the most remote areas of this State.~~

15 By July 1, 2019, the Department of Innovation and
16 Technology shall perform a comprehensive review of the Illinois
17 Century Network including, but not limited to, assets,
18 connections, hardware, and capacity of the current network.
19 Nothing in this amendatory Act of the 100th General Assembly
20 shall change contractual obligations of the Illinois Century
21 Network that are effective on or before the effective date of
22 this amendatory Act of the 100th General Assembly.

23 (Source: P.A. 91-21, eff. 7-1-99; 92-691, eff. 7-18-02.)

24 (20 ILCS 3921/15)

25 Sec. 15. Management of the Illinois Century Network.

1 (a) The Department of Innovation and Technology shall
2 govern the staffing and contractual services necessary to
3 support the activities of the Illinois Century Network.
4 ~~Staffing and contractual services necessary to support the~~
5 ~~network's activities shall be governed by the Illinois Century~~
6 ~~Network Policy Committee. The committee shall include:~~

7 ~~(1) 6 standing members as follows:~~

8 ~~(i) the Illinois State Library Director or~~
9 ~~designee;~~

10 ~~(ii) the Illinois State Museum Director or~~
11 ~~designee;~~

12 ~~(iii) the Executive Director of the Board of Higher~~
13 ~~Education or designee;~~

14 ~~(iv) the Executive Director of the Illinois~~
15 ~~Community College Board or designee;~~

16 ~~(v) the State Board of Education State~~
17 ~~Superintendent or designee; and~~

18 ~~(vi) the Director of Central Management Services~~
19 ~~or designee;~~

20 ~~(2) up to 7 members who are appointed by the Governor~~
21 ~~and who:~~

22 ~~(i) have experience and background in private K-12~~
23 ~~education, private higher education, or who are from~~
24 ~~other participant constituents that are not already~~
25 ~~represented;~~

26 ~~(ii) shall serve staggered terms up to 3 years as~~

1 ~~designated by the Governor; and~~
2 ~~(iii) shall serve until a successor is appointed~~
3 ~~and qualified; and~~
4 ~~(3) a Chairperson who is appointed by the Governor and~~
5 ~~who shall serve a term of 2 years and until a successor is~~
6 ~~appointed and qualified.~~

7 (b) (Blank). ~~Illinois Century Network Policy Committee~~
8 ~~members shall serve without compensation but shall be entitled~~
9 ~~to reimbursement for reasonable expenses of travel for members~~
10 ~~who are required to travel for a distance greater than 20 miles~~
11 ~~to participate in business of the Illinois Century Network~~
12 ~~Policy Committee.~~

13 (Source: P.A. 98-719, eff. 1-1-15.)

14 (20 ILCS 3921/20 rep.)

15 Section 1-937. The Illinois Century Network Act is amended
16 by repealing Section 20.

17 Section 1-940. The State Finance Act is amended by changing
18 Sections 6p-1, 6p-2, 8.16a, and 8.16b as follows:

19 (30 ILCS 105/6p-1) (from Ch. 127, par. 142p1)

20 Sec. 6p-1. The Technology Management Revolving Fund
21 (formerly known as the Statistical Services Revolving Fund)
22 shall be initially financed by a transfer of funds from the
23 General Revenue Fund. Thereafter, all fees and other monies

1 received by the Department of Innovation and Technology ~~Central~~
2 ~~Management Services~~ in payment for information technology and
3 related ~~statistical~~ services rendered pursuant to subsection
4 (b) of Section 30 of the Department of Innovation and
5 Technology Act ~~Section 405-20 of the Department of Central~~
6 ~~Management Services Law (20 ILCS 405/405-20)~~ shall be paid into
7 the Technology Management Revolving Fund. On and after July 1,
8 2017, or after sufficient moneys have been received in the
9 Communications Revolving Fund to pay all Fiscal Year 2017
10 obligations payable from the Fund, whichever is later, all fees
11 and other moneys received by the Department of Central
12 Management Services in payment for communications services
13 rendered pursuant to the Department of Central Management
14 Services Law of the Civil Administrative Code of Illinois or
15 sale of surplus State communications equipment shall be paid
16 into the Technology Management Revolving Fund. The money in
17 this fund shall be used by the Department of Innovation and
18 Technology ~~Central Management Services~~ as reimbursement for
19 expenditures incurred in rendering information technology and
20 related ~~statistical~~ services and, beginning July 1, 2017, as
21 reimbursement for expenditures incurred in relation to
22 communications services.

23 (Source: P.A. 100-23, eff. 7-6-17.)

24 (30 ILCS 105/6p-2) (from Ch. 127, par. 142p2)

25 Sec. 6p-2. The Communications Revolving Fund shall be

1 initially financed by a transfer of funds from the General
2 Revenue Fund. Thereafter, through June 30, 2017, all fees and
3 other monies received by the Department of Innovation and
4 Technology ~~Central Management Services~~ in payment for
5 communications services rendered pursuant to the Department of
6 Innovation and Technology Act ~~Central Management Services Law~~
7 or sale of surplus State communications equipment shall be paid
8 into the Communications Revolving Fund. Except as otherwise
9 provided in this Section, the money in this fund shall be used
10 by the Department of Innovation and Technology ~~Central~~
11 ~~Management Services~~ as reimbursement for expenditures incurred
12 in relation to communications services.

13 On the effective date of this amendatory Act of the 93rd
14 General Assembly, or as soon as practicable thereafter, the
15 State Comptroller shall order transferred and the State
16 Treasurer shall transfer \$3,000,000 from the Communications
17 Revolving Fund to the Emergency Public Health Fund to be used
18 for the purposes specified in Section 55.6a of the
19 Environmental Protection Act.

20 In addition to any other transfers that may be provided for
21 by law, on July 1, 2011, or as soon thereafter as practical,
22 the State Comptroller shall direct and the State Treasurer
23 shall transfer the sum of \$5,000,000 from the General Revenue
24 Fund to the Communications Revolving Fund.

25 Notwithstanding any other provision of law, in addition to
26 any other transfers that may be provided by law, on July 1,

1 2017, or after sufficient moneys have been received in the
2 Communications Revolving Fund to pay all Fiscal Year 2017
3 obligations payable from the Fund, whichever is later, the
4 State Comptroller shall direct and the State Treasurer shall
5 transfer the remaining balance from the Communications
6 Revolving Fund into the Technology Management Revolving Fund.
7 Upon completion of the transfer, any future deposits due to
8 that Fund and any outstanding obligations or liabilities of
9 that Fund pass to the Technology Management Revolving Fund.

10 (Source: P.A. 100-23, eff. 7-6-17.)

11 (30 ILCS 105/8.16a) (from Ch. 127, par. 144.16a)

12 Sec. 8.16a. Appropriations for the procurement,
13 installation, retention, maintenance and operation of
14 electronic data processing and information technology devices
15 and software used by State ~~state~~ agencies subject to subsection
16 (b) of Section 30 of the Department of Innovation and
17 Technology Act ~~Section 405-20 of the Department of Central~~
18 ~~Management Services Law (20 ILCS 405/405-20)~~, the purchase of
19 necessary supplies and equipment and accessories thereto, and
20 all other expenses incident to the operation and maintenance of
21 those electronic data processing and information technology
22 devices and software are payable from the Technology Management
23 Revolving Fund. However, no contract shall be entered into or
24 obligation incurred for any expenditure from the Technology
25 Management Revolving Fund until after the purpose and amount

1 has been approved in writing by the Secretary of Innovation and
2 Technology Director of Central Management Services. Until
3 there are sufficient funds in the Technology Management
4 Revolving Fund (formerly known as the Statistical Services
5 Revolving Fund) to carry out the purposes of this amendatory
6 Act of 1965, however, the State agencies subject to subsection
7 (b) of Section 30 of the Department of Innovation and
8 Technology Act ~~that Section 405-20~~ shall, on written approval
9 of the Secretary of Innovation and Technology Director of
10 ~~Central Management Services~~, pay the cost of operating and
11 maintaining electronic data processing systems from current
12 appropriations as classified and standardized in the State
13 Finance Act.

14 (Source: P.A. 100-23, eff. 7-6-17.)

15 (30 ILCS 105/8.16b) (from Ch. 127, par. 144.16b)

16 Sec. 8.16b. Appropriations for expenses related to
17 communications services pursuant to the Civil Administrative
18 Code of Illinois are payable from the Communications Revolving
19 Fund. However, no contract shall be entered into or obligation
20 incurred for any expenditure from the Communications Revolving
21 Fund until after the purpose and amount has been approved in
22 writing by the Secretary of Innovation and Technology Director
23 ~~of Central Management Services~~.

24 (Source: P.A. 87-817.)

1 Section 1-943. The Illinois Procurement Code is amended by
2 changing Section 20-60 as follows:

3 (30 ILCS 500/20-60)

4 Sec. 20-60. Duration of contracts.

5 (a) Maximum duration. A contract may be entered into for
6 any period of time deemed to be in the best interests of the
7 State but not exceeding 10 years inclusive, beginning January
8 1, 2010, of proposed contract renewals. Third parties may lease
9 State-owned dark fiber networks for any period of time deemed
10 to be in the best interest of the State, but not exceeding 20
11 years. The length of a lease for real property or capital
12 improvements shall be in accordance with the provisions of
13 Section 40-25. The length of energy conservation program
14 contracts or energy savings contracts or leases shall be in
15 accordance with the provisions of Section 25-45. A contract for
16 bond or mortgage insurance awarded by the Illinois Housing
17 Development Authority, however, may be entered into for any
18 period of time less than or equal to the maximum period of time
19 that the subject bond or mortgage may remain outstanding.

20 (b) Subject to appropriation. All contracts made or entered
21 into shall recite that they are subject to termination and
22 cancellation in any year for which the General Assembly fails
23 to make an appropriation to make payments under the terms of
24 the contract.

25 (c) The chief procurement officer shall file a proposed

1 extension or renewal of a contract with the Procurement Policy
2 Board prior to entering into any extension or renewal if the
3 cost associated with the extension or renewal exceeds \$249,999.
4 The Procurement Policy Board may object to the proposed
5 extension or renewal within 30 calendar days and require a
6 hearing before the Board prior to entering into the extension
7 or renewal. If the Procurement Policy Board does not object
8 within 30 calendar days or takes affirmative action to
9 recommend the extension or renewal, the chief procurement
10 officer may enter into the extension or renewal of a contract.
11 This subsection does not apply to any emergency procurement,
12 any procurement under Article 40, or any procurement exempted
13 by Section 1-10(b) of this Code. If any State agency contract
14 is paid for in whole or in part with federal-aid funds, grants,
15 or loans and the provisions of this subsection would result in
16 the loss of those federal-aid funds, grants, or loans, then the
17 contract is exempt from the provisions of this subsection in
18 order to remain eligible for those federal-aid funds, grants,
19 or loans, and the State agency shall file notice of this
20 exemption with the Procurement Policy Board prior to entering
21 into the proposed extension or renewal. Nothing in this
22 subsection permits a chief procurement officer to enter into an
23 extension or renewal in violation of subsection (a). By August
24 1 each year, the Procurement Policy Board shall file a report
25 with the General Assembly identifying for the previous fiscal
26 year (i) the proposed extensions or renewals that were filed

1 with the Board and whether the Board objected and (ii) the
2 contracts exempt from this subsection.

3 (d) Notwithstanding the provisions of subsection (a) of
4 this Section, the Department of Innovation and Technology may
5 enter into leases for dark fiber networks for any period of
6 time deemed to be in the best interests of the State but not
7 exceeding 20 years inclusive. The Department of Innovation and
8 Technology may lease dark fiber networks from third parties
9 only for the primary purpose of providing services to (i) the
10 offices of Governor, Lieutenant Governor, Attorney General,
11 Secretary of State, Comptroller, or Treasurer and State
12 agencies, as defined under Section 5-15 of the Civil
13 Administrative Code of Illinois or (ii) for anchor
14 institutions, as defined in Section 7 of the Illinois Century
15 Network Act. Dark fiber network lease contracts shall be
16 subject to all other provisions of this Code and any applicable
17 rules or requirements, including, but not limited to,
18 publication of lease solicitations, use of standard State
19 contracting terms and conditions, and approval of vendor
20 certifications and financial disclosures.

21 (e) As used in this Section, "dark fiber network" means a
22 network of fiber optic cables laid but currently unused by a
23 third party that the third party is leasing for use as network
24 infrastructure.

25 (Source: P.A. 100-23, eff. 7-6-17.)

1 Section 1-945. The Grant Information Collection Act is
2 amended by changing Section 10 as follows:

3 (30 ILCS 707/10)

4 Sec. 10. Grant information collection. The Secretary of
5 Innovation and Technology ~~Chief Information Officer of the~~
6 ~~State, as designated by the Governor,~~ shall coordinate with
7 each State agency to develop, with any existing or newly
8 available resources and technology, appropriate systems to
9 accurately report data containing financial information. These
10 systems shall include a module that is specific to the
11 management and administration of grant funds.

12 Each grantor agency that is authorized to award grant funds
13 to an entity other than the State of Illinois shall coordinate
14 with the Secretary of Innovation and Technology ~~Chief~~
15 ~~Information Officer of the State~~ to provide for the
16 publication, at data.illinois.gov or any other publicly
17 accessible website designated by the Chief Information
18 Officer, of data sets containing information regarding awards
19 of grant funds that the grantor agency has made during the
20 previous fiscal year. Data sets shall be published on at least
21 a quarterly basis and shall include, at a minimum, the
22 following:

- 23 (1) the name of the grantor agency;
- 24 (2) the name and postal zip code of the grantee;
- 25 (3) a short description of the purpose of the award of

1 grant funds;

2 (4) the amount of each award of grant funds;

3 (5) the date of each award of grant funds; and

4 (6) the duration of each award of grant funds.

5 In addition, each grantor agency shall make best efforts,
6 with available resources and technology, to make available in
7 the data sets any other data that is relevant to its award of
8 grant funds.

9 Data not subject to the requirements of this Section
10 include data to which a State agency may deny access pursuant
11 to any provision of a federal, State, or local law, rule, or
12 regulation.

13 (Source: P.A. 98-589, eff. 1-1-14.)

14 Section 1-950. The Illinois Pension Code is amended by
15 changing Sections 1-160, 14-110, 14-152.1, and 15-106 as
16 follows:

17 (40 ILCS 5/1-160)

18 Sec. 1-160. Provisions applicable to new hires.

19 (a) The provisions of this Section apply to a person who,
20 on or after January 1, 2011, first becomes a member or a
21 participant under any reciprocal retirement system or pension
22 fund established under this Code, other than a retirement
23 system or pension fund established under Article 2, 3, 4, 5, 6,
24 15 or 18 of this Code, notwithstanding any other provision of

1 this Code to the contrary, but do not apply to any self-managed
2 plan established under this Code, to any person with respect to
3 service as a sheriff's law enforcement employee under Article
4 7, or to any participant of the retirement plan established
5 under Section 22-101. Notwithstanding anything to the contrary
6 in this Section, for purposes of this Section, a person who
7 participated in a retirement system under Article 15 prior to
8 January 1, 2011 shall be deemed a person who first became a
9 member or participant prior to January 1, 2011 under any
10 retirement system or pension fund subject to this Section. The
11 changes made to this Section by Public Act 98-596 are a
12 clarification of existing law and are intended to be
13 retroactive to January 1, 2011 (the effective date of Public
14 Act 96-889), notwithstanding the provisions of Section 1-103.1
15 of this Code.

16 This Section does not apply to a person who first becomes a
17 noncovered employee under Article 14 on or after the
18 implementation date of the plan created under Section 1-161 for
19 that Article, unless that person elects under subsection (b) of
20 Section 1-161 to instead receive the benefits provided under
21 this Section and the applicable provisions of that Article.

22 This Section does not apply to a person who first becomes a
23 member or participant under Article 16 on or after the
24 implementation date of the plan created under Section 1-161 for
25 that Article, unless that person elects under subsection (b) of
26 Section 1-161 to instead receive the benefits provided under

1 this Section and the applicable provisions of that Article.

2 This Section does not apply to a person who elects under
3 subsection (c-5) of Section 1-161 to receive the benefits under
4 Section 1-161.

5 This Section does not apply to a person who first becomes a
6 member or participant of an affected pension fund on or after 6
7 months after the resolution or ordinance date, as defined in
8 Section 1-162, unless that person elects under subsection (c)
9 of Section 1-162 to receive the benefits provided under this
10 Section and the applicable provisions of the Article under
11 which he or she is a member or participant.

12 (b) "Final average salary" means the average monthly (or
13 annual) salary obtained by dividing the total salary or
14 earnings calculated under the Article applicable to the member
15 or participant during the 96 consecutive months (or 8
16 consecutive years) of service within the last 120 months (or 10
17 years) of service in which the total salary or earnings
18 calculated under the applicable Article was the highest by the
19 number of months (or years) of service in that period. For the
20 purposes of a person who first becomes a member or participant
21 of any retirement system or pension fund to which this Section
22 applies on or after January 1, 2011, in this Code, "final
23 average salary" shall be substituted for the following:

24 (1) In Article 7 (except for service as sheriff's law
25 enforcement employees), "final rate of earnings".

26 (2) In Articles 8, 9, 10, 11, and 12, "highest average

1 annual salary for any 4 consecutive years within the last
2 10 years of service immediately preceding the date of
3 withdrawal".

4 (3) In Article 13, "average final salary".

5 (4) In Article 14, "final average compensation".

6 (5) In Article 17, "average salary".

7 (6) In Section 22-207, "wages or salary received by him
8 at the date of retirement or discharge".

9 (b-5) Beginning on January 1, 2011, for all purposes under
10 this Code (including without limitation the calculation of
11 benefits and employee contributions), the annual earnings,
12 salary, or wages (based on the plan year) of a member or
13 participant to whom this Section applies shall not exceed
14 \$106,800; however, that amount shall annually thereafter be
15 increased by the lesser of (i) 3% of that amount, including all
16 previous adjustments, or (ii) one-half the annual unadjusted
17 percentage increase (but not less than zero) in the consumer
18 price index-u for the 12 months ending with the September
19 preceding each November 1, including all previous adjustments.

20 For the purposes of this Section, "consumer price index-u"
21 means the index published by the Bureau of Labor Statistics of
22 the United States Department of Labor that measures the average
23 change in prices of goods and services purchased by all urban
24 consumers, United States city average, all items, 1982-84 =
25 100. The new amount resulting from each annual adjustment shall
26 be determined by the Public Pension Division of the Department

1 of Insurance and made available to the boards of the retirement
2 systems and pension funds by November 1 of each year.

3 (c) A member or participant is entitled to a retirement
4 annuity upon written application if he or she has attained age
5 67 (beginning January 1, 2015, age 65 with respect to service
6 under Article 12 of this Code that is subject to this Section)
7 and has at least 10 years of service credit and is otherwise
8 eligible under the requirements of the applicable Article.

9 A member or participant who has attained age 62 (beginning
10 January 1, 2015, age 60 with respect to service under Article
11 12 of this Code that is subject to this Section) and has at
12 least 10 years of service credit and is otherwise eligible
13 under the requirements of the applicable Article may elect to
14 receive the lower retirement annuity provided in subsection (d)
15 of this Section.

16 (c-5) A person who first becomes a member or a participant
17 under Article 8 or Article 11 of this Code on or after the
18 effective date of this amendatory Act of the 100th General
19 Assembly, notwithstanding any other provision of this Code to
20 the contrary, is entitled to a retirement annuity upon written
21 application if he or she has attained age 65 and has at least
22 10 years of service credit under Article 8 or Article 11 of
23 this Code and is otherwise eligible under the requirements of
24 Article 8 or Article 11 of this Code, whichever is applicable.

25 (d) The retirement annuity of a member or participant who
26 is retiring after attaining age 62 (beginning January 1, 2015,

1 age 60 with respect to service under Article 12 of this Code
2 that is subject to this Section) with at least 10 years of
3 service credit shall be reduced by one-half of 1% for each full
4 month that the member's age is under age 67 (beginning January
5 1, 2015, age 65 with respect to service under Article 12 of
6 this Code that is subject to this Section).

7 (d-5) The retirement annuity of a person who first becomes
8 a member or a participant under Article 8 or Article 11 of this
9 Code on or after the effective date of this amendatory Act of
10 the 100th General Assembly who is retiring at age 60 with at
11 least 10 years of service credit under Article 8 or Article 11
12 shall be reduced by one-half of 1% for each full month that the
13 member's age is under age 65.

14 (d-10) Each person who first became a member or participant
15 under Article 8 or Article 11 of this Code on or after January
16 1, 2011 and prior to the effective date of this amendatory Act
17 of the 100th General Assembly shall make an irrevocable
18 election either:

19 (i) to be eligible for the reduced retirement age
20 provided in subsections (c-5) and (d-5) of this Section,
21 the eligibility for which is conditioned upon the member or
22 participant agreeing to the increases in employee
23 contributions for age and service annuities provided in
24 subsection (a-5) of Section 8-174 of this Code (for service
25 under Article 8) or subsection (a-5) of Section 11-170 of
26 this Code (for service under Article 11); or

1 (ii) to not agree to item (i) of this subsection
2 (d-10), in which case the member or participant shall
3 continue to be subject to the retirement age provisions in
4 subsections (c) and (d) of this Section and the employee
5 contributions for age and service annuity as provided in
6 subsection (a) of Section 8-174 of this Code (for service
7 under Article 8) or subsection (a) of Section 11-170 of
8 this Code (for service under Article 11).

9 The election provided for in this subsection shall be made
10 between October 1, 2017 and November 15, 2017. A person subject
11 to this subsection who makes the required election shall remain
12 bound by that election. A person subject to this subsection who
13 fails for any reason to make the required election within the
14 time specified in this subsection shall be deemed to have made
15 the election under item (ii).

16 (e) Any retirement annuity or supplemental annuity shall be
17 subject to annual increases on the January 1 occurring either
18 on or after the attainment of age 67 (beginning January 1,
19 2015, age 65 with respect to service under Article 12 of this
20 Code that is subject to this Section and beginning on the
21 effective date of this amendatory Act of the 100th General
22 Assembly, age 65 with respect to persons who: (i) first became
23 members or participants under Article 8 or Article 11 of this
24 Code on or after the effective date of this amendatory Act of
25 the 100th General Assembly; or (ii) first became members or
26 participants under Article 8 or Article 11 of this Code on or

1 after January 1, 2011 and before the effective date of this
2 amendatory Act of the 100th General Assembly and made the
3 election under item (i) of subsection (d-10) of this Section)
4 or the first anniversary of the annuity start date, whichever
5 is later. Each annual increase shall be calculated at 3% or
6 one-half the annual unadjusted percentage increase (but not
7 less than zero) in the consumer price index-u for the 12 months
8 ending with the September preceding each November 1, whichever
9 is less, of the originally granted retirement annuity. If the
10 annual unadjusted percentage change in the consumer price
11 index-u for the 12 months ending with the September preceding
12 each November 1 is zero or there is a decrease, then the
13 annuity shall not be increased.

14 For the purposes of Section 1-103.1 of this Code, the
15 changes made to this Section by this amendatory Act of the
16 100th General Assembly are applicable without regard to whether
17 the employee was in active service on or after the effective
18 date of this amendatory Act of the 100th General Assembly.

19 (f) The initial survivor's or widow's annuity of an
20 otherwise eligible survivor or widow of a retired member or
21 participant who first became a member or participant on or
22 after January 1, 2011 shall be in the amount of 66 2/3% of the
23 retired member's or participant's retirement annuity at the
24 date of death. In the case of the death of a member or
25 participant who has not retired and who first became a member
26 or participant on or after January 1, 2011, eligibility for a

1 survivor's or widow's annuity shall be determined by the
2 applicable Article of this Code. The initial benefit shall be
3 66 2/3% of the earned annuity without a reduction due to age. A
4 child's annuity of an otherwise eligible child shall be in the
5 amount prescribed under each Article if applicable. Any
6 survivor's or widow's annuity shall be increased (1) on each
7 January 1 occurring on or after the commencement of the annuity
8 if the deceased member died while receiving a retirement
9 annuity or (2) in other cases, on each January 1 occurring
10 after the first anniversary of the commencement of the annuity.
11 Each annual increase shall be calculated at 3% or one-half the
12 annual unadjusted percentage increase (but not less than zero)
13 in the consumer price index-u for the 12 months ending with the
14 September preceding each November 1, whichever is less, of the
15 originally granted survivor's annuity. If the annual
16 unadjusted percentage change in the consumer price index-u for
17 the 12 months ending with the September preceding each November
18 1 is zero or there is a decrease, then the annuity shall not be
19 increased.

20 (g) The benefits in Section 14-110 apply only if the person
21 is a State policeman, a fire fighter in the fire protection
22 service of a department, ~~or~~ a security employee of the
23 Department of Corrections or the Department of Juvenile
24 Justice, or a security employee of the Department of Innovation
25 and Technology, as those terms are defined in subsection (b)
26 and subsection (c) of Section 14-110. A person who meets the

1 requirements of this Section is entitled to an annuity
2 calculated under the provisions of Section 14-110, in lieu of
3 the regular or minimum retirement annuity, only if the person
4 has withdrawn from service with not less than 20 years of
5 eligible creditable service and has attained age 60, regardless
6 of whether the attainment of age 60 occurs while the person is
7 still in service.

8 (h) If a person who first becomes a member or a participant
9 of a retirement system or pension fund subject to this Section
10 on or after January 1, 2011 is receiving a retirement annuity
11 or retirement pension under that system or fund and becomes a
12 member or participant under any other system or fund created by
13 this Code and is employed on a full-time basis, except for
14 those members or participants exempted from the provisions of
15 this Section under subsection (a) of this Section, then the
16 person's retirement annuity or retirement pension under that
17 system or fund shall be suspended during that employment. Upon
18 termination of that employment, the person's retirement
19 annuity or retirement pension payments shall resume and be
20 recalculated if recalculation is provided for under the
21 applicable Article of this Code.

22 If a person who first becomes a member of a retirement
23 system or pension fund subject to this Section on or after
24 January 1, 2012 and is receiving a retirement annuity or
25 retirement pension under that system or fund and accepts on a
26 contractual basis a position to provide services to a

1 governmental entity from which he or she has retired, then that
2 person's annuity or retirement pension earned as an active
3 employee of the employer shall be suspended during that
4 contractual service. A person receiving an annuity or
5 retirement pension under this Code shall notify the pension
6 fund or retirement system from which he or she is receiving an
7 annuity or retirement pension, as well as his or her
8 contractual employer, of his or her retirement status before
9 accepting contractual employment. A person who fails to submit
10 such notification shall be guilty of a Class A misdemeanor and
11 required to pay a fine of \$1,000. Upon termination of that
12 contractual employment, the person's retirement annuity or
13 retirement pension payments shall resume and, if appropriate,
14 be recalculated under the applicable provisions of this Code.

15 (i) (Blank).

16 (j) In the case of a conflict between the provisions of
17 this Section and any other provision of this Code, the
18 provisions of this Section shall control.

19 (Source: P.A. 100-23, eff. 7-6-17; 100-201, eff. 8-18-17;
20 100-563, eff. 12-8-17.)

21 (40 ILCS 5/14-110) (from Ch. 108 1/2, par. 14-110)

22 Sec. 14-110. Alternative retirement annuity.

23 (a) Any member who has withdrawn from service with not less
24 than 20 years of eligible creditable service and has attained
25 age 55, and any member who has withdrawn from service with not

1 less than 25 years of eligible creditable service and has
2 attained age 50, regardless of whether the attainment of either
3 of the specified ages occurs while the member is still in
4 service, shall be entitled to receive at the option of the
5 member, in lieu of the regular or minimum retirement annuity, a
6 retirement annuity computed as follows:

7 (i) for periods of service as a noncovered employee: if
8 retirement occurs on or after January 1, 2001, 3% of final
9 average compensation for each year of creditable service;
10 if retirement occurs before January 1, 2001, 2 1/4% of
11 final average compensation for each of the first 10 years
12 of creditable service, 2 1/2% for each year above 10 years
13 to and including 20 years of creditable service, and 2 3/4%
14 for each year of creditable service above 20 years; and

15 (ii) for periods of eligible creditable service as a
16 covered employee: if retirement occurs on or after January
17 1, 2001, 2.5% of final average compensation for each year
18 of creditable service; if retirement occurs before January
19 1, 2001, 1.67% of final average compensation for each of
20 the first 10 years of such service, 1.90% for each of the
21 next 10 years of such service, 2.10% for each year of such
22 service in excess of 20 but not exceeding 30, and 2.30% for
23 each year in excess of 30.

24 Such annuity shall be subject to a maximum of 75% of final
25 average compensation if retirement occurs before January 1,
26 2001 or to a maximum of 80% of final average compensation if

1 retirement occurs on or after January 1, 2001.

2 These rates shall not be applicable to any service
3 performed by a member as a covered employee which is not
4 eligible creditable service. Service as a covered employee
5 which is not eligible creditable service shall be subject to
6 the rates and provisions of Section 14-108.

7 (b) For the purpose of this Section, "eligible creditable
8 service" means creditable service resulting from service in one
9 or more of the following positions:

10 (1) State policeman;

11 (2) fire fighter in the fire protection service of a
12 department;

13 (3) air pilot;

14 (4) special agent;

15 (5) investigator for the Secretary of State;

16 (6) conservation police officer;

17 (7) investigator for the Department of Revenue or the
18 Illinois Gaming Board;

19 (8) security employee of the Department of Human
20 Services;

21 (9) Central Management Services security police
22 officer;

23 (10) security employee of the Department of
24 Corrections or the Department of Juvenile Justice;

25 (11) dangerous drugs investigator;

26 (12) investigator for the Department of State Police;

1 (13) investigator for the Office of the Attorney
2 General;

3 (14) controlled substance inspector;

4 (15) investigator for the Office of the State's
5 Attorneys Appellate Prosecutor;

6 (16) Commerce Commission police officer;

7 (17) arson investigator;

8 (18) State highway maintenance worker;~~;~~

9 (19) security employee of the Department of Innovation
10 and Technology; or

11 (20) transferred employee.

12 A person employed in one of the positions specified in this
13 subsection is entitled to eligible creditable service for
14 service credit earned under this Article while undergoing the
15 basic police training course approved by the Illinois Law
16 Enforcement Training Standards Board, if completion of that
17 training is required of persons serving in that position. For
18 the purposes of this Code, service during the required basic
19 police training course shall be deemed performance of the
20 duties of the specified position, even though the person is not
21 a sworn peace officer at the time of the training.

22 A person under paragraph (20) is entitled to eligible
23 creditable service for service credit earned under this Article
24 on and after his or her transfer by Executive Order No.
25 2003-10, Executive Order No. 2004-2, or Executive Order No.
26 2016-1.

1 (c) For the purposes of this Section:

2 (1) The term "State policeman" includes any title or
3 position in the Department of State Police that is held by
4 an individual employed under the State Police Act.

5 (2) The term "fire fighter in the fire protection
6 service of a department" includes all officers in such fire
7 protection service including fire chiefs and assistant
8 fire chiefs.

9 (3) The term "air pilot" includes any employee whose
10 official job description on file in the Department of
11 Central Management Services, or in the department by which
12 he is employed if that department is not covered by the
13 Personnel Code, states that his principal duty is the
14 operation of aircraft, and who possesses a pilot's license;
15 however, the change in this definition made by this
16 amendatory Act of 1983 shall not operate to exclude any
17 noncovered employee who was an "air pilot" for the purposes
18 of this Section on January 1, 1984.

19 (4) The term "special agent" means any person who by
20 reason of employment by the Division of Narcotic Control,
21 the Bureau of Investigation or, after July 1, 1977, the
22 Division of Criminal Investigation, the Division of
23 Internal Investigation, the Division of Operations, or any
24 other Division or organizational entity in the Department
25 of State Police is vested by law with duties to maintain
26 public order, investigate violations of the criminal law of

1 this State, enforce the laws of this State, make arrests
2 and recover property. The term "special agent" includes any
3 title or position in the Department of State Police that is
4 held by an individual employed under the State Police Act.

5 (5) The term "investigator for the Secretary of State"
6 means any person employed by the Office of the Secretary of
7 State and vested with such investigative duties as render
8 him ineligible for coverage under the Social Security Act
9 by reason of Sections 218(d) (5) (A), 218(d) (8) (D) and
10 218(1) (1) of that Act.

11 A person who became employed as an investigator for the
12 Secretary of State between January 1, 1967 and December 31,
13 1975, and who has served as such until attainment of age
14 60, either continuously or with a single break in service
15 of not more than 3 years duration, which break terminated
16 before January 1, 1976, shall be entitled to have his
17 retirement annuity calculated in accordance with
18 subsection (a), notwithstanding that he has less than 20
19 years of credit for such service.

20 (6) The term "Conservation Police Officer" means any
21 person employed by the Division of Law Enforcement of the
22 Department of Natural Resources and vested with such law
23 enforcement duties as render him ineligible for coverage
24 under the Social Security Act by reason of Sections
25 218(d) (5) (A), 218(d) (8) (D), and 218(1) (1) of that Act. The
26 term "Conservation Police Officer" includes the positions

1 of Chief Conservation Police Administrator and Assistant
2 Conservation Police Administrator.

3 (7) The term "investigator for the Department of
4 Revenue" means any person employed by the Department of
5 Revenue and vested with such investigative duties as render
6 him ineligible for coverage under the Social Security Act
7 by reason of Sections 218(d)(5)(A), 218(d)(8)(D) and
8 218(1)(1) of that Act.

9 The term "investigator for the Illinois Gaming Board"
10 means any person employed as such by the Illinois Gaming
11 Board and vested with such peace officer duties as render
12 the person ineligible for coverage under the Social
13 Security Act by reason of Sections 218(d)(5)(A),
14 218(d)(8)(D), and 218(1)(1) of that Act.

15 (8) The term "security employee of the Department of
16 Human Services" means any person employed by the Department
17 of Human Services who (i) is employed at the Chester Mental
18 Health Center and has daily contact with the residents
19 thereof, (ii) is employed within a security unit at a
20 facility operated by the Department and has daily contact
21 with the residents of the security unit, (iii) is employed
22 at a facility operated by the Department that includes a
23 security unit and is regularly scheduled to work at least
24 50% of his or her working hours within that security unit,
25 or (iv) is a mental health police officer. "Mental health
26 police officer" means any person employed by the Department

1 of Human Services in a position pertaining to the
2 Department's mental health and developmental disabilities
3 functions who is vested with such law enforcement duties as
4 render the person ineligible for coverage under the Social
5 Security Act by reason of Sections 218(d)(5)(A),
6 218(d)(8)(D) and 218(1)(1) of that Act. "Security unit"
7 means that portion of a facility that is devoted to the
8 care, containment, and treatment of persons committed to
9 the Department of Human Services as sexually violent
10 persons, persons unfit to stand trial, or persons not
11 guilty by reason of insanity. With respect to past
12 employment, references to the Department of Human Services
13 include its predecessor, the Department of Mental Health
14 and Developmental Disabilities.

15 The changes made to this subdivision (c)(8) by Public
16 Act 92-14 apply to persons who retire on or after January
17 1, 2001, notwithstanding Section 1-103.1.

18 (9) "Central Management Services security police
19 officer" means any person employed by the Department of
20 Central Management Services who is vested with such law
21 enforcement duties as render him ineligible for coverage
22 under the Social Security Act by reason of Sections
23 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act.

24 (10) For a member who first became an employee under
25 this Article before July 1, 2005, the term "security
26 employee of the Department of Corrections or the Department

1 of Juvenile Justice" means any employee of the Department
2 of Corrections or the Department of Juvenile Justice or the
3 former Department of Personnel, and any member or employee
4 of the Prisoner Review Board, who has daily contact with
5 inmates or youth by working within a correctional facility
6 or Juvenile facility operated by the Department of Juvenile
7 Justice or who is a parole officer or an employee who has
8 direct contact with committed persons in the performance of
9 his or her job duties. For a member who first becomes an
10 employee under this Article on or after July 1, 2005, the
11 term means an employee of the Department of Corrections or
12 the Department of Juvenile Justice who is any of the
13 following: (i) officially headquartered at a correctional
14 facility or Juvenile facility operated by the Department of
15 Juvenile Justice, (ii) a parole officer, (iii) a member of
16 the apprehension unit, (iv) a member of the intelligence
17 unit, (v) a member of the sort team, or (vi) an
18 investigator.

19 (11) The term "dangerous drugs investigator" means any
20 person who is employed as such by the Department of Human
21 Services.

22 (12) The term "investigator for the Department of State
23 Police" means a person employed by the Department of State
24 Police who is vested under Section 4 of the Narcotic
25 Control Division Abolition Act with such law enforcement
26 powers as render him ineligible for coverage under the

1 Social Security Act by reason of Sections 218(d)(5)(A),
2 218(d)(8)(D) and 218(1)(1) of that Act.

3 (13) "Investigator for the Office of the Attorney
4 General" means any person who is employed as such by the
5 Office of the Attorney General and is vested with such
6 investigative duties as render him ineligible for coverage
7 under the Social Security Act by reason of Sections
8 218(d)(5)(A), 218(d)(8)(D) and 218(1)(1) of that Act. For
9 the period before January 1, 1989, the term includes all
10 persons who were employed as investigators by the Office of
11 the Attorney General, without regard to social security
12 status.

13 (14) "Controlled substance inspector" means any person
14 who is employed as such by the Department of Professional
15 Regulation and is vested with such law enforcement duties
16 as render him ineligible for coverage under the Social
17 Security Act by reason of Sections 218(d)(5)(A),
18 218(d)(8)(D) and 218(1)(1) of that Act. The term
19 "controlled substance inspector" includes the Program
20 Executive of Enforcement and the Assistant Program
21 Executive of Enforcement.

22 (15) The term "investigator for the Office of the
23 State's Attorneys Appellate Prosecutor" means a person
24 employed in that capacity on a full time basis under the
25 authority of Section 7.06 of the State's Attorneys
26 Appellate Prosecutor's Act.

1 (16) "Commerce Commission police officer" means any
2 person employed by the Illinois Commerce Commission who is
3 vested with such law enforcement duties as render him
4 ineligible for coverage under the Social Security Act by
5 reason of Sections 218(d)(5)(A), 218(d)(8)(D), and
6 218(1)(1) of that Act.

7 (17) "Arson investigator" means any person who is
8 employed as such by the Office of the State Fire Marshal
9 and is vested with such law enforcement duties as render
10 the person ineligible for coverage under the Social
11 Security Act by reason of Sections 218(d)(5)(A),
12 218(d)(8)(D), and 218(1)(1) of that Act. A person who was
13 employed as an arson investigator on January 1, 1995 and is
14 no longer in service but not yet receiving a retirement
15 annuity may convert his or her creditable service for
16 employment as an arson investigator into eligible
17 creditable service by paying to the System the difference
18 between the employee contributions actually paid for that
19 service and the amounts that would have been contributed if
20 the applicant were contributing at the rate applicable to
21 persons with the same social security status earning
22 eligible creditable service on the date of application.

23 (18) The term "State highway maintenance worker" means
24 a person who is either of the following:

25 (i) A person employed on a full-time basis by the
26 Illinois Department of Transportation in the position

1 of highway maintainer, highway maintenance lead
2 worker, highway maintenance lead/lead worker, heavy
3 construction equipment operator, power shovel
4 operator, or bridge mechanic; and whose principal
5 responsibility is to perform, on the roadway, the
6 actual maintenance necessary to keep the highways that
7 form a part of the State highway system in serviceable
8 condition for vehicular traffic.

9 (ii) A person employed on a full-time basis by the
10 Illinois State Toll Highway Authority in the position
11 of equipment operator/laborer H-4, equipment
12 operator/laborer H-6, welder H-4, welder H-6,
13 mechanical/electrical H-4, mechanical/electrical H-6,
14 water/sewer H-4, water/sewer H-6, sign maker/hanger
15 H-4, sign maker/hanger H-6, roadway lighting H-4,
16 roadway lighting H-6, structural H-4, structural H-6,
17 painter H-4, or painter H-6; and whose principal
18 responsibility is to perform, on the roadway, the
19 actual maintenance necessary to keep the Authority's
20 tollways in serviceable condition for vehicular
21 traffic.

22 (19) The term "security employee of the Department of
23 Innovation and Technology" means a person who was a
24 security employee of the Department of Corrections or the
25 Department of Juvenile Justice, was transferred to the
26 Department of Innovation and Technology pursuant to

1 Executive Order 2016-01, and continues to perform similar
2 job functions under that Department.

3 (20) "Transferred employee" means an employee who was
4 transferred to the Department of Central Management
5 Services by Executive Order No. 2003-10 or Executive Order
6 No. 2004-2 or transferred to the Department of Innovation
7 and Technology by Executive Order No. 2016-1, or both, and
8 was entitled to eligible creditable service for services
9 immediately preceding the transfer.

10 (d) A security employee of the Department of Corrections or
11 the Department of Juvenile Justice, ~~and~~ a security employee of
12 the Department of Human Services who is not a mental health
13 police officer, and a security employee of the Department of
14 Innovation and Technology shall not be eligible for the
15 alternative retirement annuity provided by this Section unless
16 he or she meets the following minimum age and service
17 requirements at the time of retirement:

18 (i) 25 years of eligible creditable service and age 55;

19 or

20 (ii) beginning January 1, 1987, 25 years of eligible
21 creditable service and age 54, or 24 years of eligible
22 creditable service and age 55; or

23 (iii) beginning January 1, 1988, 25 years of eligible
24 creditable service and age 53, or 23 years of eligible
25 creditable service and age 55; or

26 (iv) beginning January 1, 1989, 25 years of eligible

1 creditable service and age 52, or 22 years of eligible
2 creditable service and age 55; or

3 (v) beginning January 1, 1990, 25 years of eligible
4 creditable service and age 51, or 21 years of eligible
5 creditable service and age 55; or

6 (vi) beginning January 1, 1991, 25 years of eligible
7 creditable service and age 50, or 20 years of eligible
8 creditable service and age 55.

9 Persons who have service credit under Article 16 of this
10 Code for service as a security employee of the Department of
11 Corrections or the Department of Juvenile Justice, or the
12 Department of Human Services in a position requiring
13 certification as a teacher may count such service toward
14 establishing their eligibility under the service requirements
15 of this Section; but such service may be used only for
16 establishing such eligibility, and not for the purpose of
17 increasing or calculating any benefit.

18 (e) If a member enters military service while working in a
19 position in which eligible creditable service may be earned,
20 and returns to State service in the same or another such
21 position, and fulfills in all other respects the conditions
22 prescribed in this Article for credit for military service,
23 such military service shall be credited as eligible creditable
24 service for the purposes of the retirement annuity prescribed
25 in this Section.

26 (f) For purposes of calculating retirement annuities under

1 this Section, periods of service rendered after December 31,
2 1968 and before October 1, 1975 as a covered employee in the
3 position of special agent, conservation police officer, mental
4 health police officer, or investigator for the Secretary of
5 State, shall be deemed to have been service as a noncovered
6 employee, provided that the employee pays to the System prior
7 to retirement an amount equal to (1) the difference between the
8 employee contributions that would have been required for such
9 service as a noncovered employee, and the amount of employee
10 contributions actually paid, plus (2) if payment is made after
11 July 31, 1987, regular interest on the amount specified in item
12 (1) from the date of service to the date of payment.

13 For purposes of calculating retirement annuities under
14 this Section, periods of service rendered after December 31,
15 1968 and before January 1, 1982 as a covered employee in the
16 position of investigator for the Department of Revenue shall be
17 deemed to have been service as a noncovered employee, provided
18 that the employee pays to the System prior to retirement an
19 amount equal to (1) the difference between the employee
20 contributions that would have been required for such service as
21 a noncovered employee, and the amount of employee contributions
22 actually paid, plus (2) if payment is made after January 1,
23 1990, regular interest on the amount specified in item (1) from
24 the date of service to the date of payment.

25 (g) A State policeman may elect, not later than January 1,
26 1990, to establish eligible creditable service for up to 10

1 years of his service as a policeman under Article 3, by filing
2 a written election with the Board, accompanied by payment of an
3 amount to be determined by the Board, equal to (i) the
4 difference between the amount of employee and employer
5 contributions transferred to the System under Section 3-110.5,
6 and the amounts that would have been contributed had such
7 contributions been made at the rates applicable to State
8 policemen, plus (ii) interest thereon at the effective rate for
9 each year, compounded annually, from the date of service to the
10 date of payment.

11 Subject to the limitation in subsection (i), a State
12 policeman may elect, not later than July 1, 1993, to establish
13 eligible creditable service for up to 10 years of his service
14 as a member of the County Police Department under Article 9, by
15 filing a written election with the Board, accompanied by
16 payment of an amount to be determined by the Board, equal to
17 (i) the difference between the amount of employee and employer
18 contributions transferred to the System under Section 9-121.10
19 and the amounts that would have been contributed had those
20 contributions been made at the rates applicable to State
21 policemen, plus (ii) interest thereon at the effective rate for
22 each year, compounded annually, from the date of service to the
23 date of payment.

24 (h) Subject to the limitation in subsection (i), a State
25 policeman or investigator for the Secretary of State may elect
26 to establish eligible creditable service for up to 12 years of

1 his service as a policeman under Article 5, by filing a written
2 election with the Board on or before January 31, 1992, and
3 paying to the System by January 31, 1994 an amount to be
4 determined by the Board, equal to (i) the difference between
5 the amount of employee and employer contributions transferred
6 to the System under Section 5-236, and the amounts that would
7 have been contributed had such contributions been made at the
8 rates applicable to State policemen, plus (ii) interest thereon
9 at the effective rate for each year, compounded annually, from
10 the date of service to the date of payment.

11 Subject to the limitation in subsection (i), a State
12 policeman, conservation police officer, or investigator for
13 the Secretary of State may elect to establish eligible
14 creditable service for up to 10 years of service as a sheriff's
15 law enforcement employee under Article 7, by filing a written
16 election with the Board on or before January 31, 1993, and
17 paying to the System by January 31, 1994 an amount to be
18 determined by the Board, equal to (i) the difference between
19 the amount of employee and employer contributions transferred
20 to the System under Section 7-139.7, and the amounts that would
21 have been contributed had such contributions been made at the
22 rates applicable to State policemen, plus (ii) interest thereon
23 at the effective rate for each year, compounded annually, from
24 the date of service to the date of payment.

25 Subject to the limitation in subsection (i), a State
26 policeman, conservation police officer, or investigator for

1 the Secretary of State may elect to establish eligible
2 creditable service for up to 5 years of service as a police
3 officer under Article 3, a policeman under Article 5, a
4 sheriff's law enforcement employee under Article 7, a member of
5 the county police department under Article 9, or a police
6 officer under Article 15 by filing a written election with the
7 Board and paying to the System an amount to be determined by
8 the Board, equal to (i) the difference between the amount of
9 employee and employer contributions transferred to the System
10 under Section 3-110.6, 5-236, 7-139.8, 9-121.10, or 15-134.4
11 and the amounts that would have been contributed had such
12 contributions been made at the rates applicable to State
13 policemen, plus (ii) interest thereon at the effective rate for
14 each year, compounded annually, from the date of service to the
15 date of payment.

16 Subject to the limitation in subsection (i), an
17 investigator for the Office of the Attorney General, or an
18 investigator for the Department of Revenue, may elect to
19 establish eligible creditable service for up to 5 years of
20 service as a police officer under Article 3, a policeman under
21 Article 5, a sheriff's law enforcement employee under Article
22 7, or a member of the county police department under Article 9
23 by filing a written election with the Board within 6 months
24 after August 25, 2009 (the effective date of Public Act 96-745)
25 and paying to the System an amount to be determined by the
26 Board, equal to (i) the difference between the amount of

1 employee and employer contributions transferred to the System
2 under Section 3-110.6, 5-236, 7-139.8, or 9-121.10 and the
3 amounts that would have been contributed had such contributions
4 been made at the rates applicable to State policemen, plus (ii)
5 interest thereon at the actuarially assumed rate for each year,
6 compounded annually, from the date of service to the date of
7 payment.

8 Subject to the limitation in subsection (i), a State
9 policeman, conservation police officer, investigator for the
10 Office of the Attorney General, an investigator for the
11 Department of Revenue, or investigator for the Secretary of
12 State may elect to establish eligible creditable service for up
13 to 5 years of service as a person employed by a participating
14 municipality to perform police duties, or law enforcement
15 officer employed on a full-time basis by a forest preserve
16 district under Article 7, a county corrections officer, or a
17 court services officer under Article 9, by filing a written
18 election with the Board within 6 months after August 25, 2009
19 (the effective date of Public Act 96-745) and paying to the
20 System an amount to be determined by the Board, equal to (i)
21 the difference between the amount of employee and employer
22 contributions transferred to the System under Sections 7-139.8
23 and 9-121.10 and the amounts that would have been contributed
24 had such contributions been made at the rates applicable to
25 State policemen, plus (ii) interest thereon at the actuarially
26 assumed rate for each year, compounded annually, from the date

1 of service to the date of payment.

2 (i) The total amount of eligible creditable service
3 established by any person under subsections (g), (h), (j), (k),
4 and (l) of this Section shall not exceed 12 years.

5 (j) Subject to the limitation in subsection (i), an
6 investigator for the Office of the State's Attorneys Appellate
7 Prosecutor or a controlled substance inspector may elect to
8 establish eligible creditable service for up to 10 years of his
9 service as a policeman under Article 3 or a sheriff's law
10 enforcement employee under Article 7, by filing a written
11 election with the Board, accompanied by payment of an amount to
12 be determined by the Board, equal to (1) the difference between
13 the amount of employee and employer contributions transferred
14 to the System under Section 3-110.6 or 7-139.8, and the amounts
15 that would have been contributed had such contributions been
16 made at the rates applicable to State policemen, plus (2)
17 interest thereon at the effective rate for each year,
18 compounded annually, from the date of service to the date of
19 payment.

20 (k) Subject to the limitation in subsection (i) of this
21 Section, an alternative formula employee may elect to establish
22 eligible creditable service for periods spent as a full-time
23 law enforcement officer or full-time corrections officer
24 employed by the federal government or by a state or local
25 government located outside of Illinois, for which credit is not
26 held in any other public employee pension fund or retirement

1 system. To obtain this credit, the applicant must file a
2 written application with the Board by March 31, 1998,
3 accompanied by evidence of eligibility acceptable to the Board
4 and payment of an amount to be determined by the Board, equal
5 to (1) employee contributions for the credit being established,
6 based upon the applicant's salary on the first day as an
7 alternative formula employee after the employment for which
8 credit is being established and the rates then applicable to
9 alternative formula employees, plus (2) an amount determined by
10 the Board to be the employer's normal cost of the benefits
11 accrued for the credit being established, plus (3) regular
12 interest on the amounts in items (1) and (2) from the first day
13 as an alternative formula employee after the employment for
14 which credit is being established to the date of payment.

15 (1) Subject to the limitation in subsection (i), a security
16 employee of the Department of Corrections may elect, not later
17 than July 1, 1998, to establish eligible creditable service for
18 up to 10 years of his or her service as a policeman under
19 Article 3, by filing a written election with the Board,
20 accompanied by payment of an amount to be determined by the
21 Board, equal to (i) the difference between the amount of
22 employee and employer contributions transferred to the System
23 under Section 3-110.5, and the amounts that would have been
24 contributed had such contributions been made at the rates
25 applicable to security employees of the Department of
26 Corrections, plus (ii) interest thereon at the effective rate

1 for each year, compounded annually, from the date of service to
2 the date of payment.

3 (m) The amendatory changes to this Section made by this
4 amendatory Act of the 94th General Assembly apply only to: (1)
5 security employees of the Department of Juvenile Justice
6 employed by the Department of Corrections before the effective
7 date of this amendatory Act of the 94th General Assembly and
8 transferred to the Department of Juvenile Justice by this
9 amendatory Act of the 94th General Assembly; and (2) persons
10 employed by the Department of Juvenile Justice on or after the
11 effective date of this amendatory Act of the 94th General
12 Assembly who are required by subsection (b) of Section 3-2.5-15
13 of the Unified Code of Corrections to have any bachelor's or
14 advanced degree from an accredited college or university or, in
15 the case of persons who provide vocational training, who are
16 required to have adequate knowledge in the skill for which they
17 are providing the vocational training.

18 (n) A person employed in a position under subsection (b) of
19 this Section who has purchased service credit under subsection
20 (j) of Section 14-104 or subsection (b) of Section 14-105 in
21 any other capacity under this Article may convert up to 5 years
22 of that service credit into service credit covered under this
23 Section by paying to the Fund an amount equal to (1) the
24 additional employee contribution required under Section
25 14-133, plus (2) the additional employer contribution required
26 under Section 14-131, plus (3) interest on items (1) and (2) at

1 the actuarially assumed rate from the date of the service to
2 the date of payment.

3 (Source: P.A. 100-19, eff. 1-1-18.)

4 (40 ILCS 5/14-152.1)

5 Sec. 14-152.1. Application and expiration of new benefit
6 increases.

7 (a) As used in this Section, "new benefit increase" means
8 an increase in the amount of any benefit provided under this
9 Article, or an expansion of the conditions of eligibility for
10 any benefit under this Article, that results from an amendment
11 to this Code that takes effect after June 1, 2005 (the
12 effective date of Public Act 94-4). "New benefit increase",
13 however, does not include any benefit increase resulting from
14 the changes made to Article 1 or this Article by Public Act
15 96-37, Public Act 100-23, or this amendatory Act of the 100th
16 General Assembly ~~or by this amendatory Act of the 100th General~~
17 ~~Assembly.~~

18 (b) Notwithstanding any other provision of this Code or any
19 subsequent amendment to this Code, every new benefit increase
20 is subject to this Section and shall be deemed to be granted
21 only in conformance with and contingent upon compliance with
22 the provisions of this Section.

23 (c) The Public Act enacting a new benefit increase must
24 identify and provide for payment to the System of additional
25 funding at least sufficient to fund the resulting annual

1 increase in cost to the System as it accrues.

2 Every new benefit increase is contingent upon the General
3 Assembly providing the additional funding required under this
4 subsection. The Commission on Government Forecasting and
5 Accountability shall analyze whether adequate additional
6 funding has been provided for the new benefit increase and
7 shall report its analysis to the Public Pension Division of the
8 Department of Insurance. A new benefit increase created by a
9 Public Act that does not include the additional funding
10 required under this subsection is null and void. If the Public
11 Pension Division determines that the additional funding
12 provided for a new benefit increase under this subsection is or
13 has become inadequate, it may so certify to the Governor and
14 the State Comptroller and, in the absence of corrective action
15 by the General Assembly, the new benefit increase shall expire
16 at the end of the fiscal year in which the certification is
17 made.

18 (d) Every new benefit increase shall expire 5 years after
19 its effective date or on such earlier date as may be specified
20 in the language enacting the new benefit increase or provided
21 under subsection (c). This does not prevent the General
22 Assembly from extending or re-creating a new benefit increase
23 by law.

24 (e) Except as otherwise provided in the language creating
25 the new benefit increase, a new benefit increase that expires
26 under this Section continues to apply to persons who applied

1 and qualified for the affected benefit while the new benefit
2 increase was in effect and to the affected beneficiaries and
3 alternate payees of such persons, but does not apply to any
4 other person, including without limitation a person who
5 continues in service after the expiration date and did not
6 apply and qualify for the affected benefit while the new
7 benefit increase was in effect.

8 (Source: P.A. 100-23, eff. 7-6-17.)

9 (40 ILCS 5/15-106) (from Ch. 108 1/2, par. 15-106)

10 Sec. 15-106. Employer. "Employer": The University of
11 Illinois, Southern Illinois University, Chicago State
12 University, Eastern Illinois University, Governors State
13 University, Illinois State University, Northeastern Illinois
14 University, Northern Illinois University, Western Illinois
15 University, the State Board of Higher Education, the Illinois
16 Mathematics and Science Academy, the University Civil Service
17 Merit Board, the Board of Trustees of the State Universities
18 Retirement System, the Illinois Community College Board,
19 community college boards, any association of community college
20 boards organized under Section 3-55 of the Public Community
21 College Act, the Board of Examiners established under the
22 Illinois Public Accounting Act, and, only during the period for
23 which employer contributions required under Section 15-155 are
24 paid, the following organizations: the alumni associations,
25 the foundations and the athletic associations which are

1 affiliated with the universities and colleges included in this
2 Section as employers. An individual who begins employment on or
3 after the effective date of this amendatory Act of the 99th
4 General Assembly with any association of community college
5 boards organized under Section 3-55 of the Public Community
6 College Act, the Association of Illinois Middle-Grade Schools,
7 the Illinois Association of School Administrators, the
8 Illinois Association for Supervision and Curriculum
9 Development, the Illinois Principals Association, the Illinois
10 Association of School Business Officials, the Illinois Special
11 Olympics, or an entity not defined as an employer in this
12 Section shall not be deemed an employee for the purposes of
13 this Article with respect to that employment and shall not be
14 eligible to participate in the System with respect to that
15 employment; provided, however, that those individuals who are
16 both employed by such an entity and are participating in the
17 System with respect to that employment on the effective date of
18 this amendatory Act of the 99th General Assembly shall be
19 allowed to continue as participants in the System for the
20 duration of that employment.

21 A department as defined in Section 14-103.04 is an employer
22 for any person appointed by the Governor under the Civil
23 Administrative Code of Illinois who is a participating employee
24 as defined in Section 15-109. The Department of Central
25 Management Services is an employer with respect to persons
26 employed by the State Board of Higher Education in positions

1 with the Illinois Century Network as of June 30, 2004 who
2 remain continuously employed after that date by the Department
3 of Central Management Services in positions with the Illinois
4 Century Network, the Bureau of Communication and Computer
5 Services, or, if applicable, any successor bureau or the
6 Department of Innovation and Technology.

7 The cities of Champaign and Urbana shall be considered
8 employers, but only during the period for which contributions
9 are required to be made under subsection (b-1) of Section
10 15-155 and only with respect to individuals described in
11 subsection (h) of Section 15-107.

12 (Source: P.A. 99-830, eff. 1-1-17; 99-897, eff. 1-1-17.)

13 Section 1-955. The Hydraulic Fracturing Regulatory Act is
14 amended by changing Section 1-110 as follows:

15 (225 ILCS 732/1-110)

16 Sec. 1-110. Public information; website.

17 (a) All information submitted to the Department under this
18 Act is deemed public information, except information deemed to
19 constitute a trade secret under Section 1-77 of this Act and
20 private information and personal information as defined in the
21 Freedom of Information Act.

22 (b) To provide the public and concerned citizens with a
23 centralized repository of information, the Department, in
24 consultation with the Department of Innovation and Technology,

1 shall create and maintain a comprehensive website dedicated to
2 providing information concerning high volume horizontal
3 hydraulic fracturing operations. The website shall contain,
4 assemble, and link the documents and information required by
5 this Act to be posted on the Department's or other agencies'
6 websites. The Department of Innovation and Technology, on
7 behalf of the Department, shall also create and maintain an
8 online searchable database that provides information related
9 to high volume horizontal hydraulic fracturing operations on
10 wells that, at a minimum, includes, for each well it permits,
11 the identity of its operators, its waste disposal, its chemical
12 disclosure information, and any complaints or violations under
13 this Act. The website created under this Section shall allow
14 users to search for completion reports by well name and
15 location, dates of fracturing and drilling operations,
16 operator, and by chemical additives.

17 (Source: P.A. 98-22, eff. 6-17-13; 99-78, eff. 7-20-15.)

18 Section 1-960. The Illinois Public Aid Code is amended by
19 changing Section 12-10.10 as follows:

20 (305 ILCS 5/12-10.10)

21 Sec. 12-10.10. DHS Technology Initiative Fund.

22 (a) The DHS Technology Initiative Fund is hereby created as
23 a trust fund within the State treasury with the State Treasurer
24 as the ex-officio custodian of the Fund.

1 (b) The Department of Human Services may accept and receive
2 grants, awards, gifts, and bequests from any source, public or
3 private, in support of information technology initiatives.
4 Moneys received in support of information technology
5 initiatives, and any interest earned thereon, shall be
6 deposited into the DHS Technology Initiative Fund.

7 (c) Moneys in the Fund may be used by the Department of
8 Human Services for the purpose of making grants associated with
9 the development and implementation of information technology
10 projects or paying for operational expenses of the Department
11 of Human Services related to such projects.

12 (d) The Department of Human Services, in consultation with
13 the Department of Innovation and Technology, shall use the
14 funds deposited in the DHS Technology Fund to pay for
15 information technology solutions either provided by Department
16 of Innovation and Technology or arranged or coordinated by the
17 Department of Innovation and Technology.

18 (Source: P.A. 98-24, eff. 6-19-13.)

19 Section 1-965. The Methamphetamine Precursor Tracking Act
20 is amended by changing Section 20 as follows:

21 (720 ILCS 649/20)

22 Sec. 20. Secure website.

23 (a) The Illinois State Police, in consultation with the
24 Department of Innovation and Technology, shall establish a

1 secure website for the transmission of electronic transaction
2 records and make it available free of charge to covered
3 pharmacies.

4 (b) The secure website shall enable covered pharmacies to
5 transmit to the Central Repository an electronic transaction
6 record each time the pharmacy distributes a targeted
7 methamphetamine precursor to a recipient.

8 (c) If the secure website becomes unavailable to a covered
9 pharmacy, the covered pharmacy may, during the period in which
10 the secure website is not available, continue to distribute
11 targeted methamphetamine precursor without using the secure
12 website if, during this period, the covered pharmacy maintains
13 and transmits handwritten logs as described in Sections 20 and
14 25 of the Methamphetamine Precursor Control Act.

15 (Source: P.A. 97-670, eff. 1-19-12.)

16 Article 5. Illinois Information Security Improvement

17 Section 5-1. Short title. This Article may be cited as the
18 Illinois Information Security Improvement Act. References in
19 this Article to "this Act" mean this Article.

20 Section 5-5. Definitions. As used in this Act:

21 "Critical information system" means any information system
22 (including any telecommunications system) used or operated by a
23 State agency or by a contractor of a State agency or other

1 organization or entity on behalf of a State agency: that
2 contains health insurance information, medical information, or
3 personal information as defined in the Personal Information
4 Protection Act; where the unauthorized disclosure,
5 modification, destruction of information in the information
6 system could be expected to have a serious, severe, or
7 catastrophic adverse effect on State agency operations,
8 assets, or individuals; or where the disruption of access to or
9 use of the information or information system could be expected
10 to have a serious, severe, or catastrophic adverse effect on
11 State operations, assets, or individuals.

12 "Department" means the Department of Innovation and
13 Technology.

14 "Information security" means protecting information and
15 information systems from unauthorized access, use, disclosure,
16 disruption, modification, or destruction in order to provide:
17 integrity, which means guarding against improper information
18 modification or destruction, and includes ensuring information
19 non-repudiation and authenticity; confidentiality, which means
20 preserving authorized restrictions on access and disclosure,
21 including means for protecting personal privacy and
22 proprietary information; and availability, which means
23 ensuring timely and reliable access to and use of information.

24 "Incident" means an occurrence that: actually or
25 imminently jeopardizes, without lawful authority, the
26 confidentiality, integrity, or availability of information or

1 an information system; or constitutes a violation or imminent
2 threat of violation of law, security policies, security
3 procedures, or acceptable use policies or standard security
4 practices.

5 "Information system" means a discrete set of information
6 resources organized for the collection, processing,
7 maintenance, use, sharing, dissemination, or disposition of
8 information created or maintained by or for the State of
9 Illinois.

10 "Office" means the Office of the Statewide Chief
11 Information Security Officer.

12 "Secretary" means the Secretary of Innovation and
13 Technology.

14 "Security controls" means the management, operational, and
15 technical controls (including safeguards and countermeasures)
16 for an information system that protect the confidentiality,
17 integrity, and availability of the system and its information.

18 "State agency" means any agency under the jurisdiction of
19 the Governor.

20 Section 5-10. Purpose. The purposes of this Act are to:

21 (1) provide a comprehensive framework for ensuring the
22 effectiveness of information security controls over
23 information resources that support State agency operations
24 and assets;

25 (2) recognize the critical role of information and

1 information systems in the provision of life, health,
2 safety, and other crucial services to the citizens of the
3 State of Illinois and the risk posed to these services due
4 to the ever-evolving cybersecurity threat;

5 (3) recognize the highly networked nature of the
6 current State of Illinois working environment and provide
7 effective statewide management and oversight of the
8 related information security risks, including coordination
9 of information security efforts across State agencies;

10 (4) provide for the development and maintenance of
11 minimum security controls required to protect State of
12 Illinois information and information systems;

13 (5) provide a mechanism for improved oversight of State
14 agency information security programs, including through
15 automated security tools to continuously diagnose and
16 improve security;

17 (6) recognize that information security risk is both a
18 business and public safety issue, and the acceptance of
19 risk is a decision to be made at the executive levels of
20 State government; and

21 (7) ensure a continued and deliberate effort to reduce
22 the risk posed to the State by cyberattacks and other
23 information security incidents that could impact the
24 information security of the State.

25 Section 5-15. Office of the Statewide Chief Information

1 Security Officer.

2 (a) The Office of the Statewide Chief Information Security
3 Officer is established within the Department of Innovation and
4 Technology. The Office is directly subordinate to the Secretary
5 of Innovation and Technology.

6 (b) The Office shall:

7 (1) serve as the strategic planning, facilitation, and
8 coordination office for information technology security in
9 this State and as the lead and central coordinating entity
10 to guide and oversee the information security functions of
11 State agencies;

12 (2) provide information security services to support
13 the secure delivery of State agency services that utilize
14 information systems and to assist State agencies with
15 fulfilling their responsibilities under this Act;

16 (3) conduct information and cybersecurity strategic,
17 operational, and resource planning and facilitating an
18 effective enterprise information security architecture
19 capable of protecting the State;

20 (4) identify information security risks to each State
21 agency, to third-party providers, and to key supply chain
22 partners, including an assessment of the extent to which
23 information resources or processes are vulnerable to
24 unauthorized access or harm, including the extent to which
25 the agency's or contractor's electronically stored
26 information is vulnerable to unauthorized access, use,

1 disclosure, disruption, modification, or destruction, and
2 recommend risk mitigation strategies, methods, and
3 procedures to reduce those risks. These assessments shall
4 also include, but not be limited to, assessments of
5 information systems, computers, printers, software,
6 computer networks, interfaces to computer systems, mobile
7 and peripheral device sensors, and other devices or systems
8 which access the State's network, computer software, and
9 information processing or operational procedures of the
10 agency or of a contractor of the agency.

11 (5) manage the response to information security and
12 information security incidents involving State of Illinois
13 information systems and ensure the completeness of
14 information system security plans for critical information
15 systems;

16 (6) conduct pre-deployment information security
17 assessments for critical information systems and submit
18 findings and recommendations to the Secretary and State
19 agency heads;

20 (7) develop and conduct targeted operational
21 evaluations, including threat and vulnerability
22 assessments on information systems;

23 (8) monitor and report compliance of each State agency
24 with State information security policies, standards, and
25 procedures;

26 (9) coordinate statewide information security

1 awareness and training programs; and

2 (10) develop and execute other strategies as necessary
3 to protect this State's information technology
4 infrastructure and the data stored on or transmitted by
5 such infrastructure.

6 (c) The Office may temporarily suspend operation of an
7 information system or information technology infrastructure
8 that is owned, leased, outsourced, or shared by one or more
9 State agencies in order to isolate the source of, or stop the
10 spread of, an information security breach or other similar
11 information security incident. State agencies shall comply
12 with directives to temporarily discontinue or suspend
13 operations of information systems or information technology
14 infrastructure.

15 Section 5-20. Statewide Chief Information Security
16 Officer. The position of Statewide Chief Information Security
17 Officer is established within the Office. The Secretary shall
18 appoint a Statewide Chief Information Security Officer who
19 shall serve at the pleasure of the Secretary. The Statewide
20 Chief Information Security Officer shall report to and be under
21 the supervision of the Secretary. The Statewide Chief
22 Information Security Officer shall exhibit a background and
23 experience in information security, information technology, or
24 risk management, or exhibit other appropriate expertise
25 required to fulfill the duties of the Statewide Chief

1 Information Security Officer. If the Statewide Chief
2 Information Security Officer is unable or unavailable to
3 perform the duties and responsibilities under Section 25, all
4 powers and authority granted to the Statewide Chief Information
5 Security Officer may be exercised by the Secretary or his or
6 her designee.

7 Section 5-25. Responsibilities.

8 (a) The Secretary shall:

9 (1) appoint a Statewide Chief Information Security
10 Officer pursuant to Section 20;

11 (2) provide the Office with the staffing and resources
12 deemed necessary by the Secretary to fulfill the
13 responsibilities of the Office;

14 (3) oversee statewide information security policies
15 and practices, including:

16 (A) directing and overseeing the development,
17 implementation, and communication of statewide
18 information security policies, standards, and
19 guidelines;

20 (B) overseeing the education of State agency
21 personnel regarding the requirement to identify and
22 provide information security protections commensurate
23 with the risk and magnitude of the harm resulting from
24 the unauthorized access, use, disclosure, disruption,
25 modification, or destruction of information in a

1 critical information system;

2 (C) overseeing the development and implementation
3 of a statewide information security risk management
4 program;

5 (D) overseeing State agency compliance with the
6 requirements of this Section;

7 (E) coordinating Information Security policies and
8 practices with related information and personnel
9 resources management policies and procedures; and

10 (F) providing an effective and efficient process
11 to assist State agencies with complying with the
12 requirements of this Act.

13 (b) The Statewide Chief Information Security Officer
14 shall:

15 (1) serve as the head of the Office and ensure the
16 execution of the responsibilities of the Office as set
17 forth in subsection (c) of Section 15, the Statewide Chief
18 Information Security Officer shall also oversee State
19 agency personnel with significant responsibilities for
20 information security and ensure a competent workforce that
21 keeps pace with the changing information security
22 environment;

23 (2) develop and recommend information security
24 policies, standards, procedures, and guidelines to the
25 Secretary for statewide adoption and monitor compliance
26 with these policies, standards, guidelines, and procedures

1 through periodic testing;

2 (3) develop and maintain risk-based, cost-effective
3 information security programs and control techniques to
4 address all applicable security and compliance
5 requirements throughout the life cycle of State agency
6 information systems;

7 (4) establish the procedures, processes, and
8 technologies to rapidly and effectively identify threats,
9 risks, and vulnerabilities to State information systems,
10 and ensure the prioritization of the remediation of
11 vulnerabilities that pose risk to the State;

12 (5) develop and implement capabilities and procedures
13 for detecting, reporting, and responding to information
14 security incidents;

15 (6) establish and direct a statewide information
16 security risk management program to identify information
17 security risks in State agencies and deploy risk mitigation
18 strategies, processes, and procedures;

19 (7) establish the State's capability to sufficiently
20 protect the security of data through effective information
21 system security planning, secure system development,
22 acquisition, and deployment, the application of protective
23 technologies and information system certification,
24 accreditation, and assessments;

25 (8) ensure that State agency personnel, including
26 contractors, are appropriately screened and receive

1 information security awareness training;

2 (9) convene meetings with agency heads and other State
3 officials to help ensure:

4 (A) the ongoing communication of risk and risk
5 reduction strategies,

6 (B) effective implementation of information
7 security policies and practices, and

8 (C) the incorporation of and compliance with
9 information security policies, standards, and
10 guidelines into the policies and procedures of the
11 agencies;

12 (10) provide operational and technical assistance to
13 State agencies in implementing policies, principles,
14 standards, and guidelines on information security,
15 including implementation of standards promulgated under
16 subparagraph (A) of paragraph (3) of subsection (a) of this
17 Section, and provide assistance and effective and
18 efficient means for State agencies to comply with the State
19 agency requirements under this Act;

20 (11) in coordination and consultation with the
21 Secretary and the Governor's Office of Management and
22 Budget, review State agency budget requests related to
23 Information Security systems and provide recommendations
24 to the Governor's Office of Management and Budget;

25 (12) ensure the preparation and maintenance of plans
26 and procedures to provide cyber resilience and continuity

1 of operations for critical information systems that
2 support the operations of the State; and

3 (13) take such other actions as the Secretary may
4 direct.

5 Article 99.

6 Section 99-95. No acceleration or delay. Where this Act
7 makes changes in a statute that is represented in this Act by
8 text that is not yet or no longer in effect (for example, a
9 Section represented by multiple versions), the use of that text
10 does not accelerate or delay the taking effect of (i) the
11 changes made by this Act or (ii) provisions derived from any
12 other Public Act.

13 Section 99-97. Severability. The provisions of this Act are
14 severable under Section 1.31 of the Statute on Statutes.

15 Section 99-99. Effective date. This Act takes effect upon
16 becoming law.