

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

7 (20 ILCS 1370/1-3 new)

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

17 (20 ILCS 1370/1-5)

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

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

1 ~~Department of Central Management Services.~~

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

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

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

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

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

1 the effective date of this Act.

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

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

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

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

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

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

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

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

18 (20 ILCS 1370/1-10)

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

21 (a) (Blank). ~~For each transferring agency, the dedicated~~  
22 ~~unit or units within that agency responsible for information~~  
23 ~~technology functions together with those information~~  
24 ~~technology functions outside of the dedicated unit or units~~  
25 ~~within a transferring agency to which this Act applies shall~~

1 ~~be designated by the Governor.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 1370/1-15)

Sec. 1-15. Powers and duties.

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

(b) The Department shall promote best-in-class innovation and technology to client agencies to foster collaboration among client agencies, empower client agencies to provide better service to residents of Illinois, and maximize the value of taxpayer resources. The Department shall be responsible for information technology functions on behalf of



1 client agencies.

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

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

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

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

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

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

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

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

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

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

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

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

22 (g) The Department may make information technology and the  
23 use of information technology available to units of local  
24 government, elected State officials, State educational  
25 institutions, the judicial branch, the legislative branch, and  
26 all other governmental units of the State requesting them. The

1 Department shall establish prices and charges for the  
2 information technology so furnished and for the use of the  
3 information technology. The prices and charges shall be  
4 sufficient to reimburse the cost of furnishing the services  
5 and use of information technology.

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

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

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

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

22 (20 ILCS 1370/1-35)

23 Sec. 1-35. Communications services.

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

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

13 (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  
23 priority. For this purpose the Department shall have the power  
24 to do all 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  
14 or 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"~~  
5           ~~means all departments, officers, commissions, boards,~~  
6           ~~institutions, and bodies politic and corporate of the State~~  
7           ~~except (i) the judicial branch, including, without limitation,~~  
8           ~~the several courts of the State, the offices of the clerk of~~  
9           ~~the supreme court and the clerks of the appellate court, and~~  
10           ~~the Administrative Office of the Illinois Courts, (ii) State~~  
11           ~~constitutional offices, and (iii) the General Assembly,~~  
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           (Source: P.A. 100-611, eff. 7-20-18; 101-81, eff. 7-12-19.)

18           (20 ILCS 1370/1-40)

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

21           (a) As used in this Section only:

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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