

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.)