



## 103RD GENERAL ASSEMBLY

### State of Illinois

2023 and 2024

HB2369

Introduced 2/14/2023, by Rep. Edgar Gonzalez, Jr.

#### SYNOPSIS AS INTRODUCED:

20 ILCS 1370/1-5  
20 ILCS 1370/1-15  
20 ILCS 1370/1-35  
20 ILCS 1370/5-30 new

Amends the Department of Innovation and Technology Act. Provides that the definition of "State agency" excludes transferring agencies. Provides that the Department of Innovation and Technology may (previously shall) provide for and coordinate information technology for State agencies. Removes provision requiring the Department to formulate a master plan for information technology. Provides that any System and Organization Control audit report issued with respect to the Department and the Department's system descriptions shall not be published by any entity on a public website. Provides that unredacted copies of System and Organization Control audit reports shall be provided by the Department to the General Assembly and transferring agencies and, upon request, State agencies that receive services from the Department. Effective immediately.

LRB103 30742 DTM 57221 b

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, 1-15, and 1-35 and by  
6 adding Section 5-30 as follows:

7 (20 ILCS 1370/1-5)

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

9 "Client agency" means each transferring agency, or its  
10 successor, and any other public agency to which the Department  
11 provides service to the extent specified in an interagency  
12 agreement with the public agency.

13 "Dedicated unit" means the dedicated bureau, division,  
14 office, or other unit within a transferring agency that is  
15 responsible for the information technology functions of the  
16 transferring agency.

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

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

1 "Information technology" shall be construed broadly to  
2 incorporate future technologies that change or supplant those  
3 in effect as of the effective date of this Act.

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

8 "Secretary" means the Secretary of Innovation and  
9 Technology.

10 "State agency" means each State agency, department, board,  
11 and commission under the jurisdiction of the Governor,  
12 excluding transferring agencies.

13 "Transferring agency" means the Department on Aging; the  
14 Departments of Agriculture, Central Management Services,  
15 Children and Family Services, Commerce and Economic  
16 Opportunity, Corrections, Employment Security, Financial and  
17 Professional Regulation, Healthcare and Family Services, Human  
18 Rights, Human Services, Insurance, Juvenile Justice, Labor,  
19 Lottery, Military Affairs, Natural Resources, Public Health,  
20 Revenue, Transportation, and Veterans' Affairs; the Illinois  
21 State Police; the Capital Development Board; the Deaf and Hard  
22 of Hearing Commission; the Environmental Protection Agency;  
23 the Governor's Office of Management and Budget; the  
24 Guardianship and Advocacy Commission; the Abraham Lincoln  
25 Presidential Library and Museum; the Illinois Arts Council;  
26 the Illinois Council on Developmental Disabilities; the

1 Illinois Emergency Management Agency; the Illinois Gaming  
2 Board; the Illinois Liquor Control Commission; the Office of  
3 the State Fire Marshal; and the Prisoner Review Board.

4 (Source: P.A. 102-376, eff. 1-1-22; 102-538, eff. 8-20-21;  
5 102-813, eff. 5-13-22; 102-870, eff. 1-1-23.)

6 (20 ILCS 1370/1-15)

7 Sec. 1-15. Powers and duties.

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

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

23 (c) The Department may ~~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  
12 all State agencies to report their usage of information  
13 technology regularly to the Department in the manner the  
14 Secretary may prescribe.

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

23 (e) The Department shall be responsible for providing the  
24 Governor with timely, comprehensive, and meaningful  
25 information pertinent to the formulation and execution of  
26 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  
21 to the Department, in the manner the Department may  
22 prescribe, their usage of information technology, the cost  
23 incurred, the information produced, and the procedures  
24 followed in obtaining the information. All client agencies  
25 shall request from the Department assistance and  
26 consultation in securing any necessary information

1 technology to support 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, the Office of  
6 the Executive Inspector General, or any office of the  
7 legislative or judicial branches of State government. For  
8 a State constitutional office, the Office of the Executive  
9 Inspector General, or any office of the legislative or  
10 judicial branches of State government, the Department  
11 shall have the power to examine the accounts and  
12 information technology-related data of the State  
13 constitutional office, the Office of the Executive  
14 Inspector General, or any office of the legislative or  
15 judicial branches of State government when requested by  
16 those offices.

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

26 (f) In addition to the other powers and duties listed in

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

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



1 and use of information technology.

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

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

8 (Source: P.A. 102-376, eff. 1-1-22.)

9 (20 ILCS 1370/1-35)

10 Sec. 1-35. Communications services.

11 (a) (Blank).

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

24 (1) Provide for and control the procurement,  
25 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           This subsection (b) does not apply to the procurement of  
5           Next Generation 9-1-1 service as governed by Section 15.6b of  
6           the Emergency Telephone System Act.

7           (Source: P.A. 101-81, eff. 7-12-19; 102-376, eff. 1-1-22;  
8           102-870, eff. 1-1-23.)

9           (20 ILCS 1370/5-30 new)

10          Sec. 5-30. Security over internal controls.  
11          Notwithstanding any provisions of the Illinois State Auditing  
12          Act, any System and Organization Control audit report issued  
13          with respect to the Department and the Department's system  
14          descriptions shall not be published by any entity on a public  
15          website. Unredacted copies of System and Organization Control  
16          audit report documents shall be provided by the Department to  
17          the General Assembly and transferring agencies and, upon  
18          request, to State agencies that receive services from the  
19          Department.

20          Section 99. Effective date. This Act takes effect upon  
21          becoming law.