



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

SB2122

Introduced 2/10/2023, by Sen. Elgie R. Sims, 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Organization Control audit report issued with respect to the Department and the Department's system descriptions shall not be published by any entity on a public website.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.

LRB103 05759 DTM 50779 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 (Text of Section before amendment by P.A. 102-870)

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

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

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

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

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

1 computer systems and telecommunication services and systems.
2 "Information technology" shall be construed broadly to
3 incorporate future technologies (such as sensors and balanced
4 private hybrid or public cloud posture tailored to the mission
5 of the agency) that change or supplant those in effect as of
6 the effective date of this Act.

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

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

13 "State agency" means each State agency, department, board,
14 and commission under the jurisdiction of the Governor and
15 excluding transferring agencies.

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

1 Guardianship and Advocacy Commission; the Abraham Lincoln
2 Presidential Library and Museum; the Illinois Arts Council;
3 the Illinois Council on Developmental Disabilities; the
4 Illinois Emergency Management Agency; the Illinois Gaming
5 Board; the Illinois Health Information Exchange Authority; the
6 Illinois Liquor Control Commission; the Office of the State
7 Fire Marshal; and the Prisoner Review Board.

8 (Source: P.A. 102-376, eff. 1-1-22; 102-538, eff. 8-20-21;
9 102-813, eff. 5-13-22.)

10 (Text of Section after amendment by P.A. 102-870)

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

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

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

20 "Department" means the Department of Innovation and
21 Technology.

22 "Information technology" means technology,
23 infrastructure, equipment, systems, software, networks, and
24 processes used to create, send, receive, and store electronic
25 or digital information, including, without limitation,

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

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

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

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

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

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

5 (Source: P.A. 102-376, eff. 1-1-22; 102-538, eff. 8-20-21;
6 102-813, eff. 5-13-22; 102-870, eff. 1-1-23.)

7 (20 ILCS 1370/1-15)

8 Sec. 1-15. Powers and duties.

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

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

24 (c) The Department may ~~shall~~ provide for and coordinate
25 information technology for State agencies and, when requested

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

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

24 (e) The Department shall be responsible for providing the
25 Governor with timely, comprehensive, and meaningful
26 information pertinent to the formulation and execution of

1 fiscal policy. In performing this responsibility, the
2 Department shall have the power to do the following:

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

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

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

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

1 consultation in securing any necessary information
2 technology to support their requirements.

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

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

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

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

1 sufficient to reimburse the cost of furnishing the services
2 and use of information technology.

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

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

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

10 (20 ILCS 1370/1-35)

11 Sec. 1-35. Communications services.

12 (a) (Blank).

13 (b) The Department may ~~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,

1 retention, installation, and maintenance of communications
2 equipment or services used by State agencies in the
3 interest of efficiency and economy.

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

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

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

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

26 (6) Provide telecommunications and other

1 communications services.

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

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

8 (Source: P.A. 101-81, eff. 7-12-19; 102-376, eff. 1-1-22;
9 102-870, eff. 1-1-23.)

10 (20 ILCS 1370/5-30 new)

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