

AN ACT concerning State government.

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

Article 1. Department of Innovation and Technology

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

Section 1-5. Definitions. In this Act:

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

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

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

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

"Department" means the Department of Innovation and Technology.

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

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

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

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

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

"Secretary" means the Secretary of Innovation and Technology.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the information technology functions transferred, shall be deemed to have been filed by the Department of Innovation and Technology. As soon as practicable, the Department of Innovation and Technology shall revise and clarify the rules transferred to it under this Act to reflect the reorganization of powers, duties, rights, and 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.

Section 1-15. Powers and duties. 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 client agencies.

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

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

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

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

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

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

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

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

Section 1-30. Information technology.

(a) The Secretary 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. It shall be the duty of the Department and the policy of the State of Illinois to manage or delegate the management of the procurement, retention, installation, maintenance, and operation of all information technology used by client agencies, so as to achieve maximum economy consistent with development of appropriate and timely information in a form suitable for management analysis, in a manner that provides for adequate security protection and back-up facilities for that equipment, the establishment of bonding requirements, and a code of conduct for all information technology personnel to ensure the privacy of information technology information as provided by law.

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

Department shall have the power to do the following:

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

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

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

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

their requirements.

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

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

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

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

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

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

Section 1-35. Communications.

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

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

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

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

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

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

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

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

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

(6) Provide telecommunications and other communications services.

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

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

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

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

(a) As used in this Section only:

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

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

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

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

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

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

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

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

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

Section 1-55. Executive Orders.

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

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

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

Section 1-60. Construction.

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

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

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

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

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

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

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

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

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

The Department on Aging.

The Department of Agriculture.

The Department of Central Management Services.

The Department of Children and Family Services.

The Department of Commerce and Economic Opportunity.

The Department of Corrections.

The Department of Employment Security.

The Illinois Emergency Management Agency.

The Department of Financial and Professional Regulation.

The Department of Healthcare and Family Services.

The Department of Human Rights.

The Department of Human Services.

The Department of Innovation and Technology.

The Department of Juvenile Justice.

The Department of Labor.

The Department of the Lottery.

The Department of Natural Resources.

The Department of Public Health.

The Department of Revenue.

The Department of State Police.

The Department of Transportation.

The Department of Veterans' Affairs.

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

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

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

The following officers are hereby created:

Director of Aging, for the Department on Aging.

Director of Agriculture, for the Department of Agriculture.

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

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

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

Director of Corrections, for the Department of Corrections.

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

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

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

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

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

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

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

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

Director of Labor, for the Department of Labor.

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

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

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

Director of Revenue, for the Department of Revenue.

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

Secretary of Transportation, for the Department of

Transportation.

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

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

(20 ILCS 5/5-195 new)

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

(20 ILCS 5/5-357 new)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(20 ILCS 405/405-410)

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

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

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

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

(b) Upon receiving written direction from the Secretary of Innovation and Technology ~~Director of Central Management Services~~, the Comptroller and Treasurer are authorized to transfer the unexpended balance of any appropriations related to the information technology functions transferred to the Department of Innovation and Technology ~~Central Management Services~~ and shall make the necessary fund transfers from any special fund in the State Treasury or from any other federal or State trust fund held by the Treasurer to the General Revenue Fund or the Technology Management Revolving Fund, as designated by the Secretary of Innovation and Technology ~~Director of Central Management Services~~, for use by the Department of Innovation and Technology ~~Central Management Services~~ in support of information technology functions or any other related costs or expenses of the Department of Innovation and Technology ~~Central Management Services~~.

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

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

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

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

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

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

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

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

(20 ILCS 405/405-20 rep.)

(20 ILCS 405/405-250 rep.)

(20 ILCS 405/405-255 rep.)

(20 ILCS 405/405-260 rep.)

(20 ILCS 405/405-265 rep.)

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

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

(20 ILCS 605/605-680)

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

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

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

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

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

(20 ILCS 605/605-1007)

Sec. 605-1007. New business permitting portal.

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

(b) The website shall include:

(1) an estimate of license and permitting fees for

different businesses;

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

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

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

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

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

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

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

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

(20 ILCS 2905/2.5)

Sec. 2.5. Equipment exchange program.

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

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

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

deficiencies in the equipment.

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

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

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

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

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

(20 ILCS 3921/5)

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

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

(2) That there is an established need for a

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

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

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

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

(20 ILCS 3921/7 new)

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

(20 ILCS 3921/10)

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

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

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

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

(20 ILCS 3921/15)

Sec. 15. Management of the Illinois Century Network.

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

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

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

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

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

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

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

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

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

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

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

~~designated by the Governor; and~~

~~(iii) shall serve until a successor is appointed and qualified; and~~

~~(3) a Chairperson who is appointed by the Governor and who shall serve a term of 2 years and until a successor is appointed and qualified.~~

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

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

(20 ILCS 3921/20 rep.)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(30 ILCS 500/20-60)

Sec. 20-60. Duration of contracts.

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

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

(c) The chief procurement officer shall file a proposed

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

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

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

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

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

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

(30 ILCS 707/10)

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

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

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

grant funds;

- (4) the amount of each award of grant funds;
- (5) the date of each award of grant funds; and
- (6) the duration of each award of grant funds.

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

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

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

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

(40 ILCS 5/1-160)

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

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

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

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

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

this Section and the applicable provisions of that Article.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) (Blank).

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

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

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

Sec. 14-110. Alternative retirement annuity.

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

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

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

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

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

retirement occurs on or after January 1, 2001.

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

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

- (1) State policeman;
- (2) fire fighter in the fire protection service of a department;
- (3) air pilot;
- (4) special agent;
- (5) investigator for the Secretary of State;
- (6) conservation police officer;
- (7) investigator for the Department of Revenue or the Illinois Gaming Board;
- (8) security employee of the Department of Human Services;
- (9) Central Management Services security police officer;
- (10) security employee of the Department of Corrections or the Department of Juvenile Justice;
- (11) dangerous drugs investigator;
- (12) investigator for the Department of State Police;

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

(14) controlled substance inspector;

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

(16) Commerce Commission police officer;

(17) arson investigator;

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

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

(20) transferred employee.

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

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

(c) For the purposes of this Section:

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

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

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

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

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

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

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

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

of Chief Conservation Police Administrator and Assistant Conservation Police Administrator.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

or

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

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

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

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

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

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

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

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

(f) For purposes of calculating retirement annuities under

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

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

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

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

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

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

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

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

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

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

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

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

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

of service to the date of payment.

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

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

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

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

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

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

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

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

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

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

(40 ILCS 5/14-152.1)

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

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

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

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

increase in cost to the System as it accrues.

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

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

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

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

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

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

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

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

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

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

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

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

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

(225 ILCS 732/1-110)

Sec. 1-110. Public information; website.

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

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

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

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

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

(305 ILCS 5/12-10.10)

Sec. 12-10.10. DHS Technology Initiative Fund.

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

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

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

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

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

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

(720 ILCS 649/20)

Sec. 20. Secure website.

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

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

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

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

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

Article 5. Illinois Information Security Improvement

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

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

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

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

"Department" means the Department of Innovation and Technology.

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

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

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

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

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

"Secretary" means the Secretary of Innovation and Technology.

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

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

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

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

(2) recognize the critical role of information and

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

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

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

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

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

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

Section 5-15. Office of the Statewide Chief Information

Security Officer.

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

(b) The Office shall:

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

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

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

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

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

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

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

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

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

(9) coordinate statewide information security

awareness and training programs; and

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

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

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

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

Section 5-25. Responsibilities.

(a) The Secretary shall:

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

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

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

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

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

critical information system;

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

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

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

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

(b) The Statewide Chief Information Security Officer shall:

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

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

through periodic testing;

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

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

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

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

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

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

information security awareness training;

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

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

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

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

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

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

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

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

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

Article 99.

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

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

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