

101ST GENERAL ASSEMBLY

State of Illinois

2019 and 2020

HB4442

Introduced 2/3/2020, by Rep. Jaime M. Andrade, Jr.

SYNOPSIS AS INTRODUCED:

20	ILCS	1370/1-3 new					
20	ILCS	1370/1-5					
20	ILCS	1370/1-10					
20	ILCS	1370/1-15					
20	ILCS	1370/1-35					
20	ILCS	1370/1-40					
20	ILCS	1370/1-20 rep.					
20	ILCS	1370/1-30 rep.					
20	ILCS	1370/1-50 rep.					
20	ILCS	1370/1-55 rep.					
20	ILCS	1370/1-60 rep.					
30	ILCS	105/6p-1	from	Ch.	127,	par.	142p1
30	ILCS	105/8.16a	from	Ch.	127,	par.	144.16a

Amends the Department of Innovation and Technology Act. Modifies provisions concerning the powers and duties of the Department of Innovation and Technology and its Secretary. Provides purpose provisions. Modifies terms. Makes conforming and other changes.

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AN ACT concerning State government.

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2 Be it enacted by the People of the State of Illinois, 3 represented in the General Assembly:

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

7 (20 ILCS 1370/1-3 new)

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

17 (20 ILCS 1370/1-5)

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

19 "Bureau of Communications and Computer Services" means the 20 Bureau of Communications and Computer Services, also known as 21 the Bureau of Information and Communication Services, created 22 by rule (2 Illinois Administrative Code 750.40) within the HB4442 - 2 - LRB101 19391 RJF 68863 b

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Department of Central Management Services.

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

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

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

"Information technology" means technology, infrastructure, 18 equipment, systems, software, networks, and processes used to 19 20 create, send, receive, and store electronic or digital information, including, without limitation, computer systems 21 22 and telecommunication services and systems. "Information 23 technology" shall be construed broadly to incorporate future technologies (such as sensors and balanced private hybrid or 24 25 public cloud posture tailored to the mission of the agency) that change or supplant those in effect as of the effective 26

1 date of this Act.

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

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

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

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

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

21 "Transferring agency" means the Department on Aging; the 22 Departments of Agriculture, Central Management Services, 23 Children and Family Services, Commerce and Economic 24 Opportunity, Corrections, Employment Security, Financial and 25 Professional Regulation, Healthcare and Family Services, Human 26 Rights, Human Services, Insurance, Juvenile Justice, Labor, - 4 - LRB101 19391 RJF 68863 b

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

16 legislative or judicial branches of State government.

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

18 (20 ILCS 1370/1-10)

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

(a) <u>(Blank)</u>. 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

1 designated by the Governor.

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

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

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

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

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

(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.

19 (g) Whenever reports or notices are now required to be made 20 or given or papers or documents furnished or served by any person to or upon each dedicated unit in connection with any of 21 22 the powers, duties, rights, and responsibilities relating to 23 information technology functions transferred by this Act, the 24 same shall be made, given, furnished, or served in the same 25 manner to or upon the Department of Innovation and Technology. 26 (h) This Act does not affect any act done, ratified, or

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.

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

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

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1	affected by this Act, using the procedures for recodification
2	of rules available under the Illinois Administrative Procedure
3	Act, except that existing title, part, and section numbering
4	for the affected rules may be retained. The Department of
5	Innovation and Technology may propose and adopt under the
6	Illinois Administrative Procedure Act such other rules of each
7	dedicated unit or transferring agency that will now be
8	administered by the Department of Innovation and Technology.
9	(Source: P.A. 100-611, eff. 7-20-18.)
10	(20 ILCS 1370/1-15)
11	Sec. 1-15. Powers and duties.
12	(a) The head officer of the Department is the Secretary,
13	who shall be the chief information officer for the State and
14	the steward of State data with respect to those agencies under
15	the jurisdiction of the Governor. The Secretary shall be
16	appointed by the Governor, with the advice and consent of the
17	Senate. The Department may employ or retain other persons to
18	assist in the discharge of its functions, subject to the

19 <u>Personnel Code</u>.

20 <u>(b)</u> The Department shall promote best-in-class innovation 21 and technology to client agencies to foster collaboration among 22 client agencies, empower client agencies to provide better 23 service to residents of Illinois, and maximize the value of 24 taxpayer resources. The Department shall be responsible for 25 information technology functions on behalf of client agencies.

The Department shall provide for and coordinate 1 (C) 2 information technology for State agencies and, when requested and when in the best interests of the State, for State 3 constitutional offices, units of federal or local governments, 4 5 and public and not-for-profit institutions of primary, education, or other parties 6 secondary, and higher not 7 associated with State government. The Department shall 8 establish charges for information technology for State 9 agencies and, when requested, for State constitutional 10 offices, units of federal or local government, and public and 11 not-for-profit institutions of primary, secondary, or higher 12 education and for use by other parties not associated with 13 State government. Entities charged for these services shall 14 make payment to the Department. The Department may instruct all 15 State agencies to report their usage of information technology 16 regularly to the Department in the manner the Secretary may 17 prescribe.

(d) The Department shall develop and implement standards, 18 19 policies, and procedures to protect the security and 20 interoperability of State data with respect to those agencies under the jurisdiction of the Governor, including in particular 21 22 data that are confidential, sensitive, or protected from 23 disclosure by privacy or other laws, while recognizing and 24 balancing the need for collaboration and public transparency. 25 (e) The Department shall be responsible for providing the Governor with timely, comprehensive, and meaningful 26

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1	information pertinent to the formulation and execution of
2	fiscal policy. In performing this responsibility the
3	Department shall have the power to do the following:
4	(1) Control the procurement, retention, installation,
5	maintenance, and operation, as specified by the
6	Department, of information technology equipment used by
7	client agencies in such a manner as to achieve maximum
8	economy and provide appropriate assistance in the
9	development of information suitable for management
10	analysis.
11	(2) Establish principles and standards of information
12	technology-related reporting by client agencies and
13	priorities for completion of research by those agencies in
14	accordance with the requirements for management analysis
15	specified by the Department.
16	(3) Establish charges for information technology and
17	related services requested by client agencies and rendered
18	by the Department. The Department is likewise empowered to
19	establish prices or charges for all information technology
20	reports purchased by agencies and individuals not
21	connected with State government.
22	(4) Instruct all client agencies to report regularly to
23	the Department, in the manner the Department may prescribe,
24	their usage of information technology, the cost incurred,

26 <u>obtaining the information. All client agencies shall</u>

the information produced, and the procedures followed in

1	request from the Department assistance and consultation in
2	securing any necessary information technology to support
3	their requirements.
4	(5) Examine the accounts and information
5	technology-related data of any organization, body, or
6	agency receiving appropriations from the General Assembly,
7	except for a State constitutional office, the Office of the
8	Executive Inspector General, or any office of the
9	legislative or judicial branches of State government. For a
10	State constitutional office, the Office of the Executive
11	Inspector General, or any office of the legislative or
12	judicial branches of State government, the Department
13	shall have the power to examine the accounts and
14	information technology-related data of the State
15	constitutional office, the Office of the Executive
16	Inspector General, or any office of the legislative or
17	judicial branches of State government when requested by
18	those offices.
19	<u>(6) Install and operate a modern information</u>
20	technology system utilizing equipment adequate to satisfy
21	the requirements for analysis and review as specified by
22	the Department. Expenditures for information technology
23	and related services rendered shall be reimbursed by the
24	recipients. The reimbursement shall be determined by the
25	Department as amounts sufficient to reimburse the
26	Technology Management Revolving Fund for expenditures

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

24 <u>all other governmental units of the State requesting them. The</u> 25 <u>Department shall establish prices and charges for the</u> 26 <u>information technology so furnished and for the use</u> of the 2 - 13 - LRB101 19391 RJF 68863 b

<u>information technology. The prices and charges shall be</u>
 <u>sufficient to reimburse the cost of furnishing the services and</u>
 <u>use of information technology.</u>

(h) The Department may establish standards to provide
consistency in the operation and use of information technology.
(i) The Department may adopt rules under the Illinois
Administrative Procedure Act necessary to carry out its
responsibilities under this Act.

9 The Department and each public agency shall continue to 10 have all authority provided to them under the Intergovernmental 11 Cooperation Act and other applicable law to enter into 12 interagency contracts. The Department may enter into contracts 13 to use personnel and other resources that are -retained bv client agencies or other public agencies, to provide services 14 15 to public agencies within the State, and for other appropriate 16 purposes to accomplish the Department's mission.

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

18 (20 ILCS 1370/1-35)

19 Sec. 1-35. Communications <u>services</u>.

20 (a) The Department shall develop and implement а 21 comprehensive plan to coordinate or centralize communications 22 services among State agencies with offices at different locations. The plan shall be updated based on a continuing 23 24 study of communications problems of State government and shall 25 include any information technology-related equipment or

service used for communication purposes including digital, 1 2 analog, or future transmission medium, whether for voice, data, 3 any combination thereof. The plan shall take into or consideration systems that might affect economies, 4 5 including, but not limited to, quantity discount services and may include provision of telecommunications service to local 6 and federal government entities located within this State if 7 8 State interests can be served by so doing.

9 The Department shall provide for and coordinate (b) 10 communications services for State agencies and, when requested 11 and when in the best interests of the State, for units of 12 federal or local governments and public and not-for-profit institutions of primary, secondary, and higher education. The 13 14 Department may make use of, or support or provide any 15 information technology-related communications equipment or 16 services necessary and available to support the needs of 17 interested parties not associated with State government provided that State government usage shall have first priority. 18 19 For this purpose the Department shall have the power to do all 20 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

minimum 1 agencies which shall include а of one 2 telecommunication device for the deaf installed and 3 operational within each State agency, to provide public access to agency information for those persons who are 4 5 hearing or speech impaired. The Department shall consult 6 the Department of Human Services to develop standards and 7 implementation for this equipment.

8 (3) Establish charges for information technology for 9 State agencies and, when requested, for units of federal or 10 local government and public and not-for-profit 11 institutions of primary, secondary, or higher education. 12 Entities charged for these services shall pay the 13 Department.

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

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

21 (6) Provide telecommunications and other
 22 communications services.

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

26 As used in this subsection (b) only, "State agencies" means

all departments, officers, commissions, boards, institutions, 1 2 and bodies politic and corporate of the State except (i) the judicial branch, including, without limitation, the several 3 courts of the State, the offices of the clerk of the supreme 4 5 court and the clerks of the appellate court, and the Administrative Office of the Illinois Courts, (ii) State 6 7 constitutional offices, and (iii) the General -Assembly, 8 legislative service agencies, and all officers of General the 9 Assembly.

10 This subsection (b) does not apply to the procurement of 11 Next Generation 9-1-1 service as governed by Section 15.6b of 12 the Emergency Telephone System Act.

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

14 (20 ILCS 1370/1-40)

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

17 (a) As used in this Section only:

18 "Immediate family" means a service member's spouse 19 residing in the service member's household, brothers and 20 sisters of the whole or of the half blood, children, including 21 adopted children and stepchildren, parents, and grandparents.

22 "Military service" means any full-time training or duty, no 23 matter how described under federal or State law, for which a 24 service member is ordered to report by the President, Governor 25 of a state, commonwealth, or territory of the United States, or HB4442 - 17 - LRB101 19391 RJF 68863 b

1 other appropriate military authority.

2 "Service member" means a resident of Illinois who is a 3 member of any component of the United States Armed Forces or 4 the National Guard of any state, the District of Columbia, a 5 commonwealth, or a territory of the United States.

6 (b) The Department may enter into a contract to purchase 7 bulk long distance telephone services and make them available 8 at cost, or may make bulk long distance telephone services 9 available at cost under any existing contract the Department 10 has entered into, to persons in the immediate family of service 11 members that have entered military service so that immediate 12 family those persons in the service members' families can 13 communicate with the service members. If the Department enters 14 into a contract under this Section, it shall do SO in accordance with the Illinois Procurement Code and in a 15 16 nondiscriminatory manner that does not place any potential 17 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. 1 2 (Source: P.A. 100-611, eff. 7-20-18.) 3 (20 ILCS 1370/1-20 rep.) 4 (20 ILCS 1370/1-30 rep.) (20 ILCS 1370/1-50 rep.) 5 6 (20 ILCS 1370/1-55 rep.) (20 ILCS 1370/1-60 rep.) 7 8 Section 10. The Department of Innovation and Technology Act 9 is amended by repealing Sections 1-20, 1-30, 1-50, 1-55, and 10 1-60. 11 Section 15. The State Finance Act is amended by changing Sections 6p-1 and 8.16a as follows: 12 (30 ILCS 105/6p-1) (from Ch. 127, par. 142p1) 13 14 6p-1. The Technology Management Revolving Fund Sec. (formerly known as the Statistical Services Revolving Fund) 15 shall be initially financed by a transfer of funds from the 16 17 General Revenue Fund. Thereafter, all fees and other monies 18 received by the Department of Innovation and Technology in 19 payment for information technology and related services 20 rendered pursuant to subsection (e) of Section 1-15 (b) of Section 1-30 of the Department of Innovation and Technology Act 21 22 shall be paid into the Technology Management Revolving Fund. On and after July 1, 2017, or after sufficient moneys have been 23

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received in the Communications Revolving Fund to pay all Fiscal 1 2 Year 2017 obligations payable from the Fund, whichever is 3 later, all fees and other moneys received by the Department of Central Management Services in payment for communications 4 5 services rendered pursuant to the Department of Central Management Services Law of the Civil Administrative Code of 6 7 Illinois or sale of surplus State communications equipment 8 shall be paid into the Technology Management Revolving Fund. 9 The money in this fund shall be used by the Department of 10 Innovation and Technology as reimbursement for expenditures incurred in rendering information technology and related 11 12 services and, beginning July 1, 2017, as reimbursement for expenditures incurred in relation to communications services. 13 (Source: P.A. 100-23, eff. 7-6-17; 100-611, eff. 7-20-18; 14 101-81, eff. 7-12-19.) 15

16 (30 ILCS 105/8.16a) (from Ch. 127, par. 144.16a)

17 8.16a. Appropriations Sec. for the procurement, installation, retention, maintenance, and 18 operation of electronic data processing and information technology devices 19 20 and software used by State agencies subject to subsection (e) 21 of Section 1-15 (b) of Section 1-30 of the Department of 22 Innovation and Technology Act, the purchase of necessary supplies and equipment and accessories thereto, and all other 23 24 expenses incident to the operation and maintenance of those 25 electronic data processing and information technology devices

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

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