



INDEX DEPARTMENT
JAN 25 2016
IN THE OFFICE OF
SECRETARY OF STATE

SPRINGFIELD, ILLINOIS

EXECUTIVE ORDER

2016-01

**EXECUTIVE ORDER CONSOLIDATING
MULTIPLE INFORMATION TECHNOLOGY FUNCTIONS INTO A SINGLE
DEPARTMENT OF INNOVATION AND TECHNOLOGY**

WHEREAS, although the State of Illinois devotes significant resources to its information technology systems – ranking Illinois among the top five states nationally by technology expenditures, – the State is considered among the bottom quartile of states nationally in digitization and other metrics of technological advancement; and

WHEREAS, much of the State's technology spending is wasted; most agencies are responsible for managing their own technologies and technology personnel, resulting in thousands of redundant and non-interoperable systems; and the State continues to use outdated systems (in some cases, dating to 1974) that are more costly to maintain; and

WHEREAS, these thousands of systems are vulnerable to cyberattack, placing private information about State employees and their dependents, consumers of State services, taxpayers, and the residents and businesses of Illinois at risk to hackers, terrorists, and criminals; and

WHEREAS, the State previously recognized and attempted to confront this problem: in 2003, the General Assembly authorized the Department of Central Management Services ("CMS") to direct the transfer and centralization of information technology functions from State agencies under the jurisdiction of the Governor to CMS; and

WHEREAS, under that authority, CMS consolidated some, but not all, information technology functions into its Bureau of Communications and Computer Services, but the results have been disappointing: many agencies continue to maintain their own infrastructure; almost all agencies continue to support their own software and application development; more than 70% of technology spending remains outside of CMS; and agencies in aggregate employ twice as many information technology personnel outside of CMS (approximately 1,200) as are employed by CMS (approximately 500); and

WHEREAS, although consolidation was not completed, it remains the best way to transform our information technology functions; to protect State data from cyberattack and breaches and to ensure compliance with data protection laws; to consolidate State technology resources, develop statewide enterprise solutions, leverage the State's buying power, and avoid inefficiencies; to reduce costs and provide better value for our investment; and to provide State agencies with state-of-the-art technology and ensure interoperability of systems and data across State agencies, enabling those agencies to provide better service to taxpayers, residents, businesses, and consumers and providers of State services; and

WHEREAS, consolidation and transformation of the State's information technology functions will be accomplished most effectively through an agency independent of CMS, in particular because: information technology is too large to be a bureau of another agency; the State's information technology headcount exceeds the combined headcount for all other functions performed by CMS; CMS is focused on other important administrative reforms; and the State

must be nimble and flexible in order to meet the needs of its agencies and to provide timely, up-to-date technology services; and

WHEREAS, twenty-nine other states, as well as many local governments including the City of Chicago, have centralized responsibility for information technology functions within a single agency; and

WHEREAS, consolidation and transformation of the State's information technology functions will carry out the purposes of the 2003 legislation, now codified at 20 ILCS 405/405-410;

THEREFORE, I, Bruce Rauner, Governor of Illinois, by virtue of the executive authority vested in me by Section 11 of Article V of the Constitution of the State of Illinois, do hereby order as follows:

I. DEFINITIONS

As used in this Executive Order:

"BCCS" means the CMS Bureau of Communications and Computer Services, also known as the Bureau of Information and Communication Services, created by 2 IAC 750.40, or its successor bureau within CMS.

"Client agency" means each transferring agency or its successor and each other public agency to which DoIT provides service.

"CMS" means the Department of Central Management Services.

"DoIT" 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 both computer systems and telecommunication systems. The term "information technology" shall be construed broadly to incorporate future technologies (such as sensors) that change or supplant those in effect as of the effective date of this Executive Order.

"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 of the Office of the Chief Information Officer, an office within the Office of the Governor, created by Executive Order 1999-05, or its successor office.

"Legacy IT 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 such functions to DoIT, including without limitation BCCS.

"Retained functions" means, with respect to a legacy IT division, non-information technology functions for which the legacy IT division is responsible, which are not transferred to DoIT.

"Secretary" means the Secretary of Innovation and Technology.

"Transferring agency" means each agency, authority, board, bureau, commission, council, department, division, instrumentality, office, or unit of the Executive Branch of State government which is directly responsible to the Governor and is transferring functions, employees, property, or funds to DoIT pursuant to this Executive Order.

II. CREATION OF DEPARTMENT OF INNOVATION AND TECHNOLOGY

The Information Technology Office, also known as the Office of the Chief Information Officer, is hereby reconstituted as a new principal department of the Executive Branch of State government, directly responsible to the Governor, called the Department of Innovation and Technology ("DoIT"). BCCS shall be consolidated into DoIT as of July 1, 2016.

The head officer of DoIT shall be known as the Secretary of Innovation and Technology ("Secretary"). 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. The Secretary shall be appointed by the Governor, with the advice and consent of the Senate. DoIT may employ or retain other persons to assist in the discharge of its functions, subject to the Personnel Code. DoIT shall be subject to all of the general laws applicable to Executive Branch agencies.

The mission of DoIT is to deliver best-in-class innovation and technology to client agencies to foster collaboration among client agencies, to empower client agencies to provide better service to residents of Illinois, and to maximize the value of taxpayer resources. DoIT shall be responsible for the information technology functions on behalf of client agencies.

DoIT shall develop and implement data security and interoperability policies and procedures that ensure the security and interoperability of State data, 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. DoIT shall ensure compliance with applicable federal and State laws pertaining to information technology, data, and records of DoIT and the client agencies, including without limitation the Freedom of Information Act (5 ILCS 140/1 *et seq.*), the State Records Act (5 ILCS 160/1 *et seq.*), the Personal Information Protection Act (815 ILCS 530/1 *et seq.*), the federal Health Insurance Portability and Accountability Act (HIPAA), the federal Health Information Technology for Economic and Clinical Health Act (HITECH Act), and the federal Gramm-Leach-Bliley Act.

DoIT may establish, through the Secretary, charges for services rendered by DoIT to client agencies for which funds are provided directly to the client agency. In establishing charges, the Secretary shall consult with client agencies, ensure that charges are transparent and clear, and minimize or avoid charges for costs for which DoIT has other funding sources available.

Following the transfer of information technology functions to DoIT pursuant to Section IV of this Executive Order, 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 DoIT. DoIT shall assist client agencies in identifying funding opportunities and, if funds are used by DoIT, ensuring compliance with all applicable laws, regulations, and grant terms.

DoIT and each client agency continue to have whatever authority is provided to them pursuant to the Intergovernmental Cooperation Act and other applicable law to enter into interagency contracts. To the extent permitted by law, DoIT may enter into such contracts to use personnel and other resources that are retained by transferring agencies or other public agencies, to provide services to public agencies within the State in addition to transferring agencies, and for other appropriate purposes to accomplish DoIT's mission.

III. TRANSITION

Beginning on the effective date of this Executive Order, DoIT and the transferring agencies shall work cooperatively to prepare for the transfer of functions, employees, property, and funds pursuant to Section IV of this Executive Order, and to carry out other actions required to give effect to such transfers, as of July 1, 2016. The transferring agencies shall provide DoIT with access to personnel and other resources necessary to accomplish such transition. During the transition period:

1. 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 DoIT, or engaged in the administration of a law the administration of which is transferred to DoIT, to be transferred to DoIT pursuant to Section IV(1) of this Executive Order. An employee engaged primarily in providing administrative support to a legacy IT division or information technology personnel may be considered engaged in the performance of functions transferred to DoIT. The Secretary shall ensure compliance with all applicable provisions of the Personnel Code and collective bargaining agreements, including providing any notices required thereunder within the applicable time periods.
2. Under the direction of the Governor, the Secretary, in consultation with the transferring agencies, shall identify personnel records, documents, books, correspondence, and other

property, both real and personal, affected by the reorganization to be transferred to DoIT pursuant to Section IV(2) of this Executive Order. Such property may include contracts pertaining to the functions transferred to DoIT.

3. Under the direction of the Governor, the Director of the Governor's Office of Management and Budget, in consultation with the Secretary and the transferring agencies, shall identify the unexpended balances of both Fiscal Year 2016 and Fiscal Year 2017 appropriations and other funds, or the relevant portions thereof, to be transferred to DoIT pursuant to Section IV(3) of this Executive Order.

IV. TRANSFER OF FUNCTIONS

As of July 1, 2016, the responsibility for information technology functions shall be transferred from each transferring agency to DoIT. These functions derive from the statutes set out on Exhibit A to this Executive Order. In connection with such transfer, as of July 1, 2016:

1. Each position and employee who is engaged in the performance of functions transferred to DoIT, or engaged in the administration of a law the administration of which is transferred to DoIT (as identified pursuant to Section III of this Executive Order), and the employee in each such position, shall be transferred to DoIT, pursuant to the provisions of any applicable collective bargaining agreement. The status and rights of any such employee, the State, and its agencies under the Personnel Code shall not be affected by this reorganization.
2. All personnel records, documents, books, correspondence, and other property, both real and personal, affected by the reorganization (as identified pursuant to Section III of this Executive Order) shall be delivered and transferred to DoIT or to the State Archives.
3. The unexpended balances of Fiscal Year 2016 and Fiscal Year 2017 appropriations and other funds available for use by a transferring agency in connection with the functions transferred to DoIT or the relevant portions thereof (as identified pursuant to Section III of this Executive Order and deemed necessary by the Governor) shall be transferred to DoIT and expended for the purposes for which the appropriations or other funds were originally made or given to the transferring agency.
4. With respect to each transferring agency, this reorganization shall not affect (i) the composition of any multi-member board, commission, or authority, (ii) the manner in which any official of the agency is appointed, (iii) whether the nomination or appointment of any official of the agency is subject to the advice and consent of the Senate, (iv) any eligibility or qualification requirements pertaining to service as an official of the agency, or (v) the service or term of any incumbent official serving as of the effective date of this Executive Order.
5. Whenever any provision of any previous Executive Order or any Act provides for membership on any board, commission, authority, or other entity by a representative or designee of a transferring agency with responsibility for the functions transferred to DoIT, the Secretary, in consultation with the head of the transferring agency, shall designate the same number of representatives or designees of DoIT or the transferring agency, as appropriate.

V. LEGACY INFORMATION TECHNOLOGY DIVISIONS

Some transferring agencies have dedicated divisions, bureaus, or other units within the agency that are responsible for information technology functions ("legacy IT divisions"). The purpose of this Section V is to provide for the winding up of those legacy IT divisions.

a. Legacy IT Divisions with No Retained Functions

A legacy IT division that is responsible for only information technology functions will have no retained functions after the transfer of those functions to DoIT. In that circumstance, (i) the functions, employees, property, and funds of the legacy IT division shall be transferred to DoIT pursuant to Section IV of this Executive Order, and (ii) the head of the transferring agency shall abolish the legacy IT division as soon as practicable after July 1, 2016.

b. Legacy IT Divisions with Retained Functions

A legacy IT division that is responsible for both information technology functions and non-information technology functions will continue to be responsible for those non-information technology functions ("retained functions") after the transfer of information technology functions to DoIT. In that circumstance, (i) the information technology functions, employees, property, and funds of the legacy IT division shall be transferred to DoIT pursuant to Section IV of this Executive Order, and (ii) the transferring agency shall continue to be responsible for the retained functions, and the head of the transferring agency shall consolidate the legacy IT division into another unit of the transferring agency or shall reconstitute the legacy IT division as a non-information technology unit of the transferring agency, as determined by the head of the transferring agency, as soon as practicable after July 1, 2016.

If a legacy IT division has retained functions, employees, property, or funds which are not transferred to DoIT, then:

1. Each employee of the legacy IT division who is not transferred to DoIT shall continue to be employed by the transferring agency in a unit determined by the head of that agency. The status and rights of any such employee, the State, and its agencies under the Personnel Code shall not be affected by this reorganization.
2. All personnel records, documents, books, correspondence, and other property, both real and personal, of the legacy IT division in any way pertaining to the retained functions shall continue to be possessed by the transferring agency, within a unit determined by the head of the transferring agency.
3. The unexpended balances of appropriations and other funds available for use by a legacy IT division in connection with the retained functions shall be maintained by the transferring agency and expended for the purposes for which the appropriations or other funds were originally made or given.
4. With respect to each legacy IT division and transferring agency, this reorganization shall not affect (i) the composition of any multi-member board, commission, or authority, (ii) the manner in which any official of the agency is appointed, (iii) whether the nomination or appointment of any official of the agency is subject to the advice and consent of the Senate, (iv) any eligibility or qualification requirements pertaining to service as an official of the agency, or (v) the service or term of any incumbent official serving as of the effective date of this Executive Order.
5. Whenever any provision of any previous Executive Order or any Act provides for membership on any board, commission, authority, or other entity by a representative or designee of a legacy IT division with responsibility for retained functions, the head of the transferring agency shall designate the same number of representatives or designees of the transferring agency, as appropriate.

VI. INCONSISTENT ACTS; SPECIAL FUNDS

From the effective date of this reorganization, and as long as such reorganization remains in effect, the operation of any prior act of the General Assembly inconsistent with this reorganization is suspended to the extent of the inconsistency. In particular, but without limitation:

1. As of July 1, 2016, the information technology functions transferred from the transferring agencies to DoIT shall be the responsibility of DoIT, notwithstanding any statute that provides in particular that such function shall be carried out by CMS or a transferring agency (including without limitation 20 ILCS 405/405-10, 405-20, 405-250, 405-255, 405-260, 405-265, and 405-270).
2. As of July 1, 2016, the authority of CMS to expend funds of the Statistical Services Revolving Fund (a special fund of the State established pursuant to 30 ILCS 105/5.55, 6p-1, and 8.16a) and the Communications Revolving Fund (a special fund of the State established pursuant to 30 ILCS 105/5.12, 6p-2, and 8.16b), or the successor funds, shall be transferred to DoIT; and the authority of the Director of CMS to approve any contract

or obligation incurred for any expenditure from either such special fund shall be transferred to the Secretary.

VII. REPORT TO THE GENERAL ASSEMBLY

DoIT shall provide a report to the General Assembly not later than December 31, 2016 and annually thereafter for three years, that includes data on the economies effected by the reorganization and an analysis of the effect of the reorganization on State government. The report shall also include the DoIT's recommendations for further legislation relating to reorganization.

A copy of such report shall be filed with the Speaker, the Minority Leader, and the Clerk of the House of Representatives; the President, the Minority Leader, and the Secretary of the Senate; the Legislative Research Unit; and the State Government Report Distribution Center for the General Assembly.

VIII. SAVINGS CLAUSE

1. The rights, powers, duties, and functions transferred to the DoIT by this Executive Order shall be vested in, and shall be exercised by, DoIT. Each act done in exercise of such rights, powers, duties, and functions shall have the same legal affect as if done by the agency from which they were transferred. Every person shall be subject to the same obligations and duties and to the associated penalties, if any, and shall have the same rights arising from the exercise of these obligations and duties as if exercised subject to that agency or the officers and employees of that agency.
2. This Executive Order shall not affect any act undertaken, ratified or cancelled or any right occurring or established or any action or proceeding commenced in an administrative, civil, or criminal case before this Executive Order takes effect, but these actions or proceedings may be prosecuted and continued by the successor agency in cooperation with another agency, if necessary.
3. This Executive Order shall not affect the legality of any rules in the Illinois Administrative Code that are in force on the effective date of this Executive Order, which rules have been duly adopted by the pertinent agencies. Any rules, regulations, and other agency actions affected by the reorganization shall continue in effect and be transferred together with the transfer of functions. If necessary, however, the affected agencies shall propose, adopt, or repeal rules, rule amendments, and rule recodifications as appropriate to effectuate this Executive Order. These rule modifications shall coincide with, if applicable, the transfer of functions to DoIT.
4. Whenever reports or notices are now required to be made or given or paper or documents furnished or served by any person in regard to the functions transferred from an agency to DoIT pursuant to this Executive Order, the same shall be made, given, furnished, or served in the same manner to or upon DoIT.
5. This Executive Order does not contravene, and shall not be construed to contravene, any federal law, State statute (except as provided in Section VI of this Executive Order), or collective bargaining agreement.

IX. PRIOR EXECUTIVE ORDERS

This Executive Order supersedes any contrary provision of any other prior Executive Order, including without limitation Executive Order 1999-05.

X. SEVERABILITY CLAUSE

If any part of this Executive Order is found invalid by a court of competent jurisdiction, the remaining provisions shall remain in full force and effect. The provisions of this Executive Order are severable.

XI. FILINGS

This Executive Order shall be filed with Secretary of State. A copy of this Executive Order shall be delivered to the Secretary of the Senate and to the Clerk of the House of Representatives and, for the purpose of preparing a revisory bill, to the Legislative Reference Bureau.

XII. EFFECTIVE DATE

Provided that neither house of the General Assembly disapproves of this Executive Order by the record vote of a majority of the members elected, this Executive Order shall take effect 60 days after its delivery to the General Assembly.



Bruce Rauner, Governor

Issued by Governor: January 25, 2016

Filed with Secretary of State: January 25, 2016

JAN 25 2016

**EXHIBIT A
TO EXECUTIVE ORDER 2016-01**

**IN THE OFFICE OF
SECRETARY OF STATE**

Transferring Agency	Statutes from Which Information Technology Functions Derive
<i>Statutes generally applicable to all or multiple agencies:</i>	5 ILCS 140/1 <i>et seq.</i> 5 ILCS 160/1 <i>et seq.</i> 20 ILCS 5/1-1 <i>et seq.</i> 20 ILCS 5/5-1 <i>et seq.</i> , including § 5-645 20 ILCS 450/1 <i>et seq.</i> 815 ILCS 530/1 <i>et seq.</i>
Capital Development Board	20 ILCS 3105/1 <i>et seq.</i> , including § 8
Deaf and Hard of Hearing Commission	20 ILCS 3932/ 1 <i>et seq.</i> , including §§ 20, 25
Department of Agriculture	20 ILCS 205/205-1 <i>et seq.</i>
Department of Central Management Services	20 ILCS 405/405-1 <i>et seq.</i> , including §§ 405-10, 405-20, 405-250, 405-255, 405-260, 405-265, 405-270, 405-272, 405-275 30 ILCS 105/1 <i>et seq.</i> , including §§ 5.12, 5.55, 6p-1, 6p-2, 8.16a, 8.16b
Department of Children and Family Services	20 ILCS 505/1 <i>et seq.</i> , including § 11
Department of Commerce and Economic Opportunity	20 ILCS 605/605-1 <i>et seq.</i> , including § 605-85
Department of Corrections	730 ILCS 5/3-1-1 <i>et seq.</i> , including §§ 3-2-5, 3-2-7
Department of Employment Security	20 ILCS 1005/1005-1 <i>et seq.</i>
Department of Financial and Professional Regulation	20 ILCS 1205/1 <i>et seq.</i> 20 ILCS 2105/2105-1 <i>et seq.</i> 20 ILCS 3205/0.1 <i>et seq.</i> 20 ILCS 3210/1 <i>et seq.</i> Executive Orders 2014-03, 2004-06
Department of Healthcare and Family Services	20 ILCS 2205/2205-1 <i>et seq.</i>
Department of Human Rights	775 ILCS 5/1-101 <i>et seq.</i> , including § 9-101
Department of Human Services	20 ILCS 1305/1-1 <i>et seq.</i> , including §§ 1-20, 1-25
Department of Insurance	20 ILCS 1405/1405-1 <i>et seq.</i> , including § 1405-35 Executive Order 2009-04
Department of Juvenile Justice	730 ILCS 5/3-2.5-1 <i>et seq.</i> , including § 3-2.5-15
Department of Labor	20 ILCS 1505/1505-1 <i>et seq.</i>
Department of Lottery	20 ILCS 1605/1 <i>et seq.</i> , including § 9
Department of Military Affairs	20 ILCS 1805/1 <i>et seq.</i>
Department of Natural Resources	20 ILCS 801/1-1 <i>et seq.</i> , including § 1-15
Department of Public Health	20 ILCS 2305/1.1 <i>et seq.</i> 20 ILCS 2310/2310-1 <i>et seq.</i>
Department of Revenue	20 ILCS 2505/2505-1 <i>et seq.</i>
Department of State Police	20 ILCS 2605/2605-1 <i>et seq.</i>
Department of Transportation	20 ILCS 2705/2705-1 <i>et seq.</i>
Department of Veterans' Affairs	20 ILCS 2805/0.01 <i>et seq.</i>
Department on Aging	20 ILCS 105/1 <i>et seq.</i> , including § 4.01 20 ILCS 110/110-5

Transferring Agency	Statutes from Which Information Technology Functions Derive
Environmental Protection Agency	415 ILCS 5/1 <i>et seq.</i> , including § 4
Governor's Office of Management and Budget	20 ILCS 3005/0.01 <i>et seq.</i> , including § 3
Guardianship and Advocacy Commission	20 ILCS 3955/1 <i>et seq.</i> , including § 5
Historic Preservation Agency	20 ILCS 3405/1 <i>et seq.</i> , including §§ 3, 4, 16
Illinois Arts Council	20 ILCS 3915/0.01 <i>et seq.</i> , including § 6
Illinois Council on Developmental Disabilities	20 ILCS 4010/2001 <i>et seq.</i> , including § 2007
Illinois Emergency Management Agency	20 ILCS 3305/1 <i>et seq.</i>
Illinois Gaming Board	230 ILCS 10/1 <i>et seq.</i> , including § 5
Illinois Health Information Exchange Authority	20 ILCS 3860/1 <i>et seq.</i> , including §§ 20, 30
Illinois Liquor Control Commission	235 ILCS 5/3-1 <i>et seq.</i> , including § 3-4
Illinois Student Assistance Commission	110 ILCS 947/1 <i>et seq.</i> , including § 15
Illinois Technology Office	Executive Order 1999-05
Office of the State Fire Marshal	20 ILCS 2905/0.01 <i>et seq.</i>
Prisoner Review Board	730 ILCS 5/3-3-1 <i>et seq.</i>