



**94TH GENERAL ASSEMBLY**  
**State of Illinois**  
**2005 and 2006**  
**HB3811**

Introduced 2/25/2005, by Rep. John A. Fritchey

**SYNOPSIS AS INTRODUCED:**

740 ILCS 175/2  
740 ILCS 175/9 new

from Ch. 127, par. 4102

Amends the Whistleblower Reward and Protection Act. Adds entities that may elect to adopt a referendum to the definition of "State". Grants any school district, public community college district, municipality, municipal corporation, or unit of local government the authority to pass, by initiative petition and referendum, a binding ordinance authorizing the adoption of provisions of the Act. Sets out requirements for passing an initiative petition.

LRB094 07715 LCB 37891 b

1 AN ACT concerning civil liabilities.

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

4 Section 5. The Whistleblower Reward and Protection Act is  
5 amended by changing Section 2 and by adding Section 9 as  
6 follows:

7 (740 ILCS 175/2) (from Ch. 127, par. 4102)

8 Sec. 2. Definitions. As used in this Act:

9 (a) "State" means the State of Illinois; any agency of  
10 State government; and any of the following entities which may  
11 elect to adopt the provisions of this Act by ordinance, ~~or~~  
12 resolution, or referendum pursuant to Section 9 of this Act, a  
13 copy of which shall be filed with the Attorney General within  
14 30 days of its adoption: the system of State colleges and  
15 universities, any school district, any public community  
16 college district, any municipality, municipal corporations,  
17 units of local government, and any combination of the above  
18 under an intergovernmental agreement that includes provisions  
19 for a governing body of the agency created by the agreement.

20 (b) "Guard" means the Illinois National Guard.

21 (c) "Investigation" means any inquiry conducted by any  
22 investigator for the purpose of ascertaining whether any person  
23 is or has been engaged in any violation of this Act.

24 (d) "Investigator" means a person who is charged by the  
25 Department of State Police with the duty of conducting any  
26 investigation under this Act, or any officer or employee of the  
27 State acting under the direction and supervision of the  
28 Department of State Police, through the Division of Operations  
29 or the Division of Internal Investigation, in the course of an  
30 investigation.

31 (e) "Documentary material" includes the original or any  
32 copy of any book, record, report, memorandum, paper,

1 communication, tabulation, chart, or other document, or data  
2 compilations stored in or accessible through computer or other  
3 information retrieval systems, together with instructions and  
4 all other materials necessary to use or interpret such data  
5 compilations, and any product of discovery.

6 (f) "Custodian" means the custodian, or any deputy  
7 custodian, designated by the Attorney General under subsection  
8 (i) (1) of Section 6.

9 (g) "Product of discovery" includes:

10 (1) the original or duplicate of any deposition,  
11 interrogatory, document, thing, result of the inspection  
12 of land or other property, examination, or admission, which  
13 is obtained by any method of discovery in any judicial or  
14 administrative proceeding of an adversarial nature;

15 (2) any digest, analysis, selection, compilation, or  
16 derivation of any item listed in paragraph (1); and

17 (3) any index or other manner of access to any item  
18 listed in paragraph (1).

19 (Source: P.A. 91-760, eff. 1-1-01.)

20 (740 ILCS 175/9 new)

21 Sec. 9. Referendum powers; initiative.

22 (a) The electors of any school district, public community  
23 college district, municipality, municipal corporation, or unit  
24 of local government may pass, by initiative petition and  
25 referendum in the manner prescribed by this Section, a binding  
26 ordinance authorizing the adoption of the provisions of this  
27 Act.

28 (b) In any of the units of government listed in subsection  
29 (a) of this Section, a binding ordinance adopting the  
30 provisions of this Act may be proposed by a petition signed by  
31 the number of electors equal to at least 2% of the total votes  
32 cast for Governor at the last general election in their unit of  
33 government. The petition shall contain the text of the proposed  
34 ordinance and the date of the regular election at which the  
35 proposed ordinance is to be submitted, shall have been signed

1 by petitioning electors not more than 12 months preceding the  
2 regular election, and shall be filed with the clerk or  
3 secretary of the unit of government at least 78 days before  
4 that regular election.

5 (c) Except as otherwise provided in this Act, petitions  
6 filed under this Act shall be governed by Article 28 of the  
7 Election Code.

8 (d) If no objection to a petition filed under subsection  
9 (b) of this Section is filed within 5 business days after the  
10 petition is filed, or if an objection is filed and the proper  
11 election authority rules the petition sufficient, then the  
12 clerk or secretary of the unit of government shall submit the  
13 petition to the proper election authority and the election  
14 authority shall order the proposed ordinance submitted to the  
15 electors of the unit of government at the election specified in  
16 the petition.

17 (e) The proposition shall be in substantially the following  
18 form:

19 "Shall ..... adopt the provisions of the Illinois  
20 Whistleblower Reward and Protection Act?"

21 (f) If a majority of the electors of the unit of government  
22 voting on the proposition vote in favor thereof, the  
23 proposition shall be deemed adopted.