



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

SB2044

Introduced 2/20/2009, by Sen. Dan Kotowski

SYNOPSIS AS INTRODUCED:

740 ILCS 175/2

from Ch. 127, par. 4102

740 ILCS 175/9 new

Amends the Whistleblower Reward and Protection Act. Provides that the electors of any school district, public community college district, municipality, municipal corporation, or unit of local government may pass, by initiative petition and referendum, a binding ordinance adopting the provisions of the Act (at present, these entities may adopt the provisions of the Act by ordinance or resolution). Provides the requirements for filing a petition and hearing an objection to a petition.

LRB096 11295 AJO 21724 b

1 AN ACT concerning law.

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,
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, community college district,
16 county, municipality, municipal corporation, unit of local
17 government, and any combination of the above under an
18 intergovernmental agreement that includes provisions for a
19 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.

1 (d) "Investigator" means a person who is charged by the
2 Department of State Police with the duty of conducting any
3 investigation under this Act, or any officer or employee of the
4 State acting under the direction and supervision of the
5 Department of State Police, through the Division of Operations
6 or the Division of Internal Investigation, in the course of an
7 investigation.

8 (e) "Documentary material" includes the original or any
9 copy of any book, record, report, memorandum, paper,
10 communication, tabulation, chart, or other document, or data
11 compilations stored in or accessible through computer or other
12 information retrieval systems, together with instructions and
13 all other materials necessary to use or interpret such data
14 compilations, and any product of discovery.

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

18 (g) "Product of discovery" includes:

19 (1) the original or duplicate of any deposition,
20 interrogatory, document, thing, result of the inspection
21 of land or other property, examination, or admission, which
22 is obtained by any method of discovery in any judicial or
23 administrative proceeding of an adversarial nature;

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

26 (3) any index or other manner of access to any item

1 listed in paragraph (1).

2 (Source: P.A. 95-128, eff. 1-1-08.)

3 (740 ILCS 175/9 new)

4 Sec. 9. Referendum powers; initiative.

5 (a) The electors of any school district, public community
6 college district, municipality, municipal corporation, or unit
7 of local government may pass, by initiative petition and
8 referendum in the manner prescribed by this Section, a binding
9 ordinance authorizing the adoption of the provisions of this
10 Act.

11 (b) In any of the units of government listed in subsection
12 (a) of this Section, a binding ordinance adopting the
13 provisions of this Act may be proposed by a petition signed by
14 the number of electors equal to at least 2% of the total votes
15 cast for Governor at the last general election in their unit of
16 government. The petition shall contain the text of the proposed
17 ordinance and the date of the regular election at which the
18 proposed ordinance is to be submitted, shall have been signed
19 by petitioning electors not more than 12 months preceding the
20 regular election, and shall be filed with the clerk or
21 secretary of the unit of government at least 78 days before
22 that regular election.

23 (c) Except as otherwise provided in this Act, petitions
24 filed under this Section shall be governed by Article 28 of the
25 Election Code.

1 (d) If no objection to a petition filed under subsection
2 (b) of this Section is filed within 5 business days after the
3 petition is filed, or if an objection is filed and the proper
4 election authority rules the petition sufficient, then the
5 clerk or secretary of the unit of government shall submit the
6 petition to the proper election authority and the election
7 authority shall order the proposed ordinance submitted to the
8 electors of the unit of government at the election specified in
9 the petition.

10 (e) The proposition shall be in substantially the following
11 form:

12 "Shall adopt the provisions of the Illinois
13 Whistleblower Reward and Protection Act?"

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