

Supreme Court of Illinois.  
Donald JOHNSON et al., Appellees,  
v.  
Jim EDGAR et al., Appellants.  
Irv LANGA, Appellee,  
v.  
Mary A. GADE et al., Appellants.  
**Nos. 81019, 81249.**  
May 22, 1997.

Justice BILANDIC delivered the opinion of the court:

At issue in these consolidated appeals is the constitutionality of Public Act 89-428, enacted by the Illinois General Assembly on December 13, 1995. The plaintiffs in each case challenged the Act as violative of the “single subject rule” contained in article IV, section 8(d), of the Illinois Constitution of 1970....

FACTS

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Public Act 89-428

Public Act 89-428 was introduced as Senate Bill 721 on March 2, 1995. At that time, the bill was entitled “An Act in relation to prisoners reimbursement to the Department of Corrections for the expenses incurred by their incarceration, amending named Acts.”The bill \*503 was eight pages long and addressed only this specific topic. The Senate passed the bill on April 25, 1995, with no amendments.

When Senate Bill 721 reached the House of Representatives, amendments four through sixteen were placed on the bill. These amendments addressed an array of different subjects, including, *inter alia*, expulsion of school students for bringing weapons to school, increasing the penalties for the possession of cannabis, and providing for privatization of some services of the State Appellate Defender's Office. One amendment retitled the bill as “An Act in relation to crime.” With these amendments, Senate Bill 721 passed the House of Representatives and was sent back to the Senate.

The Senate and House could not agree as to which of the 13 House amendments to the bill should stand. As a result, a conference committee was formed. The conference committee changed the title

of the bill and replaced everything after the enacting clause. What had started out as an eight-page bill became a bill of over 200 pages. The bill became so voluminous that even the broad title of “An Act in relation to crime” could not cover all the subjects contained in the bill. Thus, the committee renamed the bill “An Act in relation to public safety.”

The bill encompassed a multitude of subject matters, contained in six articles. Article 1, entitled “The Child Sex Offender Community Notification Law,” created a statewide database for the purpose of identifying child sex offenders and provided for community notification of registration of child sex offenders. Article 1 also amended the Sex Offender Registration Act to change the definition of “sex offender” and to expand the definition of “sex offense.”

Article 2 amended the Criminal Code of 1961 to create the offense of predatory criminal sexual assault of a **\*504** child. This article also amended numerous other acts, including the Alcoholism and Other Drug Abuse and Dependency Act, the Children and Family Services Act, the Military Code of Illinois, the Metropolitan Transit Authority Act, the School Code, the Health Care Worker Background Check Act, and the Illinois Vehicle Code, to include references to the offense of predatory criminal sexual assault of a child.

Article 2 also contained provisions amending the Juvenile Court Act to allow the prosecution as an adult of juveniles who are at least 15 years old and who are charged with committing aggravated vehicular hijacking with a firearm, and juveniles who are at least 13 years old and who are charged with committing first degree murder during the course of certain other crimes. In addition, article 2 amended the Unified Code of Corrections to make life imprisonment the sentence for a defendant who, while under the age of 17, murders a person under the age of 12 during the course of certain other crimes.

**\*\*1375 \*\*\*4** Article 3 created the Environmental Impact Fee Law. Beginning on January 1, 1996, this law imposed an environmental impact fee of \$60 per 7,500 gallons of fuel sold or used in Illinois to be paid by the “receiver” of the fuel. The fees collected were to be deposited in the Underground Storage Tank Fund created by the Environmental Protection Act and ultimately used to reimburse eligible owners of underground storage tanks for costs incurred in remedying contamination caused by leaking tanks. Article 3 also amended the Civil Administrative Code of Illinois, the Motor Fuel Tax Law, and the Environmental Protection Act.

Article 4 amended the Cannabis Control Act to enhance the felony classifications for the possession and delivery of certain amounts of cannabis.

Article 5 amended the Unified Code of Corrections **\*505** to decrease the frequency of parole hearings for prison inmates.

Article 6 amended section 14-3 of the Criminal Code of 1961, which governs exemptions from the offense of eavesdropping. This amendment added subsection (j) to section 14-3, providing that the following activity would be exempt from the offense of eavesdropping:

“(j) The use of a monitoring system by any corporation or other business entity engaged in the provision of products or services to the public, or to the officers, employees, or agents thereof, when the acts otherwise prohibited herein are for the purpose of service quality control or for educational, training, or research purposes and such acts are performed with the consent of one party to the communication being intercepted.

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Article 6 also amended the Code of Criminal Procedure of 1963 to provide that a criminal defendant who is receiving psychotropic drugs is entitled to a fitness hearing only where the court finds there is a *bona fide* doubt of the defendant's fitness. This article also added a new provision to the law governing the admission of the hearsay statements of child victims.

In addition, article 6 amended the Unified Code of Corrections' provision regarding the Truth-in-Sentencing Commission and rewrote its provision requiring convicted persons committed to the Department of Corrections to reimburse the Department for the expenses incurred as a result of their incarceration.

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#### Johnson v. Edgar

In Johnson v. Edgar, No. 81019, the plaintiffs filed a three-count complaint for declaratory judgment and injunction.... The Johnson plaintiffs' complaint was directed primarily at the portion of article 6 of Public Act 89-428, which amended section 14-3 of the Criminal Code to create a new exemption for the offense of eavesdropping. **\*\*1376 \*\*\*5** As stated, this exemption allowed employers to monitor their employees' conversations in some circumstances. Count I of the plaintiffs' complaint charged that Public Act 89-428 violated the single subject rule of the Illinois Constitution because it contained more than one subject.

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#### Langa v. Gade

In *Langa v. Gade*, No. 81249, the plaintiff, Irv Langa, individually and d/b/a Langa Air, Inc. (Langa), ... [challenged], article 3 [which] created the Environmental Impact Fee Law. Langa's complaint alleged that he owned and operated Langa Air, Inc., in the course of which he buys aviation fuel from "receivers" that are required to pay the environmental impact fee imposed by article 3. Langa claimed to be adversely affected by the additional costs imposed on receivers by article 3. Count I of Langa's first-amended complaint charged that Public Act 89-428, in its entirety, was unconstitutional because it violated the single subject rule of the Illinois Constitution.

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We consolidated the defendants' direct appeals in each case for our consideration. The defendants in each case have filed one joint brief. We therefore refer to all the defendants collectively as "the defendants," without differentiating between the two cases. Only the plaintiffs in Johnson have filed an appellees' brief. We therefore refer to the Johnson plaintiffs as "the plaintiffs."

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We must decide whether the legislature, in enacting Public Act 89-428, violated the single subject rule of the Illinois Constitution. Article IV, section 8(d), of the Illinois Constitution of 1970 provides, in pertinent part, as follows:

"Bills, except bills for appropriations and for the codification, revision or rearrangement of laws, shall be confined to one subject." Ill. Const.1970, art. IV, § 8(d).

[6] The single subject rule is a substantive requirement for the passage of bills and is therefore subject to judicial review. *People v. Dunigan*, 165 Ill.2d 235, 254, 209 Ill.Dec. 53, 650 N.E.2d 1026 (1995). This court discussed the historical purpose of the single subject rule in *Fuehrmeyer v. City of Chicago*, 57 Ill.2d 193, 201, 311 N.E.2d 116 (1974), stating:

"The history and purpose of this constitutional provision are too well understood to require any elucidation at our hands. The practice of bringing together into one bill subjects diverse in their nature, and having no necessary connection, with a view to combine in their favor the advocates of all, and thus secure the passage of several measures, no one of which could succeed upon its own merits, [is] one both corruptive of the legislator and dangerous to the State.'" *Fuehrmeyer*, 57 Ill.2d at 202, 311 N.E.2d 116, quoting *People ex rel. Drake v. Mahaney*, 13 Mich. 481, 494-95 (1865).

Thus, one reason for the single subject rule is to prevent legislation from being passed which,

standing alone, could not muster the necessary votes for passage. *Geja's Cafe v. Metropolitan Pier & Exposition Authority*, 153 Ill.2d 239, 258, 180 Ill.Dec. 135, 606 N.E.2d 1212 (1992). The rule also serves to facilitate orderly legislative procedure. “By limiting each bill to a single subject, the issues presented by each bill can be \*515 better grasped and more intelligently discussed.” M. Rudd, *No Law Shall Embrace More Than One Subject*, 42 Minn. L.Rev. 389, 391 (1958). In sum, the single subject rule ensures that the legislature addresses the difficult decisions it faces directly and subject to public scrutiny, rather than passing unpopular measures on the backs of popular ones.

[7] The term “subject,” in this context, is to be liberally construed and the subject may be as broad as the legislature chooses. *Dunigan*, 165 Ill.2d at 255, 209 Ill.Dec. 53, 650 N.E.2d 1026; *Cutinello v. Whitley*, 161 Ill.2d 409, 423-24, 204 Ill.Dec. 136, 641 N.E.2d 360 (1994). Nonetheless, the matters included in the enactment must have a natural and logical connection. *Cutinello*, 161 Ill.2d at 423-24, 204 Ill.Dec. 136, 641 N.E.2d 360; *People ex rel. Ogilvie v. Lewis*, 49 Ill.2d 476, 487, 274 N.E.2d 87 (1971). The rule prohibits the inclusion of “ ‘discordant provisions that by no fair intendment can be considered as having any legitimate relation to each other.’ ” *Ogilvie*, 49 Ill.2d at 487, 274 N.E.2d 87, quoting *People ex rel. Gutknecht v. City of Chicago*, 414 Ill. 600, 607-08, 111 N.E.2d 626 (1953).

As the above principles elucidate, the single subject rule does not impose an onerous restriction on the legislature's actions. Rather, the rule leaves the legislature with wide latitude in determining the content of bills. In fact, this court has on numerous occasions rejected single subject challenges brought \*\*1380 \*\*\*9 against various pieces of legislation. See, e.g., *Cutinello*, 161 Ill.2d at 423-24, 204 Ill.Dec. 136, 641 N.E.2d 360 (all provisions of challenged act pertained to the subject of transportation); *Geja's Cafe*, 153 Ill.2d at 257-59, 180 Ill.Dec. 135, 606 N.E.2d 1212 (all provisions of challenged act pertained to the McCormick Place Expansion Project); *Stein v. Howlett*, 52 Ill.2d 570, 582-83, 289 N.E.2d 409 (1972) (all provisions of challenged act related to the subject of ethics); *Ogilvie*, 49 Ill.2d at 487-88, 274 N.E.2d 87 (all provisions of challenged legislation pertained to the subject of transportation bonds). These decisions demonstrate not only the principles which we apply in evaluating a single subject challenge, but also that the \*516 legislature must indeed go very far to cross the line to a violation of the single subject rule. In enacting Public Act 89-428, the legislature clearly crossed that line. No matter how liberally the single subject rule is construed, Public Act 89-428 violates that rule.

[8] Public Act 89-428 began its legislative life as an eight-page bill addressing the narrow subject of reimbursement by prisoners to the Department of Corrections for the expense of incarceration. As enacted on December 13, 1995, however, Public Act 89-428 had experienced an extraordinary growth, from 8 pages to over 200 pages. While the length of a bill is not determinative of its compliance with the single subject rule, the variety of its contents certainly is. Here, “An Act in relation to prisoner's reimbursement to the Department of Corrections for the expenses incurred by

their incarceration” became a bill which created a law providing for the community notification of child sex offenders, created a law imposing fees on the sale of fuel, and enhanced the felony classifications for the possession and delivery of cannabis. This bill also created an exemption from prosecution for eavesdropping applicable to employers who wish to monitor their employees' conversations, amended the law to allow the prosecution of juveniles as adults in certain cases, and created the new crime of predatory criminal sexual assault of a child. This bill further changed the law governing the timing of parole hearings for prison inmates, changed the law governing when a defendant who is receiving psychotropic drugs is entitled to a fitness hearing, and added a provision to the law governing child hearsay statements. Finally, Public Act 89-428 addressed the subject of prisoners' reimbursement to the Department of Corrections for the expenses of their incarceration. In sum, Public Act 89-428 amended a multitude of provisions in over 20 different acts, and created several new **\*517** laws. By no fair intendment may the many discordant provisions in Public Act 89-428 be considered to possess a natural and logical connection. See *Ogilvie*, 49 Ill.2d at 487, 274 N.E.2d 87. The enactment of Public Act 89-428 therefore violated the single subject rule.

This court has previously invalidated a statute that violated the single subject rule. At issue in *Fuehrmeyer v. City of Chicago*, 57 Ill.2d 193, 311 N.E.2d 116 (1974), was the constitutionality of Public Act 77-1818. That act purported to grant exclusively to the state, and to take away from units of local government, the power to regulate the professions and occupations listed in 30 separate acts, ranging from architects to funeral directors to water well contractors. This court first rejected the contention that the act was for “codification, revision or rearrangement” and was therefore exempt from the single subject rule. *Fuehrmeyer*, 57 Ill.2d at 202, 311 N.E.2d 116. This court went on to find that the act violated the single subject rule because each of the 30 regulated professions or occupations was a separate subject. *Fuehrmeyer*, 57 Ill.2d at 203-05, 311 N.E.2d 116.

The Act at issue in this case presents an even more egregious example of the legislature ignoring the single subject rule. As noted above, Public Act 89-428 encompassed subjects as diverse as child sex offenders, employer eavesdropping, and environmental impact fees imposed on the sale of fuel. Under no interpretation of the single subject rule could it reasonably be concluded that Public Act 89-428 was passed in accordance with that rule.

The defendants argue that the Act is constitutional because all of its provisions are confined to the single subject of public safety. We cannot accept the defendants' contention. **\*\*1381 \*\*\*10** Were we to conclude that the many obviously discordant provisions contained in Public Act 89-428 are nonetheless related because of a tortured connection to a vague notion of public safety, we would **\*518** be essentially eliminating the single subject rule as a meaningful constitutional check on the legislature's actions.