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February 2, 1972

FILE NO: S-403

Honorable John W. Lewis
Secretary of State
108 State House
Springfield, Illinois 62706

Re: Transition Schedule of the
1970 Constitution

Dear Mr. Secretary:

The Transition Schedule of the 1970 Constitution of Illinois lists various provisions which are to remain part of the Constitution until their terms have been executed. The first paragraph of the schedule provides that once each year the Attorney General shall review the provisions in question and advise your office which, if any, have been executed. Any provisions so certified shall thereafter be removed from the schedule and shall no longer be published as a part of the Constitution.

Section 1 of the Adoption Schedule provides the 1970 Constitution shall be effective generally on July 1, 1971. This report accordingly could be postponed until June 30, 1972. However, there are no provisions which it is anticipated will be affective between January 1, 1972 and July 1, 1972. I am accordingly expediting this report to permit current deletion of those provisions already executed.

I hereby certify that the following sections of the Transition Schedule have been executed and need no longer be published:

1. Section 10 by its terms was effective January 15, 1971.

2. Section 1(b) became effective on December 1, 1971.

3. Sections 1(c), 1(d), and 1(e) became effective on January 1, 1972.

Section 10 and the four sub-paragraphs of Section 1, all of the Transition Schedule of the Illinois Constitution of 1970 should be deleted from future publications of that Constitution.

I note that in your pamphlet publication of the Illinois Constitution, you have added parenthetical references to the effective dates of those provisions covered by Section 10 and Section 1(c), 1(d) and 1(e). You may wish to remove those parenthetical references in future publications of your pamphlet.

Other sections of the Transition Schedule have not yet been executed and must be retained for the following illustrative reasons:

Section 1(a) must be retained until after the election in November, 1972.

Section 2 covers new rights created in Article I - the Bill of Rights. The provision that such new rights are not retroactive must be continued at least until any such claims arising before July 1, 1971 are barred by the Statute of Limitations.

Section 3 must be retained until after the general election of 1978.

Sections 4 and 5 explain provisions in Articles VI and VII which would otherwise be confusing and must be retained for the present.

Section 6 protects the right to issue bonds previously authorized and section 8 continues existing charter powers for cumulative voting for

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directors. These sections must be retained for the present.

Section 7 must be retained until after the election of 1974, unless a prior vacancy occurs in the office.

Section 9 continues all public and private rights not inconsistent with the new Constitution until they expire by their own limitations or are altered or repealed pursuant to the Constitution. That section must be retained for the present.

Very truly yours,

A T T O R N E Y G E N E R A L