



WILLIAM J. SCOTT
ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

January 29, 1973

FILE NO. S-599

Honorable Michael J. Howlett
Secretary of State
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 second report accordingly could be postponed until June 30, 1973. However, there are no provisions which will become effective between January 1, 1973 and July 1, 1973. I am accordingly expediting this report to permit you to make early deletions of those provisions already executed.

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As I advised Secretary Lewis on February 1, 1972, Section 10 (page 57) of the Secretary of State's pamphlet on the Constitution of the State of Illinois and United States by its own terms became fully implemented on July 1, 1971; Section 1(b) (page 55) became effective on December 1, 1971, and Sections 1(c), 1(d), and 1(e) (all on page 55) became effective on January 1, 1972.

I suggested to Secretary Lewis that the parenthetical language on pages 24, 43, 45, 50, 51 and 52 at the end of each of the affected sections be deleted as no longer serving any purpose.

My letter to Secretary Lewis stated that Section 1(a) (page 55) relating to the powers of the General Assembly elected in 1970 and the Senate powers of the then incumbent Lieutenant Governor must be retained until after the election in November 1972. That section can now be deleted. No parenthetical language appears on pages 22 and 23 relating to the affected sections.

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

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 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.

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Section 7 must be retained until after the election of 1974.

Sections 6 and 8 protect the right to issue bonds previously authorized and continue existing charter powers for cumulative voting for directors.

Section 9 continues all public and private rights not inconsistent with the new Constitution until they expire by their own limitations or shall be altered or repealed pursuant to the Constitution.

If my office can be of any assistance relative to this matter, please do not hesitate to contact me.

Very truly yours,

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