9-12-1973

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THIRD DAY
WEDNESDAY, SEPTEMBER 12, 1973
THE CONVENTION CALLED TO ORDER
AT 7:30 P.M.

The Chairman: The convention will come to order. We are graced this evening by the attendance of Rabbi Jacob Handler, Temple Beth Israel and President of the Rhode Island Board of Rabbis. Rabbi Handler has graciously consented to lead us in our continuing pursuit for divine guidance. Rabbi Handler?

(I invocation by Rabbi Handler, Temple Beth Israel.)

The Chairman: The next order of business is the salute to the flag. The convention will please attend the rising salute to the flag.

(Salute to the flag.)

The Chairman: We will now proceed to the calling of the roll, but before the Secretary undertakes that task, the chair offers a suggestion in order to expedite matters and at the same time achieve a sense of fairness. When your name is called to announce your presence, if you have proposals to introduce, let's go to the amendment of the Constitution, advise the chair at the time you're called. The Secretary will make a note of that, and after we have completed the roll we will go back to the introduction of proposals. We will take them up alphabetically as they appear on the roll unless there is objection. Hearing none, so ordered. The Secretary will call the roll.

(Roll call taken.)

(The following delegates were absent at the time of the roll call.)

Anthony J. Brosco
Joseph A. Cullini
Arthur G. Capaldi
John F. Capaldi
Guistina Colnfrancesco
Walter M. Kimball

Donald Large
George Ogley
Robert J. Paol
Herbert G. Rock
Paul O. Vadonais
David Veloso, Jr.

(The following delegates indicated their desire to present proposals.)

Ann R. Baker (2)
Joseph Borges, Jr.
John R. Cioe
Patrick T. Conley
Leo T. Connors
Emmett J. Cotter
John D'Amico (2)
James J. Federico

Zygmunt J. Friedemann
Raymond E. Grimes
Robert K. Kaufmann (5)
M. Louise King
Edward R. MacLaughlin
Martin S. Malinou
Robert A. Mauro
Michael W. Miller

Mr. Conley: Mr. Chairman, there are 88 present and 12 absent.

(Corrections to be made in the Journal of the last session were received.)

Mr. Conley: Mr. Chairman, I would like to call the attention of the delegates to Rule 41. I would move that sentence one of Rule 41 be suspended for the sole purpose of amending Rule 12b of the convention to enlarge the Committee on Elections from 21 to 23 members.

Mr. McKenna: I second the motion.
The Chairman: Before proceeding any further, the chair would like to explain that through failure of communications delegate Mary Kilmarx, was left off of committees. She has expressed the desire to serve on the Committee for Revision of Election Laws, and it is the desire of the chair and all the officers, as I'm sure of all the delegates, to cooperate with her, and delegate Conley, as I understand it, is asking for a suspension of that part of the rule which requires a motion to amend the rules to have been in the possession of the convention at least one day prior to a vote thereon. The rule calls for 67 percent of the delegates present and voting to agree that that should be suspended.

As many as are in favor of suspending that portion of the rule for the sole purpose of acting on a motion to amend the rule to expand the committee will please rise.

(Rising vote.)

The Chairman: Be seated. As many as are opposed please rise? Unanimous consent that that portion of the ruling requiring that the motion be in the convention one day before being operated upon is suspended, and the Chairman recognizes delegate Conley.

(So voted.)

Mr. Conley: Mr. Chairman, I move that Line 7 of Rule 12 be amended so as to enlarge the Committee on Elections from 21 to 23 members.

Mr. McKenna: Mr. Chairman, delegate McKenna, seconds the motion.

Mr. O'Donnell: O'Donnell of District 30 also seconds the motion.

The Chairman: Delegates McKenna and O'Donnell second the motion. Are you ready for the question? I think we better have a division vote. As many as are in favor please rise.

(Unanimous rising vote.)

The Chairman: The Committee on the Elections now consists of 23 members rather than 21, and there being two vacancies the chair appoints delegate Mary Kilmarx to that committee, and the chair appoints delegate Raymond Grimes to that committee.

(Delegate Grimes declined appointment.)

The Chairman: The next order of business is Reports of Standing Committees. The chair recognizes Joseph O'Donnell, Jr., Chairman of Committee on Administration to make the report.

(Mr. O'Donnell requests that Secretary Conley read the report.)

Mr. Conley: There were two meetings of the Committee on Administration. The first meeting was held on September 6, 1973. The Committee members were: William Powers, Acting Chairman, Patrick Conley, Joseph H. O'Donnell, Jr., and Helen Migliaccio and Ann McQueeney.

The things decided were as follows:

(1) An election for permanent chairman was held with Joseph O'Donnell the unanimous choice.

(2) Patrick T. Conley was unanimously elected committee secretary.

(3) Discussion began on the necessity of hiring a Reading Clerk for the Convention. Dr. Conley volunteered to perform that function.

(4) Fernando Cunha, a Providence businessman and attorney with extensive management experience in industry was appointed Executive Director of the convention (that is, the executive agent of the Committee on Administration) at the rate of $15.00 per hour.

(5) Wilfred Thibeault of Cumberland was appointed Sergeant-at-arms at a stipend of $25.00 per session.

(6) A research staff was created and the following persons were appointed:

Director, Dr. Elmer E. Cornwell, Jr. of Providence, a former chairman of the Department of
Political Science at Brown University. He is a nationally-known expert on state constitutional conventions; co-author of The Politics of the Rhode Island Constitutional Convention. His rate is $15.00 per hour.

Assistant Director, Professor Matthew J. Smith of Providence. Mr. Smith holds an A.B. and M.A. from Providence College; a Ph.D. candidate in Political Science at Brown University. Archivist of Providence College and compiler of an “Inventory of the Records of the 1964-69 Rhode Island Constitutional Convention.” Professor Smith is the new state representative from the 22nd District in Providence. He has offered to serve without pay as a public-spirited gesture.

Research Assistants at $9.00 an hour.

Marjorie Tarmey of Cranston, A.B., M.A. from Providence College; assistant to the Cranston Charter Review Commission. (Assigned to the Election Committee.)

Edward Newman of Richmond, A.B. Providence College. J.D., L.L.M. Suffolk University. (Assigned to the Grand Jury Committee.)

Paul Campbell of Cranston, A.B. and M.A. Providence College; candidate for the M.L.S. at the University of Rhode Island. (Assigned to the Legislative Compensation Committee.)

Paul Breault of Pawtucket, A.B. from U.R.I. with a major in Economics and Political Science. (Assigned to the Committee on Lotteries.)

Ann Keegan of Providence, A.B. Emmanuel College, Providence school teacher. (Appointed Roving Clerk.)

The vote on all appointments was unanimous.

The meeting was held during the recess and at the rise of the Convention session.

The second meeting is as follows: Meeting of September 11, 1973. Committee members present: Joseph H. O'Donnell, Jr., Chairman, William Powers, Dr. Patrick T. Conley, Secretary, Helen Migliaccio.

The following decisions were made:

(1) Elmer Cornwell of the research staff will serve as Recording Clerk at the Convention sessions. Research staff will edit the Journal and condense it in order to save printing costs and enhance the quality and utility of the Journal. A complete transcript will be available as the official record.

(2) Financial status of the Convention thus far will be computed by Mr. Cunha and reported to the delegates on Wednesday.

(3) Publication of Convention Manual rejected because the cost estimate of $500 for 250 copies is prohibitive.

(4) Appointments to Staff: $3.00 per hour.

Ann Scuncio, Providence; Marion Lovett, East Providence; Louise Dumont, Providence; Gertrude Guilfoyle, East Greenwich.

Convention Aides at $10.00 per session:

Paula Rasput, Middletown; David Griswold, Warwick; Tina Bingham, Providence; Richard D'Agostino, Providence; Justine Sprague, Warwick; Donna Lonergan, Providence.

Deputy Sergeant-at-arms at $20.00 per session, Joseph Emma, Jr., Providence.

Roving Clerk for research staff at $9.00 per hour, Grant Bulgarian, Providence.

(5) Proposals for Amendments of the Constitution:

All delegates are to be furnished a copy of each proposal submitted to the Convention.

All votes at this meeting were unanimous.

The meeting convened at 3:15 p.m. and adjourned at 4:10 p.m.

Finally, the report of Expenditures up to and including September 12, 1973: As a matter of fact, through this session of September 12, 1973.
As far as Personnel, the Director of Administration, $300.00, Secretaries (2), and they have gone to work, $90.00, Research Director, $450.00, Research Assistants, $504.00, Pages (6) at $60.00, Sergeant-at-arms at $25.00, Assistant Sergeant-at-arms, $20.00. Payroll taxes, $145.00 for a total of $1594.00.

Contract Services, Stenographic at $300 per session, $900.00 for two sessions. Equipment Rental, two typewriters at $35.00 a month, $70.00, Supplies, $50.00, Printing of Journal #1, $300.00, Journal #2, $285. Total Contract Services, $1305.00, Total Expenditures, $2899.00, out of a total of $20,000 of Convention appropriation.

The Chairman: The report of the Committee on Administration is received and if there is no objection, it stands approved.

(Report of Committee on Administration received.)

The Chairman: The chair recognizes delegate Zygmant Friedemann, Chairman of the Committee on Legislative Compensation.

Mr. Friedemann, District 18, reporting for the Committee on Legislative Compensation. (See transcript for full text of report.)

The Chairman: Thank you. The report of the chairman of the Legislative Compensation Committee is received and if there are no objections, it stands approved.

(Report of Legislative Compensation Committee is received.)

The Chairman: We will proceed to the report of the Lotteries Committee and the Chairman is Mr. Ronald Gagnon, Esquire.

Mr. Gagnon: District 37. Mr. Chairman, the first meeting is scheduled for this coming Friday in the State House.

The Chairman: Thank you. Any other comments? The report is received.

(Report of Lotteries Committee is received.)

The Chairman: The Committee on Grand Jury Revision — the chair recognizes Giovanni Folcarelli, Esq., the Chairman of the committee.

Mr. Folcarelli: Giovanni Folcarelli, District 22. The Committee on Grand Jury met last night. (See transcript for full text of report given by committee Secretary Malinou.)

The Chairman: Thank you, Mr. Malinou. The report of the Committee on Grand Jury is received and without objections approved.

(Report of Committee on Grand Jury received.)

The Chairman: The Committee on Election Revisions — delegate William T. Murphy, Chairman. The Chairman recognizes Chairman Murphy.

Mr. Murphy: William T. Murphy, District 3. The Election Committee met on Monday, September 10. (See transcript for full text of report.)

The Chairman: Thank you. The report is received and without objection approved.

(Report of Election Committee received.)

The Chairman: The Committee on Public Information is chaired by delegate O'Hare, and for the purpose of making the report, the Chairman recognizes Mr. O'Hare.

Mr. O'Hare: John M. O'Hare, District 37, reporting for the Public Information Committee. The Public Information Committee met for the first time last evening. (See transcript for full report.)

The Chairman: Thank you, Mr. O'Hare. The report of the Committee on Public Information is received and without objection recorded as approved.

(Report of Committee on Public Information is received.)
The Chairman: The Committee on Resolutions is chaired by Frank Caprio, Esq.

Mr. Caprio: Frank Caprio, District 8. The Chairman of the Committee on Resolutions wishes to report...

(See transcript for full report.)

The Chairman: The report of the Committee on Resolutions is received and without objection is accepted.

(Report of Committee on Resolutions is received.)

The Chairman: The report of the Committee on Resolutions is received, and objections are noted.

(So received.)

The Chairman: The Committee on Drafting, the chair recognizes Senator Taylor for that report.

Mr. Taylor: The committee has not met yet. I'll call a meeting and ask them to meet with you after the adjournment so we can set a date for it.

The Chairman: Thank you, Senator. The report of the committee is received. Without objection it will be approved.

The next order of business is communications. Are there any communications, Mr. Secretary?

Mr. Conley: No communications, Mr. Chairman, just an announcement with regard to Rule 9.

(Discussion of Convention seating arrangements.)

The Chairman: We will proceed to the introduction of proposals to amend or revise the Constitution.

As the chair announced at the outset of this evening's session, the Secretary will mark those alphabetically who wish to introduce proposals, and the roll will be called in that order and the delegates recognized. Mr. Secretary, if you will start with the first and proceed?

Following is a list of proposals submitted indicating the name of the delegate who introduced each proposal, the subject, the number assigned, and the committee to which it was referred:

<table>
<thead>
<tr>
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<tbody>
<tr>
<td>Delegate Baker:</td>
<td>Outlawing discrimination, 1, Resolutions</td>
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<tr>
<td>Delegate Baker:</td>
<td>Safe and healthful living, 2, Resolutions</td>
</tr>
<tr>
<td>Delegate Cioci:</td>
<td>Legislative pay, 3, Leg. Comp.</td>
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<tr>
<td>Delegate Conley:</td>
<td>Suffrage and qualifications of electors, 4, Elections</td>
</tr>
<tr>
<td>Delegate Connors:</td>
<td>Grand Jury, 5, Grand Jury</td>
</tr>
<tr>
<td>Delegate Cotter:</td>
<td>Composition of the General Assembly, 6, Resolutions</td>
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<tr>
<td>Delegate Cotter:</td>
<td>Qualifications for office, 7, Elections</td>
</tr>
<tr>
<td>Delegate D'Amico:</td>
<td>Legislative pay, 8, Leg. Comp.</td>
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<tr>
<td>Delegate D'Amico:</td>
<td>Absentee voting, 9, Elections</td>
</tr>
<tr>
<td>Delegate Kaufmann:</td>
<td>Legislative pay, 10, Leg. Comp.</td>
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<tr>
<td>Delegate Kaufmann:</td>
<td>4 year terms for General Assembly, 11, Elections</td>
</tr>
<tr>
<td>Delegate Kaufmann:</td>
<td>4 year terms for General Assembly, 12, Elections</td>
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<tr>
<td>Delegate Kaufmann:</td>
<td>Bracketing Governor and Lt. Governor, 13, Resolutions</td>
</tr>
</tbody>
</table>
Delegate Kaufmann: 14 Election
Delegate King: Composition of the Senate 15 Resolutions
Delegate King: Property qualifications 16 Elections
Delegate MacLaughlin: Qualifications and registration of voters 17 Elections
Delegate Mallinou: Create a court on the judiciary 18 Resolutions
Delegate Mauro: Suffrage 19 Elections
Delegate Miller: Qualifications to vote 20 Elections
Delegate Kimball: Grand jury 21 Grand Jury
Delegate Springarn: Unicameralism 22 Resolutions

The Chairman: We will proceed to resolutions and motions.

It is at this point that the motions and resolutions not bearing on proposals to amend or revise the Constitution will be received, and that will be the procedure at all sessions. The chair recognizes delegate Leo Connors.

Mr. Connors: Leo Connors, District 27. I have a resolution that the Constitutional Convention shall present to the voters special proposals to be voted upon separately, and that it shall not require approval or rejection in total, and I would like to forward this to the chair.

My reason is I feel it would demean the voter to leave the issues as they have been given to us and we will do credit to the people of Rhode Island by allowing them to vote on these issues.

The Chairman: Resolutions will be referred to the Committee on Resolutions and as the chair understood, Chairman Caprio in making his report, this is the resolution to which you have reference.

Mr. Caprio: That is correct. It is on that resolution that the Committee on Resolutions will hold its public hearing next Tuesday at 6:00 P.M.

The Chairman: Received. So they will be distinguishable, we will designate this Resolution No. 1. The chair recognizes Mr. Borges.

Mr. Borges: Joseph Borges, District 48. I have a resolution which will declare the 1973 Constitutional Convention an open and unlimited Constitutional Convention.

The Chairman: Very well, marked Resolution No. 2 and referred to the Committee on Resolutions.

(Resolution No. 2 referred to Committee on Resolutions.)

The Chairman: The chair recalls the Chairman of the Committee on Legislative Compensation, delegate Friedemann.

Mr. Friedemann: The Committee on Legislative Compensation unanimously submits the following resolution to the convention for consideration and action. Resolved: The Convention request a legal opinion from the Attorney General as to whether the Convention is confined to the language of the call on the question of legislative compensation to be determined solely by the Compensation Commission.

The Chairman: In the normal course of events the chair will refer this to the Committee on Resolutions, but it clearly is an item that has time of the essence. Is it the rule of the Convention that we vote now or refer it to committee? The chair recognizes delegate Kaufmann.

Mr. Kaufmann: Robert Kaufmann, District 9. I move we have a divisional vote on the proposal.
The Chairman: Second?

Mr. Chace: N. Jameson Chace, District 47. I second the motion.

The Chairman: Before we do that, do we have ten members at least requesting a division vote? As many as are in favor of a division vote, please rise—this is just on the question. All right, you may be seated.

(Rising vote.)

The Chairman: Does any delegate wish to be heard on the resolution? The chair recognizes Mr. Cavanaugh.

Mr. Cavanaugh, District 24. I don't know whether it is appropriate at this time, but several of us have discussed this and would like to amend delegate Friedemann's motion in this manner, that be it resolved that this Convention request the Attorney General to render an advisory opinion to the Convention where the Convention may expand the proposals other than those and consider proposals other than those listed in Chapter 98, the Public Laws of 1973, and whether the Convention may propose any amendment in a manner in which itself determines; in other words, what is the scope of this Convention in its entirety.

The Chairman: As the chair understands, the motion to amend is to expand the request of the opinion from the Attorney General to include to question, is this Convention open to the consideration of proposed amendments other than those set forth in Chapter 98?

Mr. Cavanaugh: That is correct.

The Chairman: All right, now we will put that in a moment. We have been receiving proposals here this evening for the consideration of this Convention relative to Articles of the Constitution not contained in Chapter 98.

It is the position of the chair that this Convention will receive all proposed amendments to the Constitution, all proposals to consider revisions of the Constitution and refer them to committee for the delegates to deal with as they wish.

Do you still think we need an opinion from the Attorney General on that?

Mr. Cavanaugh: Mr. Chairman, I think at some time that this delegation will have to ask the Governor to ask the Supreme Court, as it has been prematurely done before we met, to truly determine what is the scope, that we do not act without the bounds of our authority.

I think this would be the first step towards that final resolution, so we could present it to the voters—I don't think the Committee on Resolutions would carry as much weight of authority as the Attorney General.

The Chairman: For the chair's information, does the delegate concede that the vote of this Convention will determine what is to be considered?

Mr. Cavanaugh: I would concede that this Convention decides not to expand the issues as presented in the call, I think the rest of the delegates would be bound by such.

The Chairman: But your position is that it may well go beyond that, and that the advice of the Attorney General in an opinion on the question could be helpful?

Mr. Cavanaugh: I believe so.

The Chairman: Do we have a second? The chair recognizes Mr. Saunders.

Mr. Saunders: Albert D. Saunders, District 22. I second that motion. It seems to me, Mr. Chairman, that all of these resolutions which had been referred to the Resolutions Committee go to the essence of the question whether the legislature and the people in the call of this Convention can't limit this Convention both in the scope of its investigation, and in terms of time, and I think the Convention would be well advised to seek the advice of the Attorney General on this issue, so I second the motion.
The Chairman: The Chair recognizes Mr. Caprio.

Mr. Caprio. At this time I wish to make a motion to lay the amended motion on the table.

Mr. Coleman: John Coleman, District 33. Seconded.

Mr. Kaufmann: Robert Kaufmann, District 9. I second that motion to table the amendment.

Mr. Torgen: Edward H. Torgen, District 23. I request a division vote on the motion to table.

The Chairman: There is no doubt there would be ten votes, so the chair will order a division vote. The question is shall the motion to amend the resolution seeking an opinion of the Attorney General be tabled. As many as are in favor of the motion to table, please rise, and remain standing until counted.

(Rising vote.)

The Chairman: You may be seated. Those opposed, please rise and remain standing.

(Rising vote.)

The Chairman: The chair is informed that the vote is 48 in favor of the motion to table, and 38 opposed. The motion is tabled.

(Motion to table passes.)

The Chairman: The question before the Convention is on the motion of delegate Friedemann seeking an opinion of the Attorney General relative to any limitation on this Convention on the language regarding legislative compensation. The chair recognizes Mr. MacLaughlin.

Mr. MacLaughlin: Edward R. MacLaughlin, District 20. May we discuss the motion of Mr. Friedemann?

The Chairman: Certainly.

Mr. MacLaughlin: My question is I can’t really understand it in my mind. Mr. Friedemann’s motion is that we ask the Attorney General for an advisory opinion, the amendment to that motion was that we increase the scope of that question to the Attorney General. That was just defeated; so, are we in fact asking the Attorney General for an advisory opinion, but limiting his advisory opinion?

The Chairman: If the chair may be permitted, Chapter 98 brought about the referendum of August 7th on which the electors voted to call this Convention sets forth specific language for the amending of the legislative compensation act. That’s a very separate question; namely, if this Convention votes by a majority of the elected delegates to amend the article of the legislative compensation, are they bound to take the language of Chapter 98 or may they provide some other method?

So it is essential that we get some guidance on that.

The motion to expand the scope goes to, “Is this an open Convention?” The chair attempted to explain that there is nothing happening that would indicate or suggest that this is not an open convention. There is no judicial issue.

Mr. Torgen: Delegate Torgen from North Kingstown, District 23.

The Chairman: Yes, the chair recognizes delegate Torgen.

Mr. Torgen: I think, ladies and gentlemen of the Constitutional Convention, that I think we are splitting hairs and beating around the bush. No matter how you cut it, the general assembly in Chapter 98 of the 1973 session told us what they wanted us to do.

If we are going to ask for an advisory opinion on one item, why don’t we ask for an advisory opinion on the whole scope of this convention? Let’s not beat around the bush any longer.

The Chairman: Out of order. Now, the question before the Convention is the main motion that the Attorney General be requested to advise this Convention as to whether the language
contained in Chapter 98 purporting to limit the method in which legislative compensation articles can be amended to be received. Are you ready for the question? It's a division vote?

Mr. Torgensen: Division vote is requested; delegate Torgensen requests a division vote.

The Chairman: The delegates in favor of the resolution requesting opinion of the Attorney General on the question of the proposed legislative compensation will please rise and remain standing to be counted.

(Rising vote.)

The Chairman: Be seated. As many as are opposed, please rise and remain standing?

(Rising vote.)

Mr. Torgensen: Delegate Torgensen from North Kingstown. I would like to be recorded as voting in opposition to the motion.

The Chairman: The chair is informed that there are 67 votes in favor of the resolution and 16 opposed.

Mr. Malinou: Mr. Chairman?

The Chairman: The chair recognizes delegate Malinou.

Mr. Malinou: Mr. Chairman, delegate Malinou wishes to be recorded as voting against.

The Chairman: It will be noted in the Journal, if there is no objection.

(No objection.)

(The chair notes that delegate Torgensen and delegate Malinou wish to be recorded as voting in opposition to the above and it is to be so noted in the Journal.)

The Chairman: Are there any other resolutions or motions?

Mr. Federico: Mr. Chairman?

The Chairman: The chair recognizes delegate Federico.

Mr. Federico: Delegate Federico, 26th District, I have a proposal similar in substance to Mr. Caprio's proposal concerning individual balloting on our final proposals.

The Chairman: The Secretary will read it.

Mr. Conley: I make the motion in November this Convention's proposed amendments to the Constitution of the State of Rhode Island be submitted individually to the voters of this state for the purpose of either ratification or rejection.

The Chairman: Very well then, Mr. Federico's Resolution No. 4 will be referred to the Committee on Resolutions and be considered at the public hearing next Tuesday.

(Resolution of delegate Federico referred to the Committee on Resolutions.)

The Chairman: Are there any other resolutions and motions? There appear to be none; but there are several matters we must clear up tonight. One is the schedule of future meetings.

Simply by way of observation, the chair is inclined to believe that we cannot get along with very much business on one meeting a week. It seems to the chair that we should meet at least twice a week from here on.

Mr. Connors: Mr. Chairman, delegate Connors.

The Chairman: The chair recognizes delegate Connors.

Mr. Connors: I would like to move that we meet twice a week, and I would suggest evening meetings on Tuesday and Thursday.

Mr. Garan: Delegate Garan from the 9th District, I would like to second that motion.

The Chairman: The motion before the Convention is that the Convention schedule weekly
meetings on Tuesday and Thursday evenings. I take it, 7:30, commencing next Tuesday until final adjournment comes about.

Discussion?

There appears to be no discussion.

The Chairman: The question before the Convention is, "Shall the motion at this Convention be that we meet Tuesdays and Thursdays at 7:30 p.m. from now, commencing next Tuesday, until final adjournment?" As many as are in favor will say, "Aye." Opposed, "No." The ayes appear to have it. The ayes do have it. That is the order of business. The Convention will meet 7:30 Tuesdays and Thursdays commencing next Tuesday until this Convention stands finally adjourned.

(Voted: That the Convention meet 7:30 p.m. Tuesdays and Thursdays commencing next Tuesday until final adjournment.)

The Chairman: There is one other point that does not really come under resolutions and motions; but the chair feels compelled to bring it to your attention.

(The chair indicated that money would not be available to pay expenses of holding hearings around the state. Delegate O'Donnell agreed for the Committee on Administration.)

The Chairman: The chair will recognize Mr. Friemermann.

Mr. Friedemann: Zygmunt Friedemann, District 18. I would like to announce that the meeting of the Legislative Compensation Committee will take place immediately after adjournment of this session in the House Lounge. Thank you.

The Chairman: The chair will recognize Mr. Caprio.

Mr. Caprio: I wish to announce that the meeting of the Resolutions Committee will take place immediately upon adjournment tonight here at my seat.

The Chairman: Any other committees wish to make a similar announcement?

Mr. Taylor: The Committee on Style and Drafting will meet for a few minutes only in the Library at the conclusion of this assembly.

The Chairman: Any other announcements? Well, the order is unfinished business. There is none. The next order is special orders of the day — none; general orders of the day — there are none.

The motion to adjourn to next Tuesday is in order; so do I have a motion to adjourn? The chair recognizes Mr. Coleman.

Mr. Coleman: John A. Coleman, District 33. Seconded.

Mr. Principie: Anthony F. Principie, District 45. Seconded.

Mr. Cavanagh: Roderick A. Cavanagh, District 24. Seconded.

The Chairman: As many as are in favor say, "Aye." The "Ayes" have it. The meeting is adjourned until next Tuesday.

(Meeting adjourned at 9:20.)

Patrick T. Conley, Secretary

Elliott E. Andrews, Recorder
### APPENDIX A

#### COMMITTEES

<table>
<thead>
<tr>
<th>COMMITTEE NAME</th>
<th>CHAIRMAN</th>
<th>VICE CHAIRMAN</th>
<th>OTHER MEMBERS</th>
</tr>
</thead>
<tbody>
<tr>
<td>COMMITTEE ON ADMINISTRATION*</td>
<td>Joseph H. O'Donnell, Jr.</td>
<td>Patrick T. Conley</td>
<td>Helen Migliaccio, Ann M. McQueeney, Judge William E. Powers</td>
</tr>
<tr>
<td>COMMITTEE ON LEGISLATIVE COMPENSATION</td>
<td>Zygmunt Friedemann</td>
<td>Ethel DeAngelis</td>
<td>John Small, Robert Kaufmann, John D'Amico, Adrian J. O'Rourke, Salvatore Cesaro, Richard Costantino, John Capaldi, Anthony Principipe, Arthur Mitchell, N. Jameson Chace, M. Christine Byrnes, Donald Large, Robert Breslin, Guistina Colafrancesco, Manuel Botelho, Jr., Paul Vademaits, David Veloso, Mary Hilts, Vacancy</td>
</tr>
<tr>
<td>COMMITTEE ON GRAND JURY*</td>
<td>Giovanni Focarelli, Chairman</td>
<td>Edward Torgren</td>
<td>Vice Chairman, Martin Malinou, Steven Kenny, John Garan</td>
</tr>
</tbody>
</table>
Arthur Capaldi
George Ogle
Emmett Cotter
Edward Slattery
Anthony J. Brosco
Wilfred Godin
Ann Baker
Mary Kathleen Furtado
Kathleen Hawkins
Walter Kimball
Charles Hooper
Alan Gelfuso
Martha Bailey
Herbert Rock
J. Colin Dawson
Albert Saunders

COMMITTEE ON STYLE AND DRAFTING
Erich A. O'D. Taylor, Chairman
Arthur Murphy, Vice Chairman
William Murphy
Robert Mauro
John Hines
Robert Tucker
William Peotrowski

COMMITTEE ON RESOLUTIONS**
Frank Caprio, Chairman
Joseph Borges, Vice Chairman
Joseph Caliri
John Cioci
John Capaldi
William McAtee
Janet Hartman

COMMITTEE ON PUBLIC INFORMATION**
John M. O'Hare, Chairman
Christine Byrnes, Vice Chairman
Marilyn Thetonia
Janet Hartman
William Murphy
Herbert Rock
Paul O. Vadensiai

*Standing Committee.
**Committee created at discretion of chairman.
APPENDIX B

Rules Approved September 6, 1973

CHAPTER I—GENERAL PROVISIONS

Quorum

Rule 1. A majority of the elected and qualified delegates (51) shall constitute a quorum for the transaction of business but a lesser number may adjourn the Convention to a stated time. The time of the sessions of the Convention shall be determined by the delegates with due respect for the convenience of the delegates and public.

Admission to the Floor

Rule 2. Admission to the floor shall be limited to delegates except upon invitation of the Convention or the Chair.

CHAPTER II—OFFICERS AND EMPLOYEES

Officers of the Convention

Rule 3a. The officers of the Convention shall be a Chairman, First Vice Chairman, Second Vice Chairman, Third Vice Chairman and Secretary to be elected by a majority of the Delegates present and voting from the members of the Convention.

Rule 3b. The five general officers of the Convention shall constitute the Committee on Administration.

Rule 3c. The Committee on Administration shall elect its own Chairman.

Rule 3d. The Committee on Administration shall generally oversee the administrative and business affairs of the Convention such as finances; employees (including research and secretarial staff, the sergeant at arms, and pages); printing and distribution of reports; and physical arrangements for the Convention and Committees thereof.

Rule 3e. Consideration shall be given to all minority parties on all appointments.

The Chairman

Duties of the Presiding Officer

Rule 4a. The Chairman shall take the Chair each day at the hour to which the Convention shall have adjourned or recessed. He shall call the Convention to order and, except in the absence of a quorum, shall
proceed to business in the manner prescribed by these rules.

Rule 4b. The Chairman shall preserve order and decorum; may speak to points of order and shall decide questions of order, subject to an appeal to the Convention. When two or more delegates rise at once, the Chairman shall name the Delegate who is first to speak.

**Appointments by the Chairman**

Rule 5a. The Chairman, after consultation with the General Officers, shall appoint all committees.

**Voting**

Rule 5b. The Chairman shall vote in all elections, on all divisions called for by any member, and on all questions taken by yeas and nays and may speak to any question upon relinquishing the chair.

**Vice Chairman**

**Powers and Duties**

Rule 6. In the absence of the Chairman, the respective vice chairman in the order of their appointment shall exercise the powers and perform the duties of the Chairman, and shall preside over the Convention.

**Secretary**

**Roll Call**

Rule 7. The Secretary shall call the roll at the opening of each session of the Convention and announce whether or not a quorum be present.

**Publication, Distribution and Correction of Journal**

Rule 7a. The Secretary shall keep a Journal of the Proceedings of the Convention in conformity with the rules, supervise the preparation thereof, and make such corrections as may be necessary. He shall furnish each delegate a copy of the proceedings of the previous session.

**Copying and Care of Proposals**

Rule 7b. The Secretary shall number each proposal when introduced. Copies of all proposals introduced shall be provided for all delegates. The Secretary shall be responsible to the Convention for the care and preservation of each proposal introduced into the Convention. The Secretary shall keep all proposals reported out of committee and they shall be on file, and such file shall be called the general orders of the day.
Report of Proceedings

Rule 7c. There shall be kept a verbatim record of Convention proceedings. Said record shall be available for inspection by delegates and interested persons.

Safekeeping of Documents

Rule 7d. All permanent papers of the committee shall be delivered to the Secretary for safekeeping.

Sergeant at Arms

Rule 8. The Sergeant at Arms shall be the chief police officer of the Convention. He shall have charge of such assistants as appointed. He shall, on order of the presiding officer, maintain order in the Convention.

Seating of Delegates

Rule 9. The chairman and the vice-chairman of each committee shall be given preference in the choice of seating according to the order in which the Committees are listed in these rules. The seating of the remainder shall be determined by the individual choice of the delegates.

CHAPTER III—MEMBERS

Conduct in Debate

Rule 10. When any Delegate is about to speak in debate he shall rise and identify himself.

Times Delegates May Speak

Rule 11. No Delegate may speak more than once on the same question until all other Delegates have had a chance to speak, unless he be the mover of the matter pending or Chairman of the Committee that reported it, or unless a majority of the members present shall permit.

CHAPTER IV—COMMITTEES

Establishment and Meetings

Rule 12a. The Chairman, after consultation with the other general officers, shall appoint the membership of all committees and the chairman and vice chairman thereof, except the committee on Administration.

Rule 12b. The standing committees of the Convention and the number of delegates thereon shall be as follows: Committee on Administration (5 General Officers); Committee on Rules and Credentials (11 delegates); Committee on Legislative Compensation (21 delegates); Committee on Lotteries (21 delegates); Committee on
Elections (23 delegates); Committee on Grand Jury (21 delegates); Committee on Style and Drafting (7 delegates). Additional committees may be provided for by the chair as might become necessary during the Convention.

Rule 12c. Each Delegate shall serve on at least one but not more than two committees.

Rule 12d. Each committee may elect a Secretary from among its membership.

Rule 12e. Subject to an appeal from the Chairman's ruling, the Chairman shall refer each proposal or resolution to the suitable committee.

Rule 12f. The meetings of all substantive committees shall be open to the public.

Chairman of Committees

Rule 13. No delegate shall serve as Chairman of more than one standing committee.

Sitting of Committees During Sessions of the Convention

Rule 14. No committee shall sit during the sessions of the Convention, without leave of the Chairman.

Power to Incur Expenses

Rule 15. No committee or Delegate shall incur any expenses chargeable to the Convention unless authorized by the Committee on Administration.

Sub-Committees or Committees

Rule 16. A committee, by a majority vote of its number, may provide for the appointment of sub-committees composed of Delegates named to the Committee. Reports of sub-committees shall be considered by the entire committee before reference thereof to the Convention.

Report of Committees

Rule 17. Every proposal approved by the Committee shall be reported to the floor. The written position of a minority shall be filed with the Secretary.

Powers of Committees

Rule 18. Committees shall have the right to hold public hearings at any place in the State. A committee may grant the power here authorized to any sub-committee.
Consideration of Proposals Without Committee

Recommendation

Rule 19. A majority of the Delegates (51) may by resolution, require a committee to return any proposal without recommendation.

CHAPTER V

TRANSACTION OF BUSINESS

Order of Business

Rule 20. The order of business of the Convention shall be as follows:

1. Call to order
2. Invocation
3. Salute to the flag
4. Roll Call
5. Reading and correcting of Journal
6. Reports of standing committees
7. Reports of select committees
8. Communications
9. Introduction and first reading of proposals
10. Second reading of proposals
11. Motions and resolutions
12. Unfinished business
13. Special orders of the day
14. General orders of the day

MOTIONS AND RESOLUTIONS

Stating Motions

Rule 21. When a motion is made, it shall be stated by the Chairman; or, if in writing, it shall be handed to and read aloud by the Secretary before being debated.

Reduced to Writing

Rule 22. Every motion shall be reduced to writing if the Chairman or any Delegate shall request it, and shall be entered upon the Journal, together with the name of the Delegate making it, unless withdrawn or ruled out of order by the Chairman.

When in Possession: Withdrawal

Rule 23. After a motion has been stated by the Chairman or read by the Secretary, it shall be deemed to be in the possession of the Convention, but may be withdrawn by the maker of the motion at any time before being amended or put to a vote.
Precedence of Motions

Rule 24. When a question is under debate, no motion shall be received but:

1. To fix the time to which to adjourn
2. To Adjourn
3. To take a recess
4. To limit or close debate
5. To lay on the table
6. To postpone to a day certain
7. To commit
8. To amend
9. To indefinitely postpone

Such motions shall take precedence in the order in which they stand arranged, and shall be decided by a majority vote of those present and voting, except the motion to postpone indefinitely, which shall be decided by a majority vote of the Delegates elected (51). When a recess is taken during the pendency of any question, the consideration of such question shall be resumed upon reassembling unless otherwise determined. No motion to postpone to a day certain, or to commit, being decided, shall be again allowed on the same day and at the same stage of the question. Whenever a proposal is up for consideration at any stage of procedure, and a motion is made to indefinitely postpone, or to commit, amendments shall be in order before taking a vote on any such motion.

Motion to Adjourn in Order, Not Debatable

Rule 25. A motion to adjourn shall always be in order except when a motion to fix the time to adjourn is pending. A motion to adjourn, a motion to lay on the table, and all matters relating to questions of order, shall be decided without debate. A motion for a recess, pending the consideration of other business, shall not be debatable.

Order of Putting Questions

Rule 26. All questions shall be put in the order they were moved, except in the case of privileged questions and in the filling up of blanks, the largest sum and the longest time shall be first put.

Division of Question

Rule 27. Any Delegate may call for a division of the question, which shall be divided if it comprehends propositions in substance so distinct that one being taken away a substantive proposition shall remain for the
decision of the Convention. A motion to strike out and insert shall be deemed indivisible.

Motion for Reconsideration

Rule 28. Any Delegate may move for a reconsideration of any question at the same or next succeeding session of the Convention or the Committee on Style and Drafting may move for reconsideration on any subsequent day if at least one day's notice of its intention to do so is given in writing to the Secretary, which shall be spread upon the Journal. A motion to reconsider shall take precedence of all other questions, except a motion to fix the time to which to adjourn, a motion to adjourn and a motion to recess. No motion to reconsider shall be renewed on the same day.

MOTION FOR ROLL CALL OF THE CONVENTION

Ordering Roll Calls of the Convention

Rule 29a. A Roll Call of the Convention shall be ordered upon request of ten (10) or more delegates.

Rule 29b. The roll of the Convention shall be called by the Secretary and the absentees noted.

CHAPTER VI—PROPOSALS

Introduction

Rule 30. All matters intended to become a part of any revised constitution or constitutional amendment shall be presented by a Delegate in the form of a proposal and endorsed by the Delegate introducing them. All proposals shall be introduced in accordance with the form prescribed.

Entry of Proposals to Amend by Qualified Electors

Rule 31. A qualified elector may submit to the Convention through a Delegate for consideration a proposal to amend the Constitution which shall be introduced and marked “by request.”

Order of Consideration

Rule 32. The regular order to be taken by proposals introduced in the Convention shall be as follows:

1. Introduction, first reading of title, reference to a committee by the Chairman, and ordered printed and distributed unless otherwise ordered by a majority of the members present.

2. Report of committee and placing on the general orders.
3. Discussion on the report by the delegates.
4. Reference to the Committee on Style and Drafting.
5. Report of Committee on Style and Drafting to the Convention.
6. Second reading, vote on passage by the Convention.
7. Re-reference to Committee on Style and Drafting by the Convention if required.
8. Final reading and final passage by the Convention Majority.

Majority Vote on Proposals
Rule 33. On the passage of every proposal, section, article and a complete revision or amendment, the vote shall be taken yeas and nays, and entered on the journal, and no proposal, section, article or any amendment or complete revision shall be declared passed unless a majority of the delegates present and voting shall have voted in favor of the passage of the same.

Rule 33a. Final passage of every final proposal, section, article and a complete revision or amendment shall be declared passed if a majority of all the Delegates elected to the Convention (51) shall have voted in favor of the passage of the same.

Special Orders
Unfinished Special Orders
Rule 34. Any subject matter made the special order for a particular day, not having been reached on that day, shall come up for consideration under the order of "Unfinished Business" at the next succeeding session.

CHAPTER VII—Miscellaneous
Presentation and Endorsement of Petitions
Rule 35. Petitions received by any officer of the Convention or by any Delegate shall be handed directly to the Chairman or clerk of the committee which has the subject matter of the petition under consideration. The chairman of the committee, on behalf of the Convention, shall acknowledge the receipt of the petition.

Calls of Convention
Rule 36. Upon Roll Call of the Convention, in taking the yeas and nays upon any question, the names of the delegates shall be called alphabetically.
Division Voting

Rule 37. A division of the Convention may be had on the demand of ten (10) or more delegates on any pending question. When a division of the Convention is ordered, a rising vote shall be taken and the Chairman shall declare the result. On a tie vote the question shall be put once more. If a tie vote persists, it shall be deemed lost. The Chairman may order a division of the Convention.

Recognition During Roll Call

Rule 38. After a question has been stated by the Chairman, and the call of the roll has been started by the Secretary, the Chairman except as provided below shall not recognize a Delegate for any purpose, except upon points of order, until after the announcement of the vote by the Chairman. The Secretary shall enter upon the Journal the names of those voting “aye” and the names of those voting “no”. Any Delegate is privileged to reserve the right to explain orally or in writing his vote on roll call, but the Delegate must reserve that right at the time of voting and not otherwise.

Until the result of a roll call vote is declared, any Delegate may change his vote, or if his vote has not been recorded, may have his vote recorded.

Absentees

Rule 39. At the roll call at the opening of each session and upon calls of the Convention, the names of the members shall be called by the Secretary, and the absentees noted, after which the names of the absentees shall again be called. Any twenty-five members of the Convention shall have full power and authority to compel the attendance of absent members and to call upon any sheriffs or deputy sheriffs to execute the orders thereof. For these purposes the authority of such sheriffs or deputy sheriffs shall extend throughout the state.

Abstaining from Vote

Rule 40. No Delegate shall be entitled to abstain from voting in any Roll Call unless he shall have stated his intention to abstain before the voting starts.

Amendment or Suspension of Rules

Rule 41. Any rule of the Convention may be altered by the vote of a majority of the Delegates elected (51), but no rules shall be amended unless such amendment
is in writing and in the possession of the Convention one day prior to its consideration. A rule may be suspended by a vote of two-thirds of all the Delegates elected (67) shown to be present by the Journal entries and by a roll call vote.

Appeals

Form of Question

Rule 42. On all appeals from decisions of the Chair, the question shall be "Shall the judgment of the Chair stand as the judgment of the Convention?" Which question shall be decided by a majority vote of those present and voting by a rising vote, unless otherwise ordered by the Convention.

Practice

Rule 43. In all cases not provided by these rules, the Chairman shall decide the issue in his discretion subject to an appeal.

Appropriations

Rule 44. No motion or resolution calling for an appropriation or expenditure of money shall be acted upon by the Convention without first having been referred to the Committee on Administration of the Convention for consideration and recommendation.

Public Hearing

Rule 45. No proposal to amend the constitution shall be recommended by a Standing Committee until after a hearing on the same shall have been held in a public place of which hearing the electors shall have had a notice by advertisement at least three days prior, prominently displayed in the public press stating the time and place of hearing and the substance of the proposal or proposals to be heard, which hearing shall be conducted by the committee which has the proposal under consideration under these rules. A reasonable period of time shall be allotted for the public to express its viewpoint.

Definitions

Rule 46. The words "votes of a majority of the delegates elected" and "Votes of a majority of the delegates" shall mean at least fifty-one (51) votes. The words "vote of the Majority" or "by majority vote" shall mean a vote of a majority of those present and
voting. The words “he” and “his” shall mean “she” or “her” in all appropriate cases.

Final Adjournment

Rule 47. Final adjournment shall be upon a vote of the majority of the delegates (51) elected to the Convention.