

Providence College

DigitalCommons@Providence

Journals of the 1973 Constitutional Convention
of Rhode Island

Special Collections

9-20-1973

Journal of the 1973 Constitutional Convention Vol. 1, No. 5

Follow this and additional works at: https://digitalcommons.providence.edu/constitution_73



Part of the [Legal Commons](#), [State and Local Government Law Commons](#), and the [United States History Commons](#)

"Journal of the 1973 Constitutional Convention Vol. 1, No. 5" (1973). *Journals of the 1973 Constitutional Convention of Rhode Island*. 5.

https://digitalcommons.providence.edu/constitution_73/5

This Conference Proceeding is brought to you for free and open access by the Special Collections at DigitalCommons@Providence. It has been accepted for inclusion in Journals of the 1973 Constitutional Convention of Rhode Island by an authorized administrator of DigitalCommons@Providence. For more information, please contact dps@providence.edu.

JOURNAL

OF THE
1973 CONSTITUTIONAL CONVENTION

Vol. 1, No. 5.

Thursday, September 20, 1973

FIFTH DAY

THURSDAY, SEPTEMBER 20, 1973

THE CONVENTION CALLED TO ORDER AT 7:30 P.M.

The Chairman: The Convention will come to order.

Now, as has been the case in the last two sessions, when your name is called, you respond to note your attendance and advise us if you have any proposals you wish to introduce. The secretary will call the roll.

(Roll call taken.)

(The following delegates were absent:)

M. Christine Byrnes

Joseph A. Caliri

Guistina Colafrancesco

Edward Costello

William T. Murphy

Robert J. Paci

James Petrosinelli

Herbert Rock

John E. Small

Paul Vadenais

David Veloso

The Chairman: The chair is informed that there is a quorum present.

Mr. Conley: There are 89 members present, and 11 absent.

The Chairman: We will please attend and salute the flag.

(Salute to the flag.)

The Chairman: Are there any errors or omissions in the Journal of our previous session? Hearing none, the minutes of the previous session stand approved as printed.

(So approved.)

The Chairman: Now we will proceed to reports of committees. The chair recognizes the chairman of the Committee on Administration.

Mr. O'Donnell: Joseph O'Donnell, District 30. The Committee on Administration will report the expenditures to date; under personnel: Director of Administration, \$817; Secretaries, \$456; Research Directors, \$855; Research Assistants, \$1386; Pages, \$200; Sergeant-at-Arms, \$75; Assistant Sergeant-at-Arms, \$40; for a total of \$4312, which includes the tax.

Under Contractual Services: Stenographic, \$1690; Equipment Rental, \$135; Supplies, \$125; Printing, \$1095; for a total of \$3045 in Contractual services.

Total expenditures including this evening's session with the exception of the stenographic services, comes to \$7357. A point that we might all bear in mind is that the cost per session appears to be running somewhere around \$2000,

and at the current rate at our next session we should be fairly well through half of our budget.

There have been requests to the committee from various chairmen that have inquired about expenditures and at this time I would like to remind everyone that the committee must give its approval to expenditures that are to be made, and if there are any proposals for expenditures, we would appreciate your giving those to the Director of Administration.

That concludes the report, Mr. Chairman.

The Chairman: Thank you, Mr. O'Donnell. Are there any comments? Hearing none, the report of the Committee on Administration is received and stands approved.

The Chairman: The Committee on Legislative Compensation; the chair recognizes the Committee Chairman, Zygmunt Friedemann.

Mr. Friedemann: Zygmunt Friedemann, District 18. I am reporting for the Committee on Legislative Compensation.

(Full texts of committee reports are in the transcript.)

The Chairman: Thank you, Mr. Friedemann. Are there any comments? Hearing none, the report of the Committee on Legislative Compensation is received as read.

The Chairman: The chair recognizes Ronald Gagnon, Esq., Chairman of the Committee on Lotteries, to report from the committee.

Mr. Gagnon: Mr. Chairman, for a report of the Lottery Committee, I would ask Mrs. Messina to render that report.

(See transcript.)

The Chairman: Are there any comments? Hearing none, the report of the Committee on Lotteries is received and approved as read.

The Chairman: The Committee on Elections?

Mr. McKenna: Mr. Chairman, Delegate McKenna from Newport. In the absence of Chairman Murphy, I would like to read the report.

(See transcript.)

The Chairman: Thank you very much. Are there any comments? Hearing none, the report of the Committee on Elections is received and approved as read.

The Chairman: The Committee on Grand Jury? The chair recognizes John Folcarelli, Esq.

Mr. Folcarelli: Mr. Chairman, the committee has had no further meetings since I reported last Tuesday.

The Chairman: The chair recognizes delegate Senator Taylor, Chairman of the Committee on Style and Drafting.

Mr. Taylor: Thank you, Mr. Chairman.

(See transcript for reports.)

The Chairman: Senator Taylor, in connection with your report it seems to the chair wise to point out the rules under which we are operating provide that when a standing or select committee has reported a proposal relative to an individual amendment of the Constitution for consideration by the convention, it will be considered by the convention, and if approved by a majority vote present and voting will be referred to the Committee on Style and Drafting which will put it in proper shape and then report it back to the convention which will again consider it, at which time final adoption would require 51 votes, but you can see the time schedule.

The chair recognizes Frank Caprio, Esq., Chairman of the Committee on Resolutions.

Mr. Caprio: Frank Caprio, District 8, reporting for the Committee on Resolutions.

I will say to you, Mr. Chairman and members of this convention, that the members of the Resolutions Committee have found great merit in several of the proposals before it and several of

the resolutions. However, at this time there appears to be some concern within the committee as to just what the scope of the convention should be. There was prolonged discussion along those lines.

Accordingly, Mr. Chairman, it was decided we would not take any definitive action on any of the proposals or resolutions that have thus far been submitted to us, rather we will have a meeting next Tuesday at 6:30 p.m. in Room 210. At that time we wish to collect our thoughts and have the benefit of some research that has been ordered, and perhaps take further action on some of the measures that have been submitted to us.

The Chairman: Thank you, Mr. Caprio. Are there any comments? Hearing none, the report of the Committee on Resolutions is approved as read.

The Chairman: The chair recognizes delegate John O'Hare, Chairman of the Committee on Public Information.

Mr. O'Hare: John O'Hare, District 37, reporting for the Committee on Public Information.

(See transcript for report.)

The Chairman: Any further comments? There being no objections to the report of the Committee on Public Information, it is received and approved as read.

The Chairman: This brings us to Communications. The chair is going to request the indulgence of the convention in asking Professor Smith of Providence College to make the report relative to papers in the archives of Providence College that might be of assistance and value to the delegates.

Professor Smith: Thank you, Chairman Powers. (Text of Mr. Smith's remarks is in the transcript.)

The Chairman: At the last session, delegate Walter Kimball presented a motion or resolution which the convention adopted, relative to the request being made of Channel 36-TV, Public

Educational Television Station on televising the last two sessions of this convention.

The following morning the chair communicated with Robert P. Danilowicz, the manager of the station. (The Chairman then reported that videotaping would be possible.)

The Chairman: Now, we are going to take the reading of the roll and receive such proposals as you're ready to offer.

Mr. Conley: The following is a list of proposals submitted indicating the name of the delegate who introduced each proposal, the subject, the number, and the committee to which it was referred.

	Prop. No.	Comm.
Delegate Chace (with Delegates Breslin and Kidder):		
Legislative compensation	46	Leg. Comp.
Delegate Conley:		
Elections to incur state debts	47	Elections
Delegate Conley:		
Election requirements for constitutional revision	48	Elections
Delegate Conley:		
Compensation of General Assembly	49	Elections
Delegate Conley:		
Lottery	50	Lotteries
Delegate Friedemann (with Dele- gates Cesaro, O'Rourke):		
Legislative compensation	51	Leg. Comp.
Delegate Friedemann:		
Legislative compensation	52	Leg. Comp.
Delegate Kaufmann (with Dele- gates Costantino, Friedemann, Mauro, Arthur Capaldi, De- Angelis, O'Hare and Connors):		
Legislative compensation	53	Leg. Comp.
Delegate Kenny:		
Legislative pay	54	Leg. Comp.
Delegate MacLaughlin:		
Legislative pay	55	Leg. Comp.

	Prop. No.	Comm.
Delegate MacLaughlin: Election of Governor and Lt. Governor and ap- pointment of other gen- eral officers	56	Resolutions
Delegate Malinou and Qualified Elector Joan E. Lawrence Equal rights for women	57	Resolutions
Delegate McAllister: Legislative pay	58	Leg. Comp.
Delegate McAllister (with Dele- gates D'Amico, Williams, Gel- fuso and Hooper): Disclosure of campaign funds	59	Leg. Comp.
Delegate William F. Murphy: Suffrage	60	Elections
Delegate William F. Murphy: Constitutional conventions	61	Elections
Delegate O'Hare Elimination of special elections	62	Elections
Delegate Partridge: Suffrage	63	Elections
Delegate Saunders: Terms of office and ap- pointment of general of- ficers	64	Resolutions

(There was a challenge to the chair's referral of Proposal 64 to the Committee on Resolutions.)

The Chairman: It is a position of the chair that by no stretching of the imagination could the mandate of the people on passing on the act of the Chapter 98 and the warrant on election include the restructuring of the state government. Now it is the opinion of the chair, and as a delegate my private feeling, of the matter that changing two to four-year terms is not properly within election provision, but it's debatable. However, it does not seem to the chair that restructuring state officers comes within the concept of the purposes for which this convention was at least originally called, so the

chair is referring to the Committee on Elections, those things which are concerned actually with the election provisions, but not those on the structure of state office.

(The ruling of the chair in referring Proposal 64 was put to a division vote.)

The Vice-Chairman: Will those stand who shall support the chair?

(Rising vote.)

The Vice-Chairman: Those opposed please rise?

(Rising vote.)

The Vice-Chairman: The ruling of the chair is upheld 46 to 32.

(So upheld.)

(The Chairman now presiding.)

Mr. Taylor: I have a resolution concerned with the adjournment.

The Chairman: Will the Senator hold it.

Mr. Conley: Are there any other individuals who have proposals to submit?

Mr. Folcarelli: I have a motion, if this is the proper time.

The Chairman: Hold it just a moment. There being no further proposals for introduction, I would proceed ordinarily to second reading, but there is no second reading before us and that brings us to motions and resolutions, and with due deference to Mr. Folcarelli and Senator Taylor, I would call on Senator Taylor.

Mr. Taylor: Would the motion which I submitted please be read?

Mr. Conley: "I move that, in accordance with the General Assembly's act by which it is constituted, Chapter 98 of the Public Laws 1973, that 'The action of the Convention shall be completed no later than October 4, 1973.'

Now, therefore, be it resolved that with the adjournment of its October 4, 1973 session, this Convention will stand adjourned, sine die. Erich A. O'D. Taylor, Delegate District 49." (Numbered Resolution 5).

Mr. Taylor: I so move.

Mr. Folcarelli: Second.

Mr. Connors: Second.

Mr. Capaldi: Seconded.

The Chairman: In the normal course of events, the chair would have no hesitancy of referring it to the Committee on Resolutions, but it is of timely importance and the matter is readily understood, so it is the ruling of the chair that we will place the motion of delegate Taylor, as seconded, on the Special Orders of the Day for this session. The chair recognizes delegate Folcarelli.

Mr. Folcarelli: John Folcarelli, District 22. I have a motion to suspend Rule 45 for the remainder of this convention term. (Debate on the motion.)

Mr. Folcarelli: Mr. Chairman, in view of the ruling that you made previously, I withdraw that motion:

The Chairman: The motion is withdrawn.

The Chairman: The chair recognizes Mr. McKenna.

Mr. McKenna: I move the following resolution. It is in relation to the inventory of papers to the Constitutional Convention, and I ask for consideration upon its reading.

Mr. Conley: "BE IT RESOLVED That this Convention extend its gratitude to Professor Matthew J. Smith, Archivist of Providence College, for his services as Assistant Director of Research and for his preparation of an inventory of the papers of the previous convention to serve as a research guide for the delegates.

"BE IT ALSO RESOLVED That this Convention extend its gratitude to Miss Jane M. Jackson, Assistant Archivist of Providence College, for her co-authorship of the constitutional inventory.

"BE IT RESOLVED FURTHER That official copies of this resolution be forwarded to Professor Smith, Miss Jackson, and the Very Reverend Thomas Peterson, O.P., President of Providence College. Delegate Robert J. McKenna, District 50 — Newport." (Numbered Resolution 6.)

Mr. Kenny: Steven B. Kenny, District 20. Seconded.

Mr. MacLaughlin: Edward MacLaughlin, District 20. Seconded.

Mr. Murphy: William F. Murphy, District 47. I second that motion.

Mr. Partridge: John Partridge, District 38. Seconded.

The Chairman: As many as are in favor, say "Aye"; opposed "No." The "Ayes" do have it.

(Resolution so passed unanimously.)

The Chairman: The chair is informed that delegate Kenny has a motion or resolution.

Mr. Kenny: I have a proposal relating to legislative pensions and upon reading it, I would like immediate consideration because there is a certain immediacy to this.

The Chairman: The chair is advised that it is quite lengthy and should be printed and made available to all of the delegates, and so, it will be referred to the Committee on Resolutions for prompt consideration, and in the meantime it will be printed and distributed to all delegates. (Numbered Resolution 7.)

Mr. Malinou: Martin Malinou, District 1. I have a motion which I would like placed on Special Orders of the Day.

The Chairman: I will tell you what we are going to do. We are going to receive your resolution and refer it to the Committee on Resolutions (Numbered Resolution 8).

Mr. MacLaughlin: Edward MacLaughlin, District 20. I have a motion and I would like immediate consideration. I move that the secretary of the convention send a letter of commendation to the Brother Director of LaSalle Academy concerning the gentlemanly conduct of the students who attended the last convention, and expressing our pleasure at their presence. (Numbered Resolution 9.)

The Chairman: The motion is short, easily understood and considered. Is it seconded?

Mr. Capaldi: John Capaldi, District 21. Seconded.

The Chairman: As many as are in favor say "Aye"; opposed "No." The "Ayes" have it.

(Motion so passed unanimously.)

Ms. DeAngelis: Ethel DeAngelis, District 14. I have a resolution Appropriating Monies for Public Relations Concerning Legislative Pay.

The Chairman: The secretary will read it.

Mr. Conley: "Resolution appropriating monies for public relations concerning legislative pay. A resolution authorizing the expenditure of a reasonable sum of money to publicize and promote to the public a favorable disposition toward the passage of a legislative pay proposal. Co-sponsors Ethel DeAngelis, District 14; Alice E. D'Alessio, District 7. This is Resolution Number 10.

The Chairman: Received and referred to the Committee on Administration in accordance with the rule.

(Resolution #10 received and referred to Committee on Administration.)

The Chairman: Special Orders of the Day. The chair recognizes Senator Taylor.

Mr. Taylor: Mr. Chairman, might I have the motion read so it is clear to everyone what it says?

The Chairman: The secretary will comply with the request.

Mr. Conley: "I move that, in accordance with the General Assembly's act by which it is constituted, Chapter 98 of the Public Laws 1973, that 'The action of the Convention shall be completed no later than October 4, 1973'.

Now, therefore, BE IT RESOLVED That with the adjournment of its October 4, 1973 session, this Convention will stand adjourned, sine die. Erich A. O'D. Taylor, Delegate, District 49."

Mr. Taylor: We have a very clear date when we assembled; we have a very clear date when we must go. It is very necessary for each member of this assembly to think it over. Has he or has she an intention of endangering the whole constitutional convention, the good things that may be done. May I say it is most important by bringing this to a short conclusion. I don't think there is one of us who can say they haven't had time to think over the four things that are before us.

I move the question, Mr. Chairman.

The Chairman: The chair recognizes delegate MacLaughlin?

Mr. MacLaughlin: Delegate MacLaughlin, District 20, I rise to speak against this motion if I may in all respect to the senator from District 49. I would like to make a remark. I think his motion at this time is a little premature.

I agree with him as far as most of the amendments and propositions and proposals are in at this time. So far we have not received on the floor of this convention any particular proposal on which we could vote.

For that reason until we have something substantive to work on here I would speak against it and wait perhaps one week before we set a final date.

The Chairman: The chair recognizes Delegate Dawson?

Mr. Dawson: I would like to make a motion to table Mr. Taylor's motion.

Mr. Malinou: Second the motion, Mr. Chairman.

The Chairman: On the motion offered by Senator Taylor, that it be laid on the table, are there ten requesting a division vote?

(Noted there are more than ten requesting said division vote.)

The Chairman: Those who favor the motion to table Senator Taylor's motion, please rise?

(Rising vote.)

The Chairman: Those opposed will please rise?

(Rising vote.)

The Chairman: There are 32 votes in favor of the motion to table, 43 votes against the motion to table, and the motion to table fails.

Mr. Cavanagh: Mr. Chairman, Delegate Cavanagh from District 24.

The Chairman: The chair recognizes Delegate Cavanagh?

Mr. Cavanagh: As I understand Mr. Taylor's motion, he in effect is trying to amend or suspend rule 47 of the rules of this convention dealing with final adjournment. Is that correct?

The Chairman: It is not.

Mr. Cavanagh: Then I do not understand the effect at this moment. He is limiting the time to consider. Does that not in effect call final adjournment on that date?

The Chairman: No, it does not. This convention may at any time determine what will be its date of final adjournment, and that is the thrust at this moment:

It simply provides that with adjournment on October 4th this convention will stand finally adjourned, and that's the question before the convention at the moment.

The Chairman: The chair recognizes Delegate Grimes.

Mr. Grimes: I move Representative Taylor's question.

The Chairman: All right now, it is the opinion of the chair that this vote should be taken by a call of the roll. Are there ten members of the convention of the opinion that it should be by roll call? There are ten, and so we will proceed to a calling of the roll.

Mr. Hines: I second the motion of Senator Grimes to move the question.

Mr. Partridge: Mr. Chairman, Delegate Partridge from District 38. I have a point of order, a question to the chair, if I may?

The Chairman: Yes?

Mr. Partridge: As I understand Rule 48, final adjournment shall be upon the vote of a majority of delegates, 51 elected to the convention; is it my understanding it is the chair's rule that we need the vote of 51 delegates on the adjournment motion?

The Chairman: Correct.

Mr. Conley: I will now call the roll.

Mr. Partridge: I am just curious if the chair has reserved its right as to that 51 majority vote required?

The Chairman: The chair has stated, and the chair will state again, that adoption of this motion will require 51 delegates. As many as are in favor of the motion will respond by voting, "Aye." As many as are opposed will vote, "Nay."

(Roll call vote.)

The following delegates voted, "Aye."

Ann R. Baker
 John F. Capaldi
 Edward L. Casey
 Salvatore R. Cesaro
 John A. Coleman
 Patrick T. Conley
 Leo T. Connors
 Emmett J. Cotter
 Alice E. D'Alessio
 Ethel L. DeAngelis
 Virgil H. Dutra
 Giovanni Folcarelli
 James J. Federico, Jr.
 Zygmunt J. Friedemann
 Mary Kathleen Furtado
 John Paul Garan
 Wilfrid L. Godin
 Raymond E. Grimes
 Janet A. Hartman
 John Hines
 Steven B. Kenny
 Mary N. Kilmarx
 Walter M. Kimball
 M. Louise King
 Domenico Manfredo
 Robert A. Mauro
 Richard McAllister
 William J. McAtee
 Robert J. McKenna
 Ann M. McQueeney
 Helen Migliaccio
 Michael W. Miller
 Arthur F. Mitchell
 William F. Murphy
 Laurence T. O'Brien
 George Ogley
 John M. O'Hare
 Adrian J. O'Rourke
 William E. Powers
 Anthony F. Principe
 Rob Roy Rawlings
 Laurent L. Rousseau
 Robert V. Salvatore
 Edward J. Slattery
 Barbara Summer
 Erich A. O'D. Taylor
 Marilyn A. Thetonia

The following delegates voted, "Nay."

Alfred A. Almonte, Jr.
 Martha R. Bailey
 Joseph Borges, Jr.
 Manuel Botelho, Jr.
 Robert H. Breslin, Jr.
 Roderick A. J. Cavanagh
 N. Jameson Chace
 John R. Cioci
 Richard W. Costantino
 John D'Amico
 J. Colin Dawson
 Arthur DiSalvo
 Ronald R. Gagnon
 Charlotte M. Gleeson
 Kathleen J. Hawkins
 Mary R. Hiltz
 Charles Hooper
 Stephen A. Jenkins
 Robert K. Kaufmann
 Mary S. Kessler
 Arthur A. Kidder
 Donald Large
 Donald W. Lister
 Gerald R. Lynch
 Edward R. MacLaughlin, Jr.
 Martin S. Malinou
 Ilse Messina
 Joseph H. O'Donnell, Jr.
 John J. Partridge
 William J. Peotrowski, Jr.
 Albert D. Saunders, Jr.
 Arthur Spingarn
 Edward H. Torgen
 Robert B. Tucker
 Milton Wallace
 Barbara Williams

The Chairman: The chair is informed that there are 47 votes in favor, 36 votes opposed, and the motion insofar as it fixes final adjournment at the adjournment of the October 4th session failed. Is there any further business?

Mr. Cioci: Delegate Cioci from Providence.

The Chairman: The chair recognizes Delegate Cioci?

Mr. Cioci: Should this convention set a day on which the last proposals can be received?

The Chairman: The rules do not provide for it, and it would seem to the chair that that falls within the practical thinking of the convention. A proposal must be heard in the public session by the committee before the floor, and then approved, referred to the committee on Style and Drafting, put in shape, and reported back to another session of the convention, and then the convention votes again, it involves quite a bit of time between the introduction of the proposal and realistic consideration; but there is no rule that prohibits the introduction at the last session of the convention. We do not know what the rule of this convention is as to final adjournment; but under the rules there is no rule fixing the time.

Mr. Cioci: Thank you.

Mr. Cavanagh: Motion to adjourn.

Mr. Friedemann: Seconded.

The Chairman: Moved and seconded. The Convention is adjourned to Tuesday, September 25, 1973 at 7:30.

(Convention adjourned to Tuesday, September 25, 1973 at 7:30 p.m.:)

PATRICK T. CONLEY, *Secretary*

ELLIOTT E. ANDREWS, *Recorder*