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EIGHTH DAY
TUESDAY, OCTOBER 2, 1973
THE CONVENTION CALLED TO ORDER
AT 7:30 P.M.

The Chairman: Before we call the convention to order, I want to advise you that pursuant to the vote of this convention and the very gracious acceptance of your invitation by Channel 36, tonight's proceedings will be videotaped.

The Chairman: The convention will please come to order. The dignity of the purpose for which we assemble here is enhanced this evening by the attendance of the Reverend Elmer Brown, Jr., who for the past five years has been the pastor of the Macedonia Union American Methodist Episcopal Church in Providence. He very graciously accepted your invitation to lead us in our search for divine guidance. Please rise while the Reverend Elmer Brown delivers the invocation.

The Chairman: The Journal will note we will record the pleasure of the delegates for the leadership in worship and guidance by the Reverend Elmer Brown. Please rise and salute the flag.

(Salute to the flag.)

The Chairman: The order of business is the call of the roll. Now pursuant to the rule adopted previously, there will be no introductions or proposals except by unanimous consent. If you have resolutions, and I am informed by some delegates they do have resolutions, we will follow the same custom and as you respond to the call of your name, if you have a resolution to present, make it known at that time. The secretary will call the roll.

(The following delegates were absent:)

Joseph Caliri          George Ogley
Edward Casey          Edward Slattery
Laurence O'Brien      David Veloso
                      Milton Wallace

The Chairman: The chair is informed there are 93 delegates present and 7 absent and the chair declares a quorum.

The Chairman: This brings us to consideration of the Journal of our previous session. Are there any errors or omissions to be corrected? Hearing none, the Journal stands approved as printed.

(Journal of previous session stands approved as printed.)

The Chairman: This brings us to reports of committees. The chair recognizes Joseph H. O'Donnell, Chairman of the Committee on Administration.

Mr. O'Donnell: The Committee on Administration met this evening and reviewed the expenditures to date, this is including tonight's meeting. We have spent thus far: Director of Administration, $1590; Secretaries, $942; Research Directors, $1,335; Research Assistants, $2,601; Pages, $390; Sergeant-at-Arms, $150; Assistant Sergeant-at-Arms, $100 for a total including the payroll taxes of $7,519.

Contractual Services: Stenographic, $3,245; Equipment Rental, $135; Supplies, $175; Print-
The Committee also took the request of the Committee on Public Information. The committee had a request and a budget before the committee and voted unanimously that $1,845 would be available to the Committee on Public Information.

This will be for purposes of explanation and not for purposes of promotion. We also have a projected cost which brings us through October 12. This doesn't mean you will be sitting here until October 12, what it means is that there will be work to be done, stenographic work, research work, there will be staff work to continue after the adjournment of this convention, and it is anticipated that this will bring our cost up until that date to $16,418.

So, added to the $1,845 that was approved this evening, with projected cost to October 12, is $17,819. That concludes the report.

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

The Chairman: The chair recognizes the delegate Zygmunt Friedemann.

Mr. Friedemann: Zygmunt Friedemann, District 18. Chairman of Committee on Legislative Compensation. In its seventh meeting attended by 19 with 2 absent, held on this day, October 2, from 5 to 6:30 p.m., the committee approved by a vote of 11-8, Proposal Number 51 as amended, is placed on General Orders of the Day at tonight's session.

(Full text of this and subsequent committee reports are in transcript.)

The Chairman: Thank you, Mr. Chairman. Are there any comments?

The Chairman: Any further comments, questions, objections? Hearing none, the report of the Committee on Legislative Compensation is received, and pursuant to the request of the chairman, without objection, Proposal Number 51 as amended, is placed on General Orders of the Day.

Mr. Gagnon: The Committee on Lotteries has not met any further.

The Chairman: The report of the committee is received. Are there any comments? Hearing no objections, the report of the Committee on Lotteries is received and approved as read.

The Chairman: The chair recognizes delegate Murphy, Chairman of the Committee on Elections.

Mr. Murphy (Providence): The committee met Monday evening.

The Committee on Elections considered the question of electoral requirement for constitutional revision and passed Proposal Number 48 originally proposed by delegate Patrick Conley of Cranston. (Reported, to be placed on General Orders of the Day.)

The Chairman: Thank you, delegate Murphy. The report of the Committee on Elections has been read. Are there any comments? Any objections? Hearing none, the report is received and approved as reported.

The Chairman: The Committee on Grand Jury Revision, and the chair recognizes the chairman of that committee, John Polcarelli, Esq.

Mr. Polcarelli: Mr. Chairman, the Committee on Grand Jury has not met since the reporting of the proposal from that committee to this convention. However, in accordance with the rules there is a minority report to be filed with the secretary of the convention. I would like to file it with the secretary and request that it be put on the record.

The Chairman: Will you identify the member of the committee, the minority leader?

Mr. Polcarelli: Yes, Martin S. Malinon.
The Chairman: Thank you, Mr. Chairman. The report of the Committee on Resolutions as given by their chairman—are there any comments? Questions? Objections? Hearing none, the report is received and approved as reported.

The Chairman: At this point it seemed to the chair to be advisable to name the Ad Hoc Committee which came about by the resolution introduced by delegate Martin Malinou and approved by this convention. The chair has named nine members of this delegation to that committee. Response quite properly is to the Chairman, delegate Martin Malinou as the Chairman, delegate Joseph H. O’Donnell, Jr., Vice-Chairman. Other members of the committee are John O’Hare who as Chairman of the Committee on Public Information should be on the committee. Janet Hartman who is also on Public Information should be on the committee, Steven Kenny and delegate Arthur Spingarn, and the other members are delegate Edward MacLaughlin, delegate Arthur Kidder, and delegate Barbara Williams. Do you have their names, Mr. Secretary?

Mr. Conley: Yes, I do, Mr. Chairman.

(See transcript.)

The Chairman: It brings us to communications. Mr. Secretary, are there any communications?

Mr. Conley: There are no communications, Mr. Chairman.

The Chairman: There being no communications, we will move forward...

Mr. O’Donnell: Mr. Chairman, O’Donnell, District 30.

The Chairman: Mr. O’Donnell?

Mr. O’Donnell: Mr. Chairman, It seems to me there has been some confusion on some of the language that has come out of some of the proposals this evening, and I would like to request a short recess in order to review this.

The Chairman: We’ll make it a fifteen minute recess.
The Chairman: The convention will please come to order.

The Secretary will please call the roll for those who indicated an intention to offer resolutions and motions.

Mr. Conley: Resolution Number 17 will be the resolution that came from the Resolutions Committee with approval; namely, that Paul Breault, Research Aide to the Resolutions Committee be commended for his wholehearted dedication to the tasks assigned to him by the committee.

He was always most willing to provide us with the materials we needed for background discussion, therefore, the committee urges unanimous adoption of this resolution.

Mr. Caprio: Frank Caprio, District 8. I so move.

Mr. Capaldi: John Capaldi, District 36. Seconded.

Mr. Conley: All in favor of the motion say "Aye"; opposed "No". No one opposed, it passes unanimously.

(So approved.)

Mr. Conley: The next resolution (No. 18) is by Patrick Conley. I would like to read the resolution, Mr. Chairman, and ask for immediate consideration.

BE IT HEREBY RESOLVED, That this Convention render an expression of confidence and gratitude to its administrative staff for the efficient, competent, cheerful and non-partisan performance of their respective duties.

To Fernando Cunha, Director of Administration, for his adroit and skillful handling of a responsible and challenging position which required a good measure of business, managerial, legal, and political acumen.

To Wilfred Thibeault and Joseph Emma, Jr., our Sergeants-at-Arms, who kept order and decorum during our deliberations and lent dignity to our proceedings.

To Tina Bingham, Richard D'Agostino, David Griswold, Paul Lebon, Dennis Lonergan, Paula Rasput, and Justin Sprague, who as convention aides facilitated the introduction and processing of proposals and resolutions and provided the convention with an effective system of internal communication.

To Marion Lovett, Ann Scuncio, Rita Porcelli, and Gertrude Guilfoyle, our dexterous and dedicated secretaries who performed the innumerable functions associated with their unheralded but indispensable job.

To Attorney, Stephen Famiglietti, who responded to the call of our chairman and volunteered his expertise as our parliamentarian.

To Elliott E. Andrews, our recorder and general troubleshooter, who set up our office facilities, arranged for the publication of our Journal, and gave unstintingly of his time and vast knowledge to delegates and staff alike.

To Vincent Murray, Janice Fortin, Elaine Grenier, Carol Jacobbo, and Jacquelyn Maynard, the most proficient contingent of stenographic personnel available, for their precise and expeditious preparation of the verbatim transcript of this Convention. They are truly accomplished professionals.

BE IT FURTHER RESOLVED, that official copies of this resolution be presented to each of the above mentioned individuals as a permanent and formal expression of this convention’s approval and thanks for jobs well done. Signed Patrick T. Conley, delegate, District 15.

I might remark that as the Secretary of the convention I have had an opportunity to see these various individuals in the performance of their duty, and it impressed me very much, thus I would like to move for the adoption of this resolution.

Mr. Principe: Seconded.

Mr. O'Donnell: Seconded.

Mr. Conley: All in favor of the motion say "Aye"; opposed "No". The resolution passes unanimously.
Mr. Conley: Resolution from William T. Murphy, Jr.

Mr. Murphy: On behalf of the Elections Committee, I would like to read this:

That Marjorie Tarmey, research assistant to the Elections Committee, be formally commended by this convention for her unselfish and untiring efforts, her spirit of cooperation with every member of the committee, and for the excellence of the research and administrative duties she performed on behalf of the committee during the life of this Constitutional Convention.

Mr. Conley: Is that a motion for which you would wish immediate consideration?

Mr. Murphy: Yes.

Arthur Kiddar, District 44: Seconded.

Mr. Conley: All in favor say "Aye"; opposed "No". Resolution Number 19 passes unanimously.

Mr. Conley: There are two resolutions to be submitted by Senator Erich O'D. Taylor.

Mr. Taylor: First, RESOLVED, That the assistant in charge of law revision in the office of the Secretary of State, together with the chairman and vice-chairman of the Committee on Style and Drafting, are authorized and directed to make such necessary changes of grammar, punctuation, spelling and internal references to the existing Constitution in the language of the propositions to be submitted to the people so that the intent of the convention may be properly effectuated.

The Chairman: It seems to the chair that the resolution is indispensable for the completion of the convention work and the submission of the work to the people. Without objection, the chair would call for immediate consideration.

Mr. Taylor: I so move.

Mr. McKenna: Robert McKenna, District 50. Seconded.

The Chairman: Question, as many as are in favor, say "Aye"; opposed, "No." The "Ayes" appear to have it; the "Ayes" do have it. The motion is adopted.

Mr. Taylor: Mr. Chairman, this is the second resolution: RESOLVED, That all proposals finally adopted by this convention and approved by the people in November, 1973, become effective on February 5, 1974, and not before.

The Chairman: Referred to Special Orders for this session. There being no further motions or resolutions to be considered, we proceed to second reading, and it is at this point in the proceedings that the convention will receive the report of the specific proposals drafted for consideration in their finality by the convention from the Committee on Style and Drafting.

Mr. Conley: The first proposal reported from the Committee on Style and Drafting is Proposal Number 7 proposed by Emmett Cotter. General Orders for this session.

Proposal Number 21 as amended, prepared by Walter Kimball. (Text of proposal as read is in transcript.)

(Proposal Number 21 as amended referred to General Orders of the Day.)

Mr. Conley: Proposal Number 35 referred to General Orders of the Day.

The Chairman: The next order of business by the rules is unfinished business, and there is nothing on the unfinished business calendar. So we will proceed with Special Orders of the Day. Propositions have been placed on there previously, and are now in order. The secretary will read the first such proposal under Special Orders for this session.

Mr. Conley: The first item on Special Orders for the day is Resolution 14 introduced by Delegate Wilfrid Godin.

Resolved by: W. L. Godin

RE: Final Adjournment of this Convention and Recommending the calling of a subsequent Convention.
WHEREAS The present constitution of the State of Rhode Island regardless of the approval of the proposals presented by this Convention in November would remain a hodgepodge of the text, amendment and amendments to amendment, and

WHEREAS This Convention realizes that although it has presented proposals to make the existing Constitution more efficient and up to date, and

WHEREAS This Convention realizes and respects the mandate of the people of this State on approving this question, that this Convention convene on the 4th day of September, 1973, and that it adjourn on the 4th day of October, 1973, since, be it

RESOLVED by this Convention to urge the General Assembly to submit to the voters of this State the question "Shall there be a Constitutional Convention?"; that the work started by this Convention can be continued with the goal of providing the people of Rhode Island with a simple and workable Constitution, and be it further

RESOLVED That it be the desire and hope that this proposed "question" should be submitted to the people no later than the next General Election following November 1973, and be it further

RESOLVED That a copy of this resolution be forwarded to each House of the General Assembly.

The Chairman: You have heard the resolution, moved, I take it, by Delegate Godin.

Mr. Godin: Mr. Chairman, Delegate Godin, District 32.

The Chairman: The chair recognizes Delegate Godin.

Mr. Godin: I am sure that you have all had the opportunity to look at the basic document of constitution of this state. I took the liberty this afternoon to take the text and to annotate the annulled items. We are going to present to the people the proposals which we are going to add -- which are going to clarify matters in this state; but as far as the constitution as a document itself, we will just continue to make it a massive disaster of amendment, and amendments to amendments.

We have started something. I think the people of this state are now beginning to have some faith in its constitutional conventions, and that we should resolve to seek a new constitutional convention call at the next general election in 1974, so that possibly by the bicentennial of this country and this state we may have a simple document which is not a hodgepodge of amendments, and amendments to amendments.

Therefore, I would ask you to approve this resolution and I so move.

Mr. Capaldi: Delegate Capaldi seconds the motion.

The Chairman: The resolution offered by Delegate Godin has been moved and seconded. Are there any questions? The chair will observe that this, of course, was simply the thrust as to when the General Assembly calls another convention, so the constitution could be put in a more perfect order; as many as are in favor will say, "Aye." Those opposed, "No." The ayes appear to have it. The ayes do have it. The resolution is adopted.

(So adopted.)

The Chairman: We now come to a substantive proposal, Proposal 19, Of Suffrage, that has been returned to us by the Committee on Style and Drafting.

It is before this convention for final approval. The chair recognizes the Chairman of the Committee on Style and Drafting for such explanation as the committee feels necessary.

Mr. Taylor: Thank you, Mr. Chairman. Delegate Taylor — This resolution is a long one, and the correct form is now in front of you. Section 1, the changes which we have put into this thing have been in some cases substantial, and should be noticed.
If you will read on, "... shall have the right to vote for all officers to be elected and on all questions submitted to the electors, except that no person who has been lawfully adjudicated to be non compos mentis ..." This set of words was chosen by the committee because they felt they covered the whole matter. "... shall be permitted to vote." This goes into the nolo provision some of us were worried about. "Nor shall any person otherwise qualified to vote as provided in this Article be permitted to vote while serving a prison sentence on final conviction of a Felony nor subsequent to such imprisonment until the franchise shall have been restored by an Act of the General Assembly."

There are no changes in this until we come down to the question, shall provide "... for the exemption from such registration ..." It is a little above the middle of the page. It is a colon, three words, a colon, and then, "... for the exemption from such registration of persons in active service of the nation and their families absent from the State because of such service ..." We have straightened that out, I think.

Then we go ahead, and we pick up this phrase, "The General Assembly shall require each candidate for general office," now I would like to call your attention — when we got to this, to the phrase up above, "for the prevention of abuse, corruption and fraud in voting ..."

This places it entirely in the hands of the General Assembly, and that should be noted.

Mr. Murphy (Providence): As far as the substantive points that were raised in the Elections Committee, I feel the proposal slightly rewritten by the Style and Drafting Committee is acceptable to the Elections Committee. I would, again, emphasize the point about the financial disclosure law. Again, there was unanimous support for this in the Elections Committee.

Mr. Taylor: Mr. Chairman, I would feel that it should be open to further statement by other men, and then I would like to make an amendment to strike financial disclosure; but I think that shouldn't come in yet.

The Chairman: Are there any other delegates desiring to be heard?

Mr. Torgen: Mr. Chairman, Delegate Torgen, District 23.

The Chairman: Delegate Torgen?

Mr. Torgen: On the second page where Senator Taylor talked about persons in the active service of the nation, and their families absent from the state. . .

I think those words active service of the nation are not specific enough. Mr. Chairman, I think what is meant by this active military service of the nation. I think that people who take a job with the United States Government are in the active service of the nation, and I think there are many pitfalls unless we restrict this to active military service of the nation, and I so move that.

Mr. Taylor: The Style and Drafting Committee would be happy to accept it. We accepted the preceding form. We didn't name Army and Navy because we wanted to be careful about Merchant Marine. They cannot, of course, be considered as military.

The Chairman: The delegation is aware of the thrust of the motion which is to insert the word, "military" before "service."

Mr. Taylor: I second that motion.

The Chairman: Seconded by Delegate Taylor.

Ms. Baker: Delegate Baker—point of order.

The Chairman: Delegate Baker?

Ms. Baker: My understanding of the words, "active service," should also include Peace Corps members which are covered in our elections law. The new wording would not cover them.

Mr. Taylor: That is correct.

Mr. Brosco: I would like to ask Delegate Torgen on this qualification of active military service. He asked the word "military" be inserted,
by this are we excluding all career governmental employees who will be absent from the state working with the local delegation down in D.C., are they excluded.

Mr. Torgerson: I don't know. I wasn't on this committee; but it just seems to me that what the intent of this part of this amendment, is the active service of the nation, and I think if we leave that terminology in, then people who are in the service of the country who are not in the military service would be included and I thought that this was not the intent of this particular proposal.

I think the thrust of this is towards the military service and, not as Miss Baker said, as to the Peace Corps.

I don't think the Peace Corps should feel that it would be covered under a provision for active military service of the nation.

I don't think that was the intent of it.

Mr. Broese: I refer the question to the Chairman on the Elections Committee and ask him if he can define what was meant by active service when it was put in this bill?

Mr. Murphy (Providence): The exact language is already in the constitution. "In the active service" exactly as it is stated, the proposal came out in elections and came out in Style and Drafting using the same words as the present constitution.

The Chairman: There is a motion pending. Ready for the question?

The Chairman: The question before the house is the adoption of the amendment to insert the word, "military," before "service." Are you ready for the question? As many as are in favor will say, "Aye." Those opposed, "No." The chair is in doubt. As many as are in favor will please rise.

(Rising vote.)

The Chairman: The chair is informed that there are 55 votes opposed and 32 votes in favor, and the amendment fails.  

(Amendment fails.)

Mr. Folcarelli: I just want to ask the committee if they gave consideration to the fact that this provision on financial disclosure should be a subject of legislation rather than to have it mandated by a constitutional provision, and I would ask that question of Mr. Murphy.

The Chairman: Does the chairman wish to respond to the question?

Mr. Murphy: Yes, sir, we gave consideration to that question and we voted unanimously.

The Chairman: Proposal 19 is before you for final approval. Are there any other delegates who wish to speak?

Mr. Taylor: Mr. Chairman, I have a point from the Committee. We had made the revision and we have two places we wish to explain. I did not explain it at the time of the roll. However, if the chair does not rule I have the floor, that's okay.

Mr. Partridge: I would like to speak on the motion. I think the only thing I want to address myself to is the disclosure provision of this particular proposal before you. I think the other matters as to the 18-year old vote and 30-day residency requirement have been threshed out and quite frankly, I think we are all in agreement. I think the only matter which we have had substantial discussion on in Committee and on the floor is the disclosure provision. I want to take a couple of items. I think that is a fairly decent way of exposition.

The first thing that is important is whether or not this is within the call of the Convention. I for one believe the charge to amend the election laws was not just directed to 18-year old vote or 30-day residency requirement, but it has to do with the function of elections and I think that is why the Committee on Elections acted as it did.

The second thing I think we should all realize is this was a measure that came from, as I recollect, twelve different people. In fact, the rep-
representatives here from the third largest city in the State. They all sponsored either one proposal or another. I was a sponsor and there are other people here tonight who are also sponsors.

In other words there are at least twelve individuals who sponsored this type of proposal, six of whom I think were Democrats and six Republicans. Now, I think it is important that we all realize we have the discretion to act in this area. We are not limited to any kind of legislative prescription as to where we go in election laws.

The second argument we have heard thus far is this is statutory. It is statutory language and should not be in the Constitution; in fact it should be taken up by the General Assembly. Quite frankly, I think that is a question that is so esoteric that the Constitutional scholars would in fact have a great deal of trouble telling us if this is in fact statutory language.

Let me point out, our Constitution is now structured, as it was in the 1840's and has been changed from time to time, reflects various problems at various times, so in fact you do have language which is specific for a specific item.

For instance, if you look at the rest of Section 2 here, you will find there is a great deal of language as to absentee and shut in voting, provision of registration for people out of state, etcetera. Back in the 1840's when the Constitutional Convention was setting up the original charter, people were concerned about items we don't even think of today. For instance, they mandated that the house keep a journal. Was that statutory or was it constitutional language? That is the kind of question we are debating here tonight.

We must not be fooled by the argument; we must be convinced by it, and I for one don't think this is convincing. It is completely academic and I for one think this is the kind of structural reform the people of this State want and need.

To those who feel this is a proper area of concern for the General Assembly, I agree and I think a clear reading of this proposal allows the General Assembly to get into the area completely. It demonstrates the good faith we have in the General Assembly.

Mr. Taylor: Mr. Chairman. I disagree totally with our good friend across the way, of course, but I feel that this entire paragraph beginning with, "The General Assembly" and ending with "... such amount as the General Assembly shall specify," is completely comprised within the preceding paragraph.

I would therefore move that the paragraph commencing with, "The General Assembly shall require..." at the foot of page 2 and ending with, "such amount as the General Assembly shall specify," shall be deleted from the report.

Mr. Folcarelli: I second the motion.

Mr. Murphy: I would like to speak again in opposition to Senator Taylor's amendment on two points, and I will be very, very brief. I think all of this has been in front of the Convention for ten days and it is probably one of the most important matters to come before us in the 30 days.

First of all, there is ample precedent for statutory kinds of language in the Rhode Island constitution, and secondly, and much more important, it is the most important thing I have gotten feedback on. It is the most important thing brought before this Convention in terms of public support for this Convention.

I move to table the amendment.

Mr. Cavanagh: I second that.

The Chairman: Motion to table the amendment made and duly seconded. The question comes on shall the motion to amend be tabled. As many as are in favor of the motion to table, please rise.

(Rising vote.)

The Chairman: Be seated. Opposed?

(Rising vote.)
The Chairman: The chair is informed that there are 75 votes in favor of tabling the motion to amend and 7 votes opposed. The motion to table carried.

(Motion carries.)

The chair would request the Journal to note that the chair would have voted not to table the motion because the chair, if we reached the point, would have supported the amendment.

Mr. Kimball: Delegate Kimball from District 26. I move the question.

The Chairman: The question is final approval or final adoption of Proposition 19 as amended here on the floor. This will require a roll call.

The Chairman: The Secretary will call the roll.

(Roll call vote.)

The following delegates voted, "Aye."

Alfred A. Almonte, Jr. John Paul Garan
Martha R. Bailey Alan P. Gefuso
Anot R. Baker Charlotte M. Gleason
Joseph Borges, Jr. Wilfrid L. Godin
Manuel Botelho, Jr. Raymond E. Grimes
Robert H. Breslin, Jr. Janet A. Hartman
Anthony J. Broccio Kathleen J. Hawkins
M. Christina Byrnes Mary R. Hiltz
Arthur G. Capaldi John Hines
John F. Capaldi Charles Hooper
Franc Caprio Stephen A. Jenkins
Roderick A. J. Cavanagh Robert K. Kaufman
Salvatore R. Casaro Steven B. Kenny
N. Jameson Chase Mary S. Kessler
John R. Cioci Arthur A. Kidder, Jr.
John A. Coleman Mary N. Kilmer
Patrick T. Conley Walter M. Kimball
Les T. Connors M. Louise King
Richard W. Costantino Donald Large
Edward Denis Costello Donald W. Lister
Edward Dennis Costello Gerald R. Lynch
Emmett J. Cotter Edward R. MacLaughlin, Jr.
Alice E. D'Alessio Martin S. Malin
John D'Amico Domenic Manfredo
J. Colin Dawson Robert A. Mauro
Arthur Davallo Richard McAllister
Virgil H. Dutra William J. McAtee
Virgil H. Dutra Jerry L. McIntyre
Giovanni Ficorelli Eise I. Messina
James J. Federico, Jr. Helen Migliaccio
Zygmunt J. Friedemann Michael W. Miller
Mary Kathleen Furado Arthur F. Mitchell
Ronald R. Gagnon

The following delegates voted, "Nay."

Arthur W. Murphy
William F. Murphy
William T. Murphy
Joseph H. O'Donnell, Jr.
John M. O'Hare
Adrian J. O'Rourke
Robert J. Paci
John J. Partridge
William J. Petrowski, Jr.
James A. Petrinelli
William E. Powers
Anthony F. Principe

The following delegates voted, "Nay."

Robert J. McKenna
Erich A. O'D. Taylor

The Chairman: There are 89 votes in the affirmative and two votes in the negative, and Proposal Number 19 has been finally approved.

(So approved.)

The Chairman: The next order of business, still with Special Orders of the day, is a resolution earlier introduced by Senator Taylor relative to the fixing of the time at which proposals will become effective.

Mr. Conley: Resolution 21: "RESOLVED, That all proposals finally adopted by this convention and approved by the people in November, 1973, shall become effective on February 5, 1974, and not before." Introduced by Erich A. O'D. Taylor, delegate, District 49, Newport.

Mr. McKenna: Delegate McKenna seconds the motion.

The Chairman: Open for discussion.

Mr. Taylor: On several of the things it will become very necessary that they should become effective at a certain date when the General Assembly has been able to enact them and to take care of the matter of handling them. I refer, of course, specifically to the lottery and to several others. February 5th would give the General Assembly a whole month to act upon them and to consider the best way to introduce these things. We should have a single date. None of them can be effective until the people approve them. This is in November, and if we try to have a special session of the General Assembly it's rather absurd at that time.
Mr. Cavanagh: Mr. Chairman, fellow delegates, I do not understand Senator Taylor's question as to February 5. He says expressly he is concerned with this as to the lottery question. If I read the lottery proposal and I read it as it is presently in the Constitution, (1) we have a ban, (2) as the proposal came out of the Lottery Committee, that ban is retained except for a state lottery as shall be devised by the General Assembly, the benefit of which lottery is totally to the state.

Now I'm bewildered by the reason that the effectiveness of this amendment has to be delayed to February 5. What does the General Assembly need the extra time for? When they have the authority to devise a lottery, they can do so making it effective on a date by statutory legislation. They do not need a hiatus in our Constitution. As I remember and as I understand from reading the Constitution as we have it now, these amendments were effective on passage. I think that this is a well thought-out measure. I don't think that we should vary from that, and I would strongly object to Senator Taylor's proposal.

The Chairman: Delegate Torgen?

Mr. Torgen: Mr. Chairman, the Grand Jury amendment that we brought out of our committee had a provision to take care of our hiatus between the time that the general public approved this until the General Assembly can do their work, and that is as follows: "As the General Assembly may provide in accordance with procedures to be acted on by the General Assembly; provided, however, until such procedures are adopted, prosecution of all felonies shall be as presently provided."

I certainly don't think that this phraseology that Senator Taylor wants to add should be added to all of the bills. I think possibly the bills that would need it where there may be a problem, each bill should be acted upon separately, and I think that the Grand Jury provision has been taken care of by that phraseology, and I would vote in opposition to Senator Taylor's resolution.

The Chairman: Delegate Conley?

Mr. Conley: I have the greatest respect for Senator Taylor, but I think the resolution that he offers is somewhat superfluous. The proposal on the Grand Jury contains within itself a clause to provide for the interim and so, also, as I see it, does Proposal Number 35, that dealing with the lotteries. It provides that before the effective date of this amendment no other lotteries shall be permitted or authorized. In the constitutional history of the state, most of the constitutional amendments took effect upon ratification. What we would be doing here is altering the proposals that we approve by means of a simple resolution. We would have to send these proposals back and add a section to them stating that they would not go into effect until February 5 of 1974. I do not see where a simple resolution of this type can alter an amendment. It would require additional work on every proposal should we decide to go along with the sense of this resolution, so for that reason I would hope that it will be rejected. I move to lay it on the table.

Mr. Gelfuso: I second delegate Conley's motion to lay it on the table.

The Chairman: Before the convention is the question: Shall the motion to lay Senator Taylor's resolution on the table carry? As many as are in favor of the motion to table the resolution will please rise.

(Rising vote.)

The Chairman: The chair is informed that there are 47 votes in favor of the motion to table and 39 opposed. The motion to table carries.

The Chairman: That completes the business on Special Orders and brings us to General Orders. The first order of business under General Orders is Proposal 56 which is reported from the Committee on Resolutions. The question before the convention is shall Proposal 56 be referred to the Committee on Style and Drafting?

Mr. Caprio: Mr. Chairman, this proposal was unanimously passed by the Committee on Resolutions, and I rise to speak in favor of the proposal which basically, Mr. Chairman, provides that all general officers shall be elected to a four-year term at the election on the Tuesday after
the first Monday in November, 1974, their terms to commence on the first Tuesday in January, 1973. We have come a long way, Mr. Chairman, from 1812 to 1973. Over forty states in the United States now provide that their governor and other general officers enjoy a four-year term. It is the feeling of the committee that this will not only be a progressive, long-awaited, and much supported step, but it will be a historic step for the people in the State of Rhode Island. We have not supported this proposal with any particular person or persons in mind; rather, we are looking at the long-range effect that it will have on those who are elected and on the people of the State of Rhode Island. Basically, we feel that it will give a governor an opportunity to place before the public a program and give him an opportunity to carry through that program without the burden of having to stand for reelection every two years. As it now stands, the governor runs for office in November, doesn’t take office until January, and then he has a honeymoon period where he is getting acquainted with the office, and that generally takes six months to a year. Then six months goes by, and he is before the state committee seeking endorsement again, and he is back on the campaign trail. I would say it takes a governor the entire two-year term to become thoroughly familiar with the job that’s confronting him, Mr. Chairman, those are our reasons. Rhode Island traditionally has been slow to accept change. We feel this is a long- awaited change. On behalf of the Committee on Resolutions, I move passage of this proposal.

Mr Borges: I would like to state three things about this proposal: (1) It received unanimous bipartisan support in the committee. The second thing is 42 states have four-year terms for the governor presently; and third, and most of all, by the time the new governor is sworn in and becomes familiar with the function of his office, it’s time to have another election. I believe that the four-year term would enable the governor more effectively to run the state without having to worry about running for re-election every two years, so therefore I urge the delegates of this convention to pass this proposal. Thank you.

The Chairman: Delegate Connors?

Mr. Connors: Before you pass this I have some thoughts on it. The right to have four-year terms is not for the benefit of the governor or the general officers. There is a right of the people to have their candidates face them every two years. I’m sweating out three more years of a four-year incumbent in Washington now. When a candidate has to go back to the electorate every two years, the people get an opportunity to report on his conduct and approve his programs. He may embark on programs that the people don’t want, and a four-year period is a long time for a state like Rhode Island.

I believe that you’re taking a right away from the people. Rhode Island has never been impressed that forty-two states or other states have gone along with legislation. I don’t know what the sentiment is, but I think you ought to reflect on it for a moment.

The Chairman: Delegate Folcarelli?

Mr. Folcarelli: Mr. Chairman, this particular proposal bothers me very much because I don’t think this is within the scope of this Constitutional Convention.

Mr. O’Donnell: I would like to speak for the four-year term. I can speak from experience as a four-year director of administration where I worked with the Governor and had to put together a program. I think that is well for everyone to realize that when the Governor is stripped of the ceremonial parts of his office, you get down to a man that must operate probably one of the biggest businesses in this State.

During a two-year period of time, it is almost impossible to put over the programs, to put forth what the governor has promised to the people. In order for him to do this, he must have time and the four-year term would give him that time. If the people are not satisfied with the proposals he put forth and the programs he had enacted, then they have the choice of selecting the next election, but he has been given a fair chance to do his job.

I think, for the sake of efficiency in government, it is necessary for us to have a four-year term for the general officers, and I certainly favor this proposal.
The Chairman: The question before the convention is shall Proposal Number 56 be referred to the Committee on Style and Drafting?

Mr. Caprio: At the request of the Committee on Elections and after polling my committee, at this time I wish to place before the convention an amendment to the proposal under discussion, and the amendment provides as follows: No person shall serve more than 3 terms as governor; said 3 terms shall begin in 1975, so that it will serve more than entering, unlike the twenty-second amendment to the Constitution which specifically eliminated President Truman, who was then serving in the office of president. This amendment is intended to include everyone including the present governor and newly elected governors, so that it will commence in 1974 and whoever is elected then will be limited to 3 terms. His term from January 1975 to January 1979 would be one term, and 1979 to 1983, two terms, and 1983 to 1987 would be three terms.

Mr. Federico: I have a question for Mr. Caprio. How will this term affect a governor who succeeds to office upon the death of a former governor?

Mr. Caprio: The language in effect will be substantially the same as that proposed in the twenty-second amendment to the Constitution. If the person succeeding to the governorship serves less than half of the term of the person leaving office, then that shall not be construed to be a term for the person succeeding to the office.

The Chairman: As many as are in favor of the amendment, please rise.

(Rising vote.)

The Chairman: Six opposed, the amendment carries. The chair is informed that there are 80 votes in favor of referring Proposal 56 to Committee on Style and Drafting and 5 opposed.

The Chairman: The next order of business is referral to the convention of Legislative Compensation Proposal Number 51. The proposal is before the convention for the question of referring it to the Committee on Style and Drafting.

Mr. Hines: Mr. Chairman, Fellow delegates, with regard to Proposal Number 51 as amended and presented to us this evening, I would like to move to delete the language starting on Line 4, Page 1, with the word “but” and running to the colon after the words “General Election”. In other words the language, “. . . but any such law shall not take effect until approved by a majority of the electors voting thereon at a General Election;” in place thereof, I would like to put this language: There would be a period after the word “law” and then it would provide that “No law increasing the salary of members of the General Assembly shall become effective during the current term of office of members of the General Assembly enacting such law.”

My reasons for making this amendment are set forth in an editorial by the Providence Journal dated September 21, 1973. I would like to refer to a portion of that editorial, as I think it sets forth in very clear language my feeling of why I presented this amendment.

The editorial states that now that the Constitutional Convention is cutting loose from the apron strings of the General Assembly, why not use the tested and simple language on the salary issue as it appears on the Charter of the City of Providence.

Perfectly sound language is at hand in the city’s charter. It reads like this: “Each member of the council shall receive a salary, the amount of which shall be prescribed by ordinance. Until otherwise fixed by ordinance, such salary shall be $750 per year. No ordinance increasing the salary of members of the council shall become effective during the current term of office of members of the council enacting such ordinance.”
The editorial goes on — and I think this is the most significant language — "To tie any formula to a popular referendum would be an abdication of responsibility by the convention and a cheap escape from responsibility for members of the legislature. Further, such a decision would open the door to further abdications of responsibility; if voters are to be asked to pass on pay raises, why not on budgets too?

Delegates to the convention reportedly are concerned that voters may already be girding to defeat whatever proposals are submitted to the electorate. One device for inducing voter support will be a plain demonstration of the convention's determination to make its proposals, all of them, simple, clear, direct, and precise."

Mr. Brosco: I move to second that motion.

Mr. Connors: At this time I would like to move to limit debate on the subject, Your Honor, to 30 minutes.

Mr. McAtee. I wish to second Mr. Connor's vote.

The Chairman: The question before the convention is the motion made by Delegate Connors, seconded by Mr. McAtee — will that debate on the proposed amendment be limited to half an hour?

Mr. Partridge: Mr. Chairman, can we have discussion on that?

The Chairman: Certainly.

Mr. Partridge: Mr. Chairman, fellow delegates, I oppose on principle any limitation on debate on any substantial proposal that comes before the body. This proposal, which is gagging us, is not appropriate at this convention. I oppose it very much.

The Chairman: Delegate Kaufmann?

Mr. Kaufmann: I don't think we should be limited to debate.
In order to accommodate the gentlemen and the chair, the intent of the proposal which has been submitted to the floor tonight and distributed among the delegates is to retain in the Constitution the provision for legislative compensation, but it provides for any future legislative compensation to be provided by statute. Secondly, the intent of the proposal is to establish the initial increase in legislative compensation and mileage at a certain level to commence on January 1, 1974, and it also includes the present benefits enjoyed by the members of the General Assembly in the Constitution. Thirdly, the intent of the proposal as amended is to subject any subsequent increases in compensation to the approval of the simple majority of votes cast at regular biennial election; and fourth, the intent of the proposal is to provide for accountability on the disposition of bills involving expenditures and taxation via a roll call vote.

Mr. Friedemann: I will submit, Mr. Chairman, there is empirical evidence which points to an overwhelming trend among the fifty states of the union to provide legislative pay via statute. The Committee on Legislative Compensation by the vote of eleven-to-eight decided to retain technically the proviso for legislative compensation in the Constitution. I submit, Mr. Chairman, and fellow delegates that against all the empirical evidence known to us existing in the thirty-nine cities and towns of the State of Rhode Island, most of which provide for compensation by ordinance, the Committee on Legislative Compensation by a vote of eleven-to-eight decided to keep the proviso in the Constitution. I submit, Mr. Chairman, that there is no referendum any place in the union on legislative compensation, nor is there any in the cities and towns of the State of Rhode Island. The Committee on Legislative Compensation voted eleven-to-eight to do so.

The Chairman: It seems to the chair that what we should read is the amendment proposed by Delegate Hines. The secretary will read it.

Mr. Conley: The amendment in effect eliminates the words, "but any such law shall not take effect until approved by a majority of the voters voting thereon after election," and substitutes therefor the following language: "No law increasing the salary of members of the General Assembly shall become effective during the current term of office of members of the General Assembly enacting such law."

Mr. D'Amico: I move that we table Delegate Hines' amendment.

The Chairman: Before I accept a second, does someone else wish to be heard on the amendment?

Mr. Hines: Mr. Chairman, I would like to be heard. I didn't quite finish all my remarks at the time I introduced the amendment, and I would like to claim the privilege of speaking twice as being the sponsor of that amendment.

The Chairman: It is your privilege.

Mr. Hines: Mr. Chairman and fellow delegates, the main reason that I proposed the amendment was the reason of responsibility. I feel that the responsibility of the increase in compensation should remain with the General Assembly. My reason for feeling that are pretty well set forth in the yellow sheet of paper which was passed around this evening setting forth the position of the League of Women Voters. I'm in a funny situation this evening. I find myself both in agreement with the Journal and the league. This isn't very common. That yellow paper sets forth in some detail something which we have to consider, and that is accountability, and I feel by placing the accountability and the responsibility for the increase in compensation where it belongs—with the General Assembly—will not only be in keeping with most other states and with every town and city in this state, but will provide, I feel, for a basic accountability, an accountability which I think is needed.

I would like to close by saying that when Delegate Partridge was up and speaking with regard to the financial disclosure provision in Proposal Number 19 he stated that the proposal represents
“good faith” in the General Assembly. I would likewise feel that the proposal which I have set forth represents good faith on the part of this convention and also on the part of the voters of the state in the General Assembly, and it’s for that reason that I have made the motion, and I would move its passage.

Ms. Kilmarx: I would also like to speak in favor of the amendment. I would like to concur with delegate Hines in his remarks and comment also that the League of Women Voters in addition to the yellow sheet which has been passed around which speaks to the problem of accountability has also testified in favor of the rise in legislative pay to be in the Constitution in the manner that the amendment proposes. I would urge passage of the amendment. Thank you.

Mr. Kaufmann: I would like to move at this time to second Mr. D’Amico’s motion to table Mr. Hines’ amendment.

Ms. Byrnes: I also second that motion.

Mr. Broesco: If there is no other debate, I desire at this time that this motion be decided by a roll call vote.

The Chairman: Are there ten delegates requesting a roll call vote?

(There are at least ten delegates standing.)

The Chairman: There are more than ten, and the question of tabling the amendment will be decided by a call of the roll. Those in favor will vote, “Aye”. Those opposed will vote, “Nay.” The secretary will call the roll.

(Roll call vote.)

(The following delegates voted “A”.)

Alfred A. Almonte, Jr. J. Colin Dawson
Martha R. Bailey Arthur D. Salvo
Manuel Boteho, Jr. Ronald R. Gagnon
Robert H. Breslin, Jr. Alan P. Getfus
M. Christine Byrnes Charlotte M. Gleason
Rodrick A. J. Cavanagh Kathleen J. Hawkins
N. Jameson Chace Mary K. Hiltz
John R. Cioci Charles Hooper
John D’Amico Stephen A. Jenkins

Robert K. Kaufmann Ilse I. Messina
Steven B. Kenny Arthur W. Murphy
Arthur A. Kidder, Jr. John J. Partridge
Donald Large William J. Peotrowski, Jr.
Donald W. Lister Herbert G. Rock
Gerald R. Lynch Albert D. Saunders, Jr.
Edward R. MacLaughlin, Jr. Edward H. Torgen
Martin S. Malinou Robert B. Tucker
Jerry L. McIntyre Paul O. Vadenais
Ann M. McQueeney Barbara Williams

(The following delegates voted “Nay.”)

Ann R. Baker
Anthony J. Broesco
Arthur G. Capaldi
John F. Capaldi
Frank Caprio
Salvatore R. Cesaro
John A. Coleman
Patrick T. Conley
Leo T. Cossora
Richard W. Costantino
Emmett J. Cotter
Alice E. D’Alessio
Ethel L. DeAngelis
Virgil H. Dutra
Giovanni Focarelli
Zigmunt J. Friedernann
Mary Kathleen Furtado
John Paul Garan
Wilfred L. Godin
Raymond E. Grimes
Janet A. Hartman
John Hines
Mary N. Kilmarx
Walter M. Kimball

(There are forty-two votes in the affirmative, forty-nine votes in the negative, and the motion to table fails.)

The Chairman: The chair is informed that there are forty-two votes in the affirmative, forty-nine votes in the negative, and the motion to table fails.

(Motion fails.)

Mr. Broesco: Is the chair ready to take a vote on the amendment; if so, I move there be a roll call vote.

The Chairman: Are there ten delegates requesting a roll call on the motion to amend?

(There are ten delegates standing.)

The Chairman: The question before the convention, shall Proposal Number 51 be amended as proposed by delegate Hines?
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(Roll call vote.)

The following delegates voted, "Aye."

Ann R. Baker
Anthony J. Brocco
Arthur G. Capaldi
John F. Capaldi
Franco Caprio
Salvatore R. Cesaro
John R. Cioei
John A. Coleman
Patrick T. Conley
Leo T. Conners
Richard W. Costantino
Emmet T. Cotter
Alice E. D'Alt'esso
H. Dutra
Giovanni Folcarelli
James J. Federico, Jr.
Zygmont J. Friedmann
Mary Kathleen Fortado
Paul F. Garan
Wi1fred L. Godin
Raymond E. Grimes
Janet A. Hartman
John Hines
Mary N. Kilmarx
Walter M. Kmball
M. Louise King
Domenico Manfredo
Robert A. Mauro
Richard McAllister
William J. McAltee
Robert J. McKenna
Helen Migliaccio
Michael W. Miller
Arthur F. Mitchell
William F. Murphy
William T. Murphy, Jr.
John M. O'Hare
Adrian J. O'Bourke
Robert A. Paci
James A. Petronelli
Martin S. Malinou
Jerry L. McIntyre
Ilie I. Messina
Joseph H. O'Donnell, Jr.
John J. Parridge
William J. Pestowsk1, Jr.
Herbert G. Rock
Joseph O. Saunders, Jr.
Edward H. Torgen
Robert B. Tucker
Paul O. Vadencis
Barbara Williams

Mr. Conley: The amendment is as follows: On Page 1, the amendment is to the last sentence; it now reads, "Provided further that the members of the General Assembly shall record by roll call vote on final passage of all public laws regarding the expenditure or raising of monies in excess of $5000."

Delegate Kilmarx moves to amend this so it will read as follows: "Provided further that the members of the General Assembly shall record by roll call vote on passage of all public bills."

Mr. Chace: I second the motion.

Ms. Kilmarx: My amendment is an attempt to make accountability something of which this convention can be proud. I think this is where the general public is far ahead of us who are interested in the affairs of the general assembly.

There is overwhelming public support for accountability on all public bills by the general assembly. The expenditure bills form only a small part of the work of the assembly, its legislation in the area of environment, for example, and in many, many other areas are of utmost importance to us.

I feel that this amendment will have public support, and there has been a great deal of delegate interest in the possibility of requiring accountability by the general assembly. A couple of small points I would like to speak to you on. We deleted the word, "final," not in an effort to have a roll call vote; but simply to make sure that both houses of the assembly are on record.

In other words, what we want is the roll call in both houses on the bill, and the word, "law," is changed to, "bills," at that point. I would like, also, to ask that we take a roll call vote at the time that we vote on this amendment.

Mr. Garan: I would like to move that we lay this amendment on the table.

The Chairman: The chair at this moment is not shutting off debate. I want to make sure that somebody who has not been heard has an opportunity if they wish.
Mr. Brosco: I think what we fail to realize is how much work is involved in the general assembly when they are in session.

If you look at the table you can just get a general idea of how many bills are introduced. That is just by one side (indicating pocket of general assembly bills). If you expect the representatives and the senators to have a roll call vote every time, you are asking for the unreasonable.

This young lady asked for a third roll call vote, and everybody's meaning and groaning just imagine what is going to happen in the house and the senate every time they have to have a roll call vote on the passage of an act.

I say, ladies and gentlemen, let's be fair. Let's also keep in mind that right now every politician in here who served some time in the house and the senate knows that all it needs is one-fifth of the members to ask for a roll call vote, and you can get it.

We ask you to be just as considerate for the members who have to sit here in a general assembly for sixty solid days at $5 a day, and you won't give them a raise today.

Now we are putting an additional burden on them by saying, "Let's ask for a roll call." I don't believe that we are being reasonable at this time if we pass this amendment.

Mr. Connors: Mr. Chairman, delegate Connors. I think the gentle League of Women Voters is slipping us a mickey. What everybody fails to realize is that damn near every bill in the general assembly carries some appropriation to it.

We are not asking legislators to use their intellect; it will destroy their courage to withstand proposals which are contrary to the conscience of the legislator.

The public confidence is not dependent upon roll call voting, but upon the view of the legislative integrity, and what you are doing here is making an assault upon legislative integrity. There are scoundrels in every profession and business, and I assume there have been scoundrels in both these chambers.

What you are doing is labeling them all as scoundrels by providing for a roll call vote. I am telling you the surprise of this whole constitution will be if and when you do enact this type of legislation. You will discover it covers nearly every bill. We are being slipped a beauty here. If the members of the general assembly cannot be trusted, if they are not responsible people, the remedy of the people is to put them out of office summarily.

I am saying to you that this is an unwarranted insult to the general assembly.

I understand the forces that are going behind this. I don't object to it with respect to expenditures for taxation.

I don't object to this with respect to large scale expenditures, and what greater accountability can the general assembly have than the people of this state? This is insulting, and it isn't going to accomplish any purpose because you will drive what goes on in the general assembly from the hall into the corridors, and you will drive it into the rat holes, and you will drive it every other place.

Mr. Kidder: I cannot agree more with the words of Mr. Brosco. I think that the problem is a question of mechanics. Serving in the legislature myself as I do now I think it will be almost impossible to handle a number of votes by roll call that would be required.

I think the answer to this whole thing, would be to have electronic voting, and I think before they put in such an amendment as this, electronic voting would have to be tied in with it, so that it could be done practically and be done within a minimum of time. I am certainly in favor of electronic voting, and as a matter of fact: am in favor of having all legislators record their votes on any public bill that comes up.

Ms. Kilmarx: I understand it would induce the General Assembly to take either of two actions; one would be to institute some simple system of electronic voting which would not take time, they can vote in a matter of half a second on the bills with no delay.
The other possible form of action is to stop voting on 281 bills in the last week, and get going a little bit sooner. If they have to take roll call votes, I see no ill effects in that.

Mr. Caprio: I rise to second the motion to table, Mr. Chairman.

The Chairman: The question before the convention is, shall the motion to amend be tabled? Are there ten delegates requesting a roll call vote? There are ten, and the question comes on, shall the motion to amend be tabled, and the secretary will call the roll.

(Roll call vote.)

The following delegates voted, "Aye."
Anthony J. Brosco
Arthur G. Capaldi
John F. Capaldi
Frank Caprio
Salvatore R. Cesaro
John R. Cioci
John A. Coleman
Patrick T. Cooley
Leo T. Connors
Richard W. Costanzino
Eunemitt J. Cotter
Alice E. D'Allesio
Velma H. Dutra
Giovanni Falcarelli
James J. Federico
Zygmunr J. Friedemann
Mary Kathleen Furtado
John Paul Garan
Wilfred L. Godin
Raymond E. Grimes
Janet A. Hartman

The following delegates voted, "Nay."
Alfred A. Almonte, Jr.
Martha R. Bailey
Ann B. Baker
Joseph Borges, Jr.
Manuel Botelho, Jr.
Robert H. Breslin, Jr.
M. Christice Bynses
Roderick A. J. Cavanaugh
N. Jameson Chace
John D'Amico
J. Colin Dawson
Arthur D'Alva
Ronald R. Gagnon

John Hines
Steven B. Kenny
Domenico Mandreco
Richard McAllister
William J. McInerney
Robert J. McKenna
Helen Migliaccio
Michael W. Miller
Arthur F. Mitchell
Arthur W. Murphy
William F. Murphy
John M. O'Hare
Adrian J. O'Rourke
Robert J. Paci
James A. Petrosinelli
William E. Powers
Anthony F. Principi
Rob Roy Rawlings
Laurent L. Ross
Robert V. Salvatore
John E. Small
Erich A. O'D. Taylor
Marilyn A. Thetonia

John W. Lister
Gerald R. Lynch
Edward R. MacLaughlin, Jr.
Martin S. Malinos
Robert A. Mauro
Jerry L. McIntyre
Joe L. Mecca
William T. Murphy, Jr.
Joseph H. O'Donnell, Jr.

John J. Partridge
William J. Petrowski, Jr.
Herbert G. Rock
Albert D. Saunders, Jr.
Arthur Spinello
Barbara Swimmer
Edward H. Torigen
Robert B. Tucker
Paul O. Vadenis
Barbara Williams

The Chairman: The chair is informed there are 45 votes in favor; 45 votes opposed, and the motion to table does not carry.

Mr. Breslin: Mr. Chairman, may I make a couple of observations? I think it is interesting how 2 or more people can spend a few years in the General Assembly and come out with completely opposing conclusions. At the present time there is no mandatory requirement for roll call voting in the General Assembly.

There is a provision in Article IV, Section 8, I believe that permits roll call votes on a vote of one fifth of those members in either house who are present at the time the vote is being taken. I don't agree with Mr. Connors at all. I don't think that any mandatory requirement for roll call voting on public bills is in any way reflective upon the character of any member of the General Assembly as a group. I think the public has an absolute right to know.

One of the greatest criticisms of the General Assembly I have heard in the past few years is that when they come up here and they attempt to research a candidate's background and a candidate's vote on various issues, they find there is no recorded vote on many important issues that come before the house. I know there have been several years, to the best of my recollection, when there have not been roll call votes on the budget, for example.

One of the arguments being mentioned against this mandatory roll call voting is that it would take too much time. Well, perhaps that is true, but there is a solution, namely electronic voting, which I think the General Assembly should have enacted sometime ago, and which they certainly should enact now.
At the present time of the fifty states in these United States, there are 33 states who have mandatory constitutional requirements that all bills that are voted on by both the Senate and the House are voted on by roll call voting: Now there are some pretty good size states involved, California, Colorado, Florida, Illinois, Indiana, Kentucky, New Jersey, so forth, and if these states would guarantee to their people the right to know where their legislators are on a particular issue, I think Rhode island can do the same thing for the people in this state, and also for the people in the district who want to know where that particular legislator stands on an issue.

The Chairman: The question before the convention is, shall the motion to amend be adopted?

Mr. Caprio: I request a roll call vote.

The Chairman: Are there ten delegates requesting a roll call vote?

(There are at least 10 delegates standing.)

The Chairman: The secretary will call the roll.

Mr. Conley: The amendment is that the General Assembly shall provide by roll call the vote on passage of all public bills.

(Roll call vote:)

The following delegates voted, "Aye."

William J. Pontowski, Jr.  
Herbert G. Rock  
Albert D. Saunders, Jr.  
Barbara Summer  

Mr. Conley: This particular amendment, would strike the language from Lines 11 and 12 which states, "such other benefits as are already authorized by law," and it substitutes the provision "provided that no member of the General Assembly shall receive a pension based upon his service as a legislator who has not served for a period of at least ten years in the General Assembly, and that no member shall receive an annual pension in excess of $8,000."
Mr. D’Amico: I second that motion.

The Chairman: Does Delegate Kenny wish to be heard on that motion?

Mr. Kenny: Mr. Chairman, from 1961 to 1963 I had the privilege to serve as a page in the General Assembly. There I encountered the outrageous injustice whereby members of the General Assembly were compensated at the rate of $5 per day. The situation still remains today but due to inflation the situation is even worse. No one can employ anyone for $5 a day without violating the minimum wage requirements of the Federal and State Government. Since the early 1950's repeated bipartisan attempts have been made to remove the unjust ceiling. When placed before the electorate, each proposal met with rejection. Unfortunately, the legislature has circumvented the constitutional ban of salary increases by going into the back door and voting retirement benefits. Two wrongs never made a right. Ten years ago members had to serve ten years for the legislature before qualifying for a pension plan. The pension was based on $100 each year for legislative service. Under Chapter 43 of Public Laws enacted by the 1973 General Assembly a member can qualify for his time and benefits after serving only four years in the legislature and four years in the military. Such a member can retire at $2,400 per year, or put it another way, he can retire at a pension that is 200 percent more than his gross earnings as a legislator. The real issue is who is paying for the retirement system? School teachers, town and municipal employees, and employees of the State of Rhode Island are the contributors to the State of Rhode Island employees' retirement system. Let us ask a rhetorical question: how can a retirement system that allows some members to retire on a yearly pension that is 200 percent more than its gross earnings continue to remain solvent? Every day we read about another pension fund that cannot provide for its member at retirement time. The issue is so grave that it occupies the attention of Congress and the President of the United States: Although the State of Rhode Island employees' retirement system bears the name, “State of Rhode Island,” this is no guarantee that it too cannot become insolvent and unable to meet its obligations to its contributors.

Fellow delegates, I urge you to keep faith with the thousands of dedicated public servants. Retirement depends on a large measure on this pension fund, and I urge you to support my amendment. Thank you.

Mr. MacLaughlin: I believe this particular amendment as it’s presented is absolutely a statutory provision. I don’t think it belongs in this particular proposal, and because of that I move to table.

Mr. Friedemann: I second the motion, Mr. Chairman.

Mr. Brosco: Mr. Chairman, I desire to call for a roll call vote.

The Chairman: Are there ten delegates requesting a roll?

The Chairman: The motion before the convention is shall the delegate’s motion be tabled? There is more than ten for a roll call.

(Roll call vote.)

(The following delegates voted “Aye.”)

Martha R. Bailey
Ann R. Baker
Joseph Borges, Jr.
Manuel Botelho, Jr.
Robert H. Breslin, Jr.
Anthony J. Brusco
M. Christine Byrnes
Arthur G. Capaldi
John F. Capaldi
Frank Caprio
Roderick A. J. Cavanagh
Salvatore R. Cesaro
N. Jameson Chase
John R. Cioci
John A. Coleman
Patrick T. Conley
Leo T. Connors
Richard Costantino
Alice E. D’Aleasio
Ethel L. DeAngelis
Arthur DiSalvo
Virgil H. Dutra
James J. Fedorico, Jr.
Zygmunyt J. Friedemann
Mary Kathleen Furtado
John Paul Garan
Charlotte M. Gleeson
William L. Godin
Raymond E. Grimes
Janet A. Hartman
Kathleen J. Hawkins
Mary R. Hiltz
John Hines
Charles Hooper
Stephen A. Jenkins
Robert K. Kaufmann
Mary N. Kilmare
M. Louise King
Donald W. Lister
Edward K. MacLaughlin, Jr.
Domeico Manfredo
Robert A. Mauro
Richard McAllister
William J. McAtee
Robert J. McKenna
Helen Migliaccio
Michael W. Miller
Arthur F. Mitchell
William F. Murphy
William T. Murphy, Jr.
Joseph H. O’Donnell, Jr.
John M. O’Hare
Adrian J. O’Rourke
Robert J. Paci
John J. Partridge
William J. Petrowski, Jr.
The Chairman: The chair is informed that there are 63 votes in the affirmative and 18 votes in the negative, and the motion to table carries.

(Motion to table carries.)

The Chairman: The question before the convention is shall Proposal 51 as amended by the motion of Delegate Kilmart be referred to the Committee on Style and Drafting?

The Chairman: As many as are in favor will say Aye? Opposed, No? It appears the Ayes have it. Proposal 51 is referred to the Committee on Drafting.

(So voted.)

The Chairman: The chair will point out to the delegates that there remains on General Orders for today Proposal 48 which was reported from the Committee on Elections. It purports to amend Article 13 of the Constitution. So as to reduce the time in which amendments may be proposed by the legislators from the two-year provision presently in force to one session, the reason of course being that at the time the Constitution was adopted, the General Assembly met annually in April and these proposals could be considered expeditiously. That is no longer so. Now it seems important to the chair that we consider Proposal 48. If you favor, it can be referred to the Committee on Style and Drafting. Otherwise, it is going to lay here.

Before the Convention at this moment is the question on Proposal 48, the Chair recognizes delegate Conley, the author of the proposal.

Mr Conley: Mr. Chairman and fellow delegates, this Proposal 48 entitled “Election Requirements for Constitutional Revision,” was proposed by myself and there are similar proposals introduced also by delegates Godin and Murphy of Tiverton. Basically, this particular proposal is similar to the article on amendments that was recommended by the previous Constitutional Convention. It was submitted primarily because I felt that it would be a major reform of the Constitution. It has attracted very little notice thus far, but I think if it is passed by this Convention, it might rank in significance to the House Amendment of 1888, the 20th Amendment of 1928, and the Home Rule Amendment of 1951. It is a far reaching provision that would profoundly affect the future course of the State’s constitutional development. The present Constitution can only be amended by a cumbersome procedure, namely, passage by two consecutive general assemblies, a general election intervening, and a three-fifths vote of the people.

As the Chairman pointed out, that initial process was easier than it is today because the General Assembly in 1843, when the amendment procedure was enacted, was elected on a yearly basis, and now it is elected for two year terms, and a general election must intervene before the General Assembly can act again.

That amendment procedure is one of the most difficult in the entire nation, and it is one that has caused the State and the General Assembly to resort on several occasions to the device of a limited Constitutional Convention to gain approval for necessary changes in our basic law. This had to be done in 1944, 1951, 1955 and again in 1958. The calling of a limited convention is also somewhat of a cumbersome procedure which is a considerable expense to the electorate. The present provision on amendments was inserted into the 1843 Constitution for a reason which most of us would not approve of today.

In 1843 the conservatives who drafted the present Constitution, disenfranchised the Irish-Catholic immigrants to Rhode Island and these nativists felt that the best way to make that discrimination stick was to make the amendment process extremely difficult so that election revision could not take place easily and this downtrodden group would be kept, in an inferior position.
Quite obviously, from the composition of this Convention, the prime motive for the insertion of that cumbersome amendment provision in the original Constitution no longer applies. Therefore, I would suggest that this procedure should be removed from the Constitution. I would like to commend the Elections Committee who approved my proposal unanimously, and I would urge its passage by this Assembly.

Basically, the proposal as it is drafted would strengthen the General Assembly's power to amend the Constitution by simply requiring a roll call vote of a majority of the members elected to each House, but only one such vote. Then they would submit the particular question to the people who would vote on it. The electorate would be able to amend the Constitution, not by a three-fifths vote, but by a simple majority.

This particular amendment adheres to two basic characteristics of American Government. This is a democratic republic based upon the principle of majority rule. The notion of republicanism is satisfied by the General Assembly acting in its representative capacity in approving amendments by majority vote, and the democratic principle is satisfied by requiring a majority of the people to approve any proposed constitutional change.

Finally, I think the amendment procedure would strengthen the governmental role of the General Assembly and prevent them from resorting to the subterfuge of a limited convention to gain needed changes. Most important, perhaps, the question of a general constitutional convention will be referred to the people every ten years for their consideration, and if the General Assembly fails to act, then this proposal authorizes the Secretary of State to submit the question so that we will have periodic general constitutional revision, to keep the basic law of this State up to date. I think this is a very progressive feature of the proposed amendment and therefore fellow delegates I urge its passage.

Mr. Malinou: Mr. Chairman, I want to say, very briefly, that I favor this and wish to point out to the convention that there is some interest here for giving the members of the general assembly four-year terms. If we ever pass that, and it is approved in combination with Article 13, it is going to draw out the amendment process even longer.

Mr. Godlin: As author of Proposal 68 very similar to Delegate Conley's, I urge passage of this proposal.

Mr. Murphy (Tiverton): As a sponsor of a measure very similar to Delegate Conley's I urge passage of this proposal.

The Chairman: The question is, "Shall Proposal 48 be referred to the Committee on Style and Drafting?" The ayes appear to have it. They do have it.

The Chairman: The question before the delegates is, "Do they want to go on or adjourn until Thursday?" It seems as though it would not involve a great deal of debate so hearing no motion for adjournment, the secretary will read Proposal Number 7.

Mr. Conley: Proposal No. 7, proposed by Delegate Emmett J. Cotter. "Qualifications for Office."

Section 1. No person shall hold any civil office unless he be a qualified elector for such office.

Section 2. This amendment shall take in the Constitution of the State the place of Section 1 of Article IX, which said section and all other provisions of the Constitution inconsistent here-with are hereby annulled.

Mr. Taylor: Mr. Chairman, the Committee on Style and Drafting struck out the provision that permitted women where they are not electors to run for school committee. However, the word, "eligible," was used in it, and it says that, "No person shall hold any civil office unless he be a qualified elector for such office." Clearly the intention in mind is that a person who is outside his ward or district shall not hold office and the change in the committee's recommendation is, "No person shall hold any civil office unless he be a qualified elector for such office." And I move the passage of this proposal.

The Chairman: This is on final approval, and it requires 51 votes.

Mr. McKenna: I second the motion.

The Chairman: The secretary will call the roll.

(Roll call vote.)
The following delegates voted "Aye."

Alfred A. Almonte, Jr.  Walter M. Kimball
Martha R. Bailey  M. Louise King
Ann R. Baker  Donald Large
Joseph Borges, Jr.  Donald W. Lister
Manuel Botelho, Jr.  Gerald R. Lynch
Anthony J. Brocco  Martin S. Malinou
M. Christine Byrne  Donnecio Manfredo
Arthur G. Capaldi  Robert A. Mauro
John F. Capaldi  Richard McAllister
Frank Caprio  William J. McAllee
Roderick A. J. Cavanagh  Jerry L. McIntyre
Salvatore R. Cesaro  Robert J. McKenna
N. Jameson Chase  Ilse I. Messina
John A. Coleman  Helen Migliaccio
Patrick T. Conley  Michael W. Miller
Leo T. Connors  Arthur F. Mitchell
Richard W. Costantino  Arthur W. Murphy
Emmett J. Cotter  William F. Murphy
John D'Amico  William T. Murphy, Jr.
Virgil H. Dutra  John M. O'Hara
James J. Federico, Jr.  Adnan J. O'Rourke
Zygmunt J. Friedemann  Robert J. Pact
Mary Kathleen Portado  John J. Pattridge
Ronald R. Gagnon  William J. Peetrowski, Jr.
John Paul Garan  James A. Petrouinelli
Alan P. Gelfuso  William F. Powers
Charlotte M. Gleeson  Anthony P. Principe
Wilfred L. Godin  Rob Roy Rawlings
Raymond E. Grimes  Herbert G. Rook
Janet A. Hartman  Laurent L. Rousseau
Kathleen J. Hawkins  Robert V. Salvatore
Mary R. Hiltz  Albert D. Saunders, Jr.
John Hines  Arthur Spingarn
Charles Hooper  Barbara Sumner
Stephen A. Jenkins  Erich A. O'D. Taylor
Robert K. Kaufmann  Marilyn A. Thetonia
Steven B. Kenny  Edward H. Torgen
Mary S. Kessler  Robert B. Tucker
Arthur A. Kidder, Jr.  Paul O. Vadensia
Mary N. Kilmarx  Barbara Willams

The Chairman: The chair is informed that there are 84 votes in the affirmative and no votes in the negative, and the Proposal Number 7 stands finally adopted.

Mr. Cavanagh: Delegate Cavanagh from District 24. I move that we adjourn until 6 o'clock Thursday.

Mr. Garan: Delegate Garan seconds the motion to adjourn.

The Chairman: The motion is that this convention stand adjourned to meet at 6 p.m.