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State of Rhode Island and Providence Plantations

**JOURNAL OF THE
CONSTITUTIONAL CONVENTION**

Providence, Rhode Island

May 24, 1965

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 2:10 P.M.

INVOCATION

The Chairman presented Rev. Cornelius B. Collins of St. Michael's Church, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 77 present, 22 absent. A quorum was present.

Absentees were Messrs. Beauchemin, Bizier, Cooney, Corcoran, Crandall, DeCiantis, Dodge, Fanning of Cumberland, Gallagher, Gammino, Giguere, Kiernan, LaSalle, Martin, McCabe, McGrath, Merolla, Murphy of Warren, Mrs. Pell, Messrs. SaoBento, Stapleton, and Viall.

The names of the absentees were called.

On motion of Mr. Cochran, seconded by Messrs. Dolbashian and Cannon, the reading of the journal of the previous day was dispensed on a voice vote.

The Chairman noted the presence of Honorable J. Joseph Nugent, Attorney General of the State of Rhode Island and Providence Plantations, and invited him to occupy a seat on the rostrum.

REPORTS OF STANDING COMMITTEES

Mrs. Pulner, for the Committee on Executive Department, reported back the progress of public hearings by the Committee and a notification that the Committee, in compliance with Rule 64, will hold a public hearing, May 24, 1965, at 7:30 P.M. at Convention Headquarters on Proposals No. 32, 43, 103, 111, 112, 133 and 134 and that advertisement of said hearing, a copy of which was attached to the report, was made in the Providence Journal. By unanimous consent, the report was accepted.

Mrs. Barber, for the Committee on Education, reported back the progress of the Committee. By unanimous consent, the report was accepted.

COMMUNICATIONS

The Chairman announced receipt of several communications relative to proposals under consideration and the communications were referred to the Committees considering the respective proposals.

INTRODUCTION OF PROPOSALS

The Chairman announced receipt of the following proposals:

Proposal No. 148 offered by Mr. Bride, entitled "Of the Judicial Power". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 149 offered by Mmes. Hager and Pulner, entitled "Education". The proposal was read by title and referred to the Committee on Education.

Proposal No. 150 offered by Mrs. Webster, entitled "Executive Power". The proposal was read by title and referred to the Committee on Executive Department.

Proposal No. 151 offered by Mr. Cochran, entitled "Legislative Vote on Veto". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 10010 offered by a qualified elector, Oliver L. Thompson, Jr., of Barrington, entitled "Bicameral Legislature", and accompanied by a certification by the Board of Canvassers of the Town of Barrington that Mr. Thompson is a qualified elector of said town. The proposal was read by title and referred to the Committee on Legislative Department.

The Chairman noted the presence of Honorable Raymond H. Hawksley, General Treasurer of the State of Rhode Island and Providence Plantations, and invited him to occupy a seat on the rostrum.

On suggestion of Mr. Cochran, the delegates extended Father Collins a rising vote of appreciation for his kindness in giving the Invocation.

The Chairman presented as a guest speaker Mr. Thomas R. Pansing of Lincoln, Nebraska, attorney at law, insurance company executive, and President of the Lincoln, Nebraska Chamber of Commerce, to address the Convention. Mr. Pansing addressed the Convention.

Mr. DiLuglio announced that the Committee on Legislative Department would meet at the rising of the Convention for the purpose of an informal discussion with Mr. Pansing.

The Chairman expressed the gratitude and appreciation of the Convention to Mr. Pansing.

On motion of Mr. Kagan, seconded by Mr. Cote, the address by Mr. Pansing was ordered to be appended to the journal of this session on a voice vote.

(For address, see appendix, this journal.)

ADJOURNMENT

At 2:59 P.M., on motion of Mr. Principe, seconded by Mr. Gallogly, the Convention adjourned to meet on Monday, June 7, 1965 at 2:00 P.M. in the Chamber of the House of Representatives at the State House on an unanimous voice vote.

August P. LaFrance
Secretary
Constitutional Convention

ADDRESS TO THE RHODE ISLAND CONSTITUTIONAL CONVENTION

MAY 24, 1965

by

THOMAS R. PANSING OF LINCOLN, NEBRASKA

A P P E N D I X

COMMENTS ON NEBRASKA'S UNICAMERAL LEGISLATURE

I should like to make it abundantly clear at the outset that I appear before this convention without any pretense of expertness. I have not been a student of legislatures or legislative processes; I have been an observer and a fringe-participant in the affairs of Nebraska's one-house legislature. My comments derive from experience which began as a political science major at the University of Nebraska in the mid-30's, sitting at the feet of Senator George Norris and Professor John Senning, the two men who conceived and sired Nebraska's stunning legislative off-spring, born in travail of a drouth-stricken, weary, disheartened electorate in 1934. My experience continued after World War II to include several years as City Councilman and Acting Mayor and Chamber of Commerce President of Lincoln, two decades as a working Republican, five years as chief administrative officer of the State Department of Insurance, twenty years of general law practice, eight years of active lobbying for a wide range of clients as partner in a law firm which includes one ex-governor and two ex-state Insurance Commissioners, and miscellaneous other government-related activities.

I have had no direct contact whatsoever with the legislatures of other states so I am unable to draw comparisons; my parochialism limites me to comments upon the Nebraska system alone and my own ideas as to how it could and should be improved.

What I shall present today are my personal opinions, as good as the next man's but probably no better, not susceptible of proof certain. almost always relating to matters on which reasonable men can and do differ.

A word about the environment in which this unique unicameral institution has been nurtured is important to understanding, and seems to me essential to your future deliberations.

Nebraska is a large state. From its lush eastern cornland which is like Iowa across the Missouri River, its topography slowly rises and changes in character for some 500 miles to the beautiful, productive, semi-arid cattle ranges and wheat plains on the Wyoming and Colorado borders. In moving north and south between Kansas and South Dakota little geographical change is apparent. Nebraska has 93 counties, many of which could individually hold all the area of Rhode Island, and the prerogatives of local governments have been jealously guarded from state intrusion by their citizens.

Throughout their history Nebraskans have always been an individualistic, conservative people. Homesteaded and colonized, for the most part after 1880, almost entirely by agrarian Swedes, Germans and Czechs, who survived only by extreme frugality and hard work, the tradition of hard work and hard money persist today. Our state has one of the lowest per capita tax rates in the country, no bonded debt, no income or sales tax. Throughout the years it has been predominantly rural and agrarian, which automatically denies urbanism and industrialism. Acceptance of labor unions has been slow and difficult and Nebraska today lives with a "Right-To-Work" law. That many of these traditional characteristics are changing rapidly today seems not germane to this discussion.

In only two areas over the years has Nebraska performed other than conservatively -- and in these two it has startled even itself by appearing in the unaccustomed role of innovator. These two areas are public ownership of all electric utilities and a small, one-house, non-partisan legislature, and true to its traditional conservatism, Nebraska has stood by its guns on both of these experiments, finishing, by God, what has been started. Discovering the why's of these phenomena has been a matter of great conjecture for 30 years -- my own opinion is that they were both the result of the inspired leadership of Senator George Norris at the low point of the drouth and economic depression. Be that as it may.

I should like now to discuss Nebraska's legislature under three main points, viz., (1) the non-partisan feature, (2) the number of legislators, and (3) the one-house aspect. Various sub-points, such as effect on lobbying and quality of legislators, will be touched upon as they relate to the former categories.

NON-PARTISANISM

First, let me reassure you that the important activities of our legislature are truly unflavored by partisan taint. This may be hard for a cynic to believe but it is so, from the primary campaigns through the voting in the chamber. A few years ago, when our Legislature conducted a recount procedure for election of our partisan governor, the house appeared to split by party affiliation, but this is almost the only such instance that I can recall.

The most glaring and basic weakness of our legislature is its non-partisanism. Completely devoid of leadership, without any cohesive groups based on general common philosophies of government, with a speaker who is no more than a figurehead, this group of individuals meander through their legislative duties on a piecemeal basis, without apparent direction or purpose. It has been cleverly said that everything they do is a surprise. The campaigns for election produce no issues, no commitments and no categorization, and election is based almost exclusively upon the candidate's personal popularity.

The governor is elected on partisan basis but he has almost no effect as a leader in accomplishing a legislative program, for he has no organizational liaison with the legislators except such as he may accomplish by personal blandishment, and any member who tries to advance the governor's wishes must speak very softly to his colleagues or he'll accomplish just the opposite of the desired effect. And this is true no matter which party the chief executive represents. So non-partisanship has weakened the governor as a legislative leader almost to the point of emasculation.

Our legislators have no responsibility whatsoever to or for their political parties -- indeed most of them are very vocal in denying any contact with or interest in any party organizations or officials -- they always refer to such officials in their press interviews as "party hacks" or "party bosses". Obviously then, like the governor, the parties can offer no legislative planning or leadership. Furthermore, the parties themselves and the two-party system in Nebraska have been badly weakened. The parties are often publicly ridiculed by legislators; they are entirely without influence among legislators and therefore of course among lobbyists. They are denied the usefulness of the legislature as a training ground for their young, aspiring partisan leaders. The policy committees of both parties have for years publicly opposed non-partisanship.

So these forty-nine men, without organized planning or leadership from within their own body, from their governor or from their political connections go about their duties without any plan or leadership at all, and with no legislative continuity whatsoever between sessions. A return to partisanship, it seems to me, would almost certainly and completely rectify this basic defect.

This void of organized responsibility of course permits the lobbyist to be more effective, for he can and must argue to each legislator while the latter acts individually without advice or urging from his party experts or leaders.

NUMBER OF LEGISLATORS

Nebraska's little legislature this year contains 49 members, an increase of six over two years ago. This statutory increase accompanied a constitutional amendment adopted in 1962 which included also a salary hike to \$200 per month and a change in length of term from two to four years.

The most obvious ill effect of the small number in our legislature is the abnormally heavy work load imposed upon each member. Through most of a six-month period every two years our legislature meets in regular session five days per week from 8:00 or 9:00 A.M. until Noon; then the standing committees conduct hearings from 2:00 P.M. until they are finished with the bills set for that day, not infrequently running into and past the dinner hour. Each legislator is assigned to such committees that at least four and usually five of his afternoons are so occupied. A full day and a full

week indeed for men who, after devoting about 35 hours weekly to their formal tasks, are presumed to have the requisite desire and energy to study, investigate and come to decisions on nearly 1,000 complex peices of proposed legislation.

Very little staff assistance is offered to individual members. Each two are entitled to one secretary and no rapid research talent, such as law or political science students might offer, is available except to the one or two men who have made their own arrangements.

The average legislator has introduced nearly twenty bills, and so on that many occasions he must leave his own committee, walk to the committee room where his bill is to be heard, wait for it to be called and deliver his introductory remarks, after or without which remarks he more often than not formally turns over to an accomodating lobbyist his right to conduct the showing for the proponents of his bill. He then runs back to his own committee to try to pick up the thread of the hearing which he left, in order that he can vote knowledgeably thereon an hour or a day later. Obviously, this makes for much scurrying in and out and around by committee members during hearings.

It is my estimate as a lobbyist that more than eighty percent of all bills are initiated and first drafted by lobbyists, and then introduced by members at their requests. More often than not the introducer has only a vague understanding of the general content and intent of the proposed legislation to which he has appended his name as a good fellow, often to his later discomfiture. But he's just too darned busy to do otherwise, for there is so much work to be performed by so few men, particularly during the first twenty legislative days in which all regular bills must be introduced.

It is often pointed out that the larger the number of legislators the more accurate and precise is the representation of small minorities. Obviously this is true and just as obviously it can be applied with almost equal effect to argue for a body of five hundred or a thousand or ten thousand representatives. But I believe that many of the interesting and useful ethnic, political and economic subtleties of our state are lost by having such large legislative districts and so few legislators.

It is my opinion that we attract a very high caliber of men in our legislature. Outside of those from our two cities they are almost all men who have proved themselves as successful farmers, ranchers or small businessmen, good citizens who are community leaders at home who have earned the respect of their neighbors. Almost without exception they are men of the highest personal integrity, graft and bribery being words almost unknown in the Nebraska statehouse. In the main they are serious hard-working, frugal (some say penurious), individualistic, conservative and, I believe, truly representative of the majority of their constituents. If only they weren't so disorganized. Many observers argue that there is a need for

more lawyer-type legislators, *i.e.*, more men who are familiar with and accustomed to dealing with the niceties of language, and I concur.

The task of the lobbyist is made far simpler by a small number to be influenced. It's just plain not as much work to nail down twenty-five votes as it is to secure twenty-six or thirty or forty-five. The lobbyist has time and opportunity to cultivate each member individually, permitting lobbyist-legislator personal friendships to ripen, and this is the most effective of all lobbying techniques.

Based on all of the foregoing, I feel strongly that our legislature of forty-nine men is too small and should be increased to a number between eighty and one hundred.

THE ONE-HOUSE ASPECT

This is the most difficult of the sections for me to discuss, undoubtedly because my feelings here are not strong, and each time I make an assertion I find myself weakening it with a proviso.

I suspect that perhaps it is also the point which most interests many of my listeners. I shall discuss the matter as I see it in Nebraska and as potentially applicable elsewhere, and perhaps shed some light on your problems.

The architects of Nebraska's unicameral were concerned about their elimination of the traditional "checks and balances" inherent in the two-house system. However, only one real safeguard, the requirement of a lapse of at least five days between introduction of a bill and its passage, appears in our constitution. Accordingly, they set up by legislative rules a laborious, four-stage obstacle course which every bill must negotiate for passage. These include: (1) favorable vote and recommendation by a standing committee after public hearing called upon 5 days public notice; (2) majority vote of the house to move the bill off "general file"; (3) majority vote of the house to move the bill off "select file"; (4) majority vote of the house to adopt the bill on "final reading". Each of these steps is clothed in various technical procedural safeguards designed to make absolutely certain that nothing is accomplished in a hurry. Some wags would strike the last three words of that sentence. Such a tedious legislative process necessarily results in long sessions.

Of course the chronicling of a bill's journey through two houses plus a conference committee would appear even more unwieldy. Both systems seem to work in spite of themselves and nothing very startling seems to happen in either.

I believe I can safely say that a one-house legislative body is most appropriate in a small geographical area and least appropriate in a large one. I think it is suitable to the degree of the homogeneity of its economics, its general political cast, its ethnic groups, its social

groups, etc., in other words, the general likeness or similarity of its people. All of us in this country have already accepted this principle at its extremes by providing two houses for our National Government and one-house systems to govern our cities. It seems to me that the state of California, with its huge and varying landmass and its wildly divergent people, is another clear case of a need for two houses. From what little I think I know about the extreme Northeastern states, I suspect that one or two of them might profit through use of a one-house system. Perhaps the same is true of Rhode Island. I don't know. I hope that my suggested homogeneity test can be of assistance to you in that decision.

One interesting point which should not be overlooked is the fact that state after state has considered and studied the Nebraska unicameral, but none has copied it over these past 30 years. Senator Norris is said to have once "cracked" that the unicameral is a lot like the bearded lady in the sideshow -- she gets lots of attention but nobody wants to take her to lunch.

I believe that if I had a clear choice in Nebraska, I'd elect to return to two houses but that's about a 51-49 decision on my part.

In concluding, let me say that I have consciously emphasized our legislature's weak points. No such discussion as this can ignore the obvious inexpensiveness of one house, and of course the small it is the cheaper. I have mentioned the high caliber of men who are elected in Nebraska, yet disorganized, leaderless and like the Mexican Army, all Generals.

I hope you understand that I criticize a part of my home state as a father criticizes his son, with affection and a sincere desire for improvement, for I love Nebraska and I urge all of you to visit her. And while you're there, be sure to get out to Cherry County in the beautiful sandhills. It is more than five times as big as Rhode Island and has a thousand times more cattle than people, and your kids will love it.

Thank you for your courteous attention.