

JOURNAL

-OF THE-

1986 CONSTITUTIONAL CONVENTION

Pursuant to the General Laws of the State of Rhode Island Chapter 326 (Effective June 27, 1985) An Act calling for a Constitutional Convention of the People of the State of Rhode Island for the Purpose of Amending or Revising the Constitution and making an appropriation therefor, is begun and held at the State House in the City of Providence on Monday, the sixth day of January in the year of Our Lord one thousand nine hundred and eighty-six.

Volume 1, No. 1

Monday, January 6, 1986

First Day

CALL TO ORDER

At 7:02 o'clock P.M. His Excellency Governor Edward D. DiPrete, Chairman Pro Tempore calls the first plenary session of the 1986 Constitutional Convention to order.

The Chairman Pro Tempore addresses the Members of the Constitutional Convention.

(For remarks of His Excellency the Governor, see Appendix.)

COMMUNICATION

The Honorable Secretary of State, Susan L. Farmer, Secretary Pro Tempore, reads the following Communication from the State Board of Elections.

I have the certification here from the Board of Elections that says, "Honorable Madam Secretary: We have the honor to notify you that a special election held on November 5th, 1985 in the State of Rhode Island, the names listed on the following pages were elected as delegates to the Constitutional Convention to convene January, 1986. Said One hundred delegates were elected one from each representative district in the State of Rhode Island."

"In our testimony whereof, we have here unto set our hands and caused our seal to be affixed in the City of Providence this 19th day of November,

in the year of our Lord 1985. The Board of Elections,

Joseph R. DeStefano, *Chairman*

The Roll of the Delegates is called by Secretary Pro Tempore, Susan L. Farmer, as follows:

Present: 99 — Delegates Mary Ellen Goodwin, Lila Sapinsley, Melvyn Gelch, Donald Lopes, Edmund Berardinelli, Michael Napolitano, Mary Batastini, Brian Reddy, Kevin McKenna, Kenneth Phillips, Olga Torvi, Anthony Caprio, Robert Donley, Robert Huckins, Frank Williams, Matthew Smith, Angela Smith, Allene Maynard, Roberto Gonzalez, Alfred Izzo, John E. Lanni, Jr., Thomas Izzo, Frank Montanaro, Abraham Baker, Raymond Durfee, Kenneth McGunagle, Rose Ellen Reynolds, Henry Brown, James Langevin, Edward Dodd, Constant Simonini, Robert Ward, Douglas Munroe, Alfred Gemma, Lincoln Chafee, Vincent Marzilli, Eugene Girard, Norman King, Albert Rainville, James Bell, Edward Smallman, J. William Corr, Evandro Radoccia, Marguerite Neubert, Kenneth Carter, Duncan Doolittle, James Cavanaugh, Richard Johnson, Mark O'Donnell, Keith Lang, Rodney Driver, Virginia Soucy, Erik Wieselquist, Mary Cerro, Ronald Webster, Angelo Iannitelli, Rene Menard, Charles McDavitt, Mary Prendergast, Richard Leclerc, Steven Lopes, Martin Crowley, Camillo Pierannunzi, Gerard Bouley, Charles Gould, Richard Dupro, Roger Milette, William Flynn, Lorena Murphy, Shawn Donahue, Thomas Lazieh, Marie Brousseau, Danielle Paquette, Laurence Dolan, Douglas DeSimone, George Anderson, Karen Kolek, David Chmielewski, M. Frances Campbell, Ronald Sweeney, Raymond Anderson, Joseph Brown, Patrick Scanlon, George Redman, Stephen Kasa, Eleanor O'Neill, Anthony DeSisto, Alexander Vitullo, George Sisson, Jr., Paul Afonso, Claudette Linhares, Patricia Soares, Allen Wiant, John Garrett, Kathleen Managhan, Margaretta Landry, Clifton Langress, Paul Gaines, A. Claire Dias.

Absent: 1 — Delegate Bruce Sundlun.

OATH OF OFFICE

The Oath of Office is administered by His Excellency Governor DiPrete as follows:

I would now ask that all the delegates stand and please raise your right hand and kindly repeat after me.

I, and your name, by free vote of the electors of the State of Rhode Island and Providence Plantations, elected as a delegate to the Constitutional Convention, do solemnly swear to be true and faithful unto this state and to support the Constitution of the United States, and to faithfully and impartially discharge all the duties of the aforesaid office to the best of my abilities, according to law, so help me God.

ADOPTION OF TEMPORARY RULES OF ORDER FOR THE EVENING

Delegate Johnson moves that the most recent edition of Roberts Rules of Order be adopted for the evenings proceedings.

The motion is seconded by Delegates Kass and DeSimone.

Delegate Driver, seconded by Delegate Durfee, offers the following substitute to Delegate Johnson's motion.

TEMPORARY RULES OF PROCEDURE FOR THE 1986 CONSTITUTIONAL CONVENTION

1. Until permanent rules of order are adopted, rulings shall be at the discretion of the Chairperson (or Temporary Chairperson) subject to an appeal to the Convention, except for the following specifics.

2. The Certificate of Election by the Board of Elections shall constitute the Temporary Roll; and a quorum shall consist of 51 or more delegates.

3. All action of the Convention shall be by majority vote of those voting.

4. If a motion is made to "lay on the table" an item which has not yet been discussed by the affirmative side, the proposer of the item in question shall be given one minute to speak before a vote is taken on "tabling".

5. The election of permanent Chairperson of the Convention shall be by secret ballot and shall require a majority vote of those voting. If no candidate gets a majority vote on a particular ballot, then the name of the candidate receiving the fewest votes shall be dropped and another ballot cast on those remaining. (In case of a tie for last place, the two or more candidates receiving the fewest votes shall be dropped.)

6. The Chairperson of the Rules Committee shall be elected by the same procedure described in Rule 5. The person thus elected shall also become the First Vice-Chairperson of the Convention.

The Substitute motion is read by Secretary Pro Tempore, Susan L. Farmer.

Delegate Wiant seconded by Delegates Batastini, Montanaro and others offers the following Amendment to the Amendment proposed by Delegate Driver.

1. That Item #6 be deleted.

2. That in Rule 5, the word "secret" be replaced by the word "open".

President Pro Tempore, Governor DiPrete, designates Jerry Jeremiah as Parliamentarian Pro Tempore, assisted by Mr. Jack Partridge.

Delegates Durfee, Montanaro, T. Izzo, Driver, M. Smith, Corr, Sisson, Munroe, DeSisto, Gemma, Radoccia, Neubert, Cavanaugh, and Bouley discuss the Amendment.

Delegate McGunagle asks from the Parliamentarian an interpretation of the secret ballot, vis a vis the open meetings law.

The Parliamentarian rules that this is a sovereign body and has a right to decide whether to have an open or closed ballot.

Delegate Lazieh seconded by Delegate Montanaro, moves the question. The motion to move the question prevails on a voice vote.

The motion of Delegate Wiant to Amend the Amendment of Delegate Driver fails on a voice vote.

The Chair is in doubt and requests the Secretary Pro Tempore to conduct a roll call vote.

On a roll call vote the Amendment of Delegate Wiant prevails, 51 members voting in the affirmative and 48 members voting in the negative as follows:

Ayes: 51 — Delegates Anderson, G., Baker, Batastini, Bouley, Brousseau, Campbell, Caprio, Cerra, Chmielewski, DeSisto, Dodd, Dolan, Donahue, Donley, Dupre, Flynn, Gemma, Gonzalez, Goodwin, Gould, Izzo, T., Kolek, Landry, Langevin, Lanni, Largess, Lazieh, Lopes, D., Maynard, McKenna, Menard, Montanaro, Munroe, Murphy, Napolitano, O'Donnell, Paquette, Pierannunzi, Rainville, Reddy, Redman, Reynolds, Simonini, Smith, M., Soares, Sweeney, Torvi, Vitullo, Ward, Webster, Wiant, Wieselquist.

Nays: 48 — Delegates Afonso, Anderson, R., Bell, Berardinelli, Brown, H., Brown, J., Carter, Cavanaugh, Chafee, Corr, Crowley, DeSimone, Dias, Doolittle, Driver, Durfee, Gaines, Garrett, Gelch, Girard, Huckins, Iannitelli, Izzo, A., Johnson, Kass, King, Lang, Leclerc, Linhares, Lopes, S., Managhan, Marzilli, McDevitt, McGunagle, Millette, Neubert, O'Neill, Paquette, Phillips, Prendergast, Radocchia, Sapinsley, Scanton, Sisson, Smallman, Smith, A., Soucy, Williams.

Absent: 1 — Delegate Sundlun.

Delegate Montanaro, seconded by Delegate Batastini, moves the question on the Amendment as amended.

The motion to move the question, prevails on a voice vote.

Delegate Driver's amendment as amended, seconded by Delegate Durfee prevails on a roll call vote, 61 members voting in the affirmative and 38 members voting the negative as follows:

Ayes: 61 — Delegates Afonso, Anderson, G., Baker, Batastini, Bell, Bouley, Brousseau, Brown, H., Brown, J.,

Campbell, Caprio, Carter, Cerra, Chmielewski, Crowley, DeSisto, Dias, Dodd, Dolan, Donahue, Donley, Dupre, Flynn, Gaines, Gemma, Gonzalez, Goodwin, Gould, Izzo, T., Kolek, Landry, Langevin, Lanni, Largess, Lazieh, Lopes, D., Marzilli, Maynard, McKenna, Menard, Montanaro, Munroe, Murphy, Napolitano, O'Donnell, Paquette, Pierannunzi, Rainville, Reddy, Redman, Reynolds, Simonini, Smith, M., Soares, Sweeney, Torvi, Vitullo, Ward, Webster, Wiant, Wieselquist.

Nays: 38 — Delegates Anderson, R., Berardinelli, Cavanaugh, Chafee, Corr, DeSimone, Doolittle, Driver, Durfee, Garrett, Gelch, Girard, Huckins, Iannitelli, Izzo, A., Johnson, Kass, King, Lang, Leclerc, Linhares, Lopes, S., Managhan, McDevitt, McGunagle, Millette, Neubert, O'Neill, Phillips, Prendergast, Radocchia, Sapinsley, Scanton, Sisson, Smallman, Smith, A., Soucy, Williams.

Absent: 1 — Delegate Sundlun.

The rules as amended are ratified and adopted on a voice vote.

ORGANIZATION

The members proceed to the election of a President. Delegate Monaghan, seconded by Delegates Kass, McDevitt and Sisson, nominate Lila Sapinsley.

Delegate Joseph Brown, seconded by Delegates Phillips and Driver, nominate Dr. Melvyn Gelch.

Delegate Thomas Izzo, seconded by Delegates Wiant, Reddy, Maynard, Munroe, Gemma, Dolan, Pierannunzi and Cerra, nominate Keven McKenna.

Nominations are closed on a voice vote.

Delegates Sapinsley, Gelch and McKenna address the members of the Convention.

OATH OF OFFICE

The Oath of Office is administered to Delegate Sundlun by Chairman Pro Tempore Governor DiPrete.

Delegate McKenna is elected President on a roll call vote, as follows:

Delegate Keven A. McKenna: 59 — Delegates Afonso, Anderson, G., Baker, Batastini, Bouley, Brousseau, Campbell, Caprio, Carter, Cerra, Chmielewski, DeSisto, Dias, Dodd, Dolan, Donahue, Donley, Dupre, Flynn, Gemma, Gonzalez, Goodwin, Gould, Izzo, T., Kolek, Landry, Langevin, Lanni, Largeas, Lazieh, Lopes, D., Lopes, S., Marzilli, Maynard, McKenna, Menard, Millette, Montanaro, Munroe, Murphy, Napolitano, O'Donnell, Pierannunzi, Prendergast, Rainville, Reddy, Redman, Reynolds, Simonini, Smith, A., Smith, M., Soares, Sundlun, Sweeney, Torvi, Vitullo, Ward, Webster, Wiant.

Delegate Lila M. Sapinsley: 34 — Delegates Anderson, R., Bell, Berardinelli, Brown, H., Cavanaugh, Chafae, Corr, DeSimone, Doolittle, Gaines, Garrett, Girard, Huckins, Iannitelli, Izzo, A., Johnson, Kass, King, Lang, Leclerc, Linhares, Managhan, McDevitt, McGunagle, O'Neill, Paquette, Radocchia, Sapinsley, Scanlon, Sisson, Smallman, Soucy, Wieselquist, Williams.

Delegate Melvyn Gelch: 7 — Delegates Brown, J., Crowley, Driver, Durfee, Gelch, Neubert, Phillips.

The Chairman Pro Tempore yields the rostrum to President McKenna.

The President entertains a motion for the appointment of a Temporary Rules Committee.

Delegate Montanaro, seconded by Delegates Wiant, DeSisto, Ward, Menard, Pierannunzi, Ward, Izzo, Campbell, Caprio, Rainville, Langevin, Cerra, Webster, Batastini, Smith, Reddy, Wieselquist, Baker, Vitullo, Murphy, Dupre, Sweeney, Dolan, Lazieh and Napolitano, offer the following resolution.

RESOLUTION

Be it resolved that the Chairperson appoint a Rules Committee to prepare Rules for the Organization and Operation for the 1986 Constitutional Convention.

The Rules Committee shall consist of nine (9) delegates selected by the Chairperson from among the delegates. The Chairperson and Secretary of the Rules Committee shall be designated by the Chairperson of the Convention. The Convention Chairperson shall be an ex officio member of the Rules Committee.

The Rules Committee shall organize on Wednesday, January 8, 1986 in the House Judiciary Committee Meeting Room.

A public hearing shall be held on Saturday, January 11, 1986 in Room 313, at the State House at 11:00 a.m.

A meeting to recommend rules to the Convention will be held on Tuesday, January 14, 1986 in the House Judiciary Committee Meeting Room.

The Rules Committee in making such recommendations shall take into consideration the rules of past conventions, the rules of the House of Representatives, the suggestions of Common Cause, and those comments made at the public hearings and makes its own recommendations to the Convention at its January 18, 1986 meeting.

All meetings of the Rules Committee shall be open to the public and votes shall be recorded by the Secretary.

Upon adoption of the Rules of the Convention, the Rules Committee shall dissolve.

Respectfully submitted,

FRANK MONTANARO
Delegate

Delegates McDevitt and Doolittle discuss the Resolution.

The question is moved and seconded and prevails on a voice vote.

Delegate Montanaro's Resolution prevails on a voice vote.

Delegate Afonso, seconded by Delegate Wiant, offers the following Resolution:

RESOLUTION

Be it resolved that the 1986 R.I. Constitutional Convention shall hold its business meetings until further notice of the Chairperson in the Chambers of the House of Representatives at the State House in Providence, Rhode Island. Until further order of the Chairperson, said meetings will take place on the following Saturday, scheduled at 1:00 P.M., January 19 and the 25th, February 1 and February 8.

Delegate Sweeney, seconded by Delegate Afonso, offers an oral amendment to delete January 19 and Substitute January 18.

The motion to Amend, prevails on a voice vote.

The Resolution of Delegate Afonso, prevails on a voice vote.

On motion of Delegate Montanaro, seconded by Delegate Wiant, the Constitutional Convention is recessed, on a voice vote.

JAMES LANGEVIN
Secretary

Appendix

WELCOMING REMARKS OF GOVERNOR EDWARD D. DIPRETE TO THE CONSTITUTIONAL CONVENTION

I am very pleased, as Chairman Pro Tem of this party, to declare that the 1986 Constitutional Convention is open, and I hereby call the Convention to order.

In my official capacity as Chairman, I have taken the liberty of preparing and distributing a proposed agenda for this evening's activities. As you know, the legislation which established the guidelines for this convention prescribed that we conduct the first session for organizational purposes. Before we proceed to organize and conduct our official business, however, I'd like to offer a few brief words of encouragement and support as you begin this unique endeavor. Each of you, as a duly elected representative of the people, has chosen to shoulder an important burden of responsibility and to participate in an event of historic dimensions. This convention has the power to revise our State's basic governing document, the very foundation on which our democratic institutions rest, and to help shape our destiny as a state. You approach this momentous public task, I am sure, with your own private set of individual convictions, beliefs, and attitudes. This, of course, is the very essence of democracy as envisioned by the founding fathers of this great nation, an assembly of individual citizens truly representative of the diversity of the state, gather to weigh the salient issues of our time, and to act faithfully as executors of the public will. It is in this combination, your individual characteristics and philosophies, applied in your role as elected representatives of the people, which will determine how you will vote on certain issues, how you will react to certain proposals, and indeed, how you will discharge your solemn responsibilities as delegates of the convention.

As you proceed with this exercise in democracy, I urge you to remain true to those convictions and faithful to the bedrock of the individual beliefs and attitudes. Your fellow citizens elected you as a person of unique characteristics and qualities to represent their interests. This means your conscience must guide you in these deliberations, and while they urge you to preserve your individuality within the assembly and in the debates and to cling fiercely to your independence, I would also implore you to heed the will of the people as expressed to you by your fellow citizens.

As public servants, we all must remember that there is no greater force than the public will, which will always serve as the final arbiter of disputes and disagreements among elected representatives.

When deliberating the issues that come before you tonight, I have a few suggestions that we ask ourselves: First, is this proposition worthy of inclusion in our State's basic governing document? Second, will this constitutional change

make our government more open and accountable to the citizens? Third, will it enhance the integrity of our public institutions? Finally, will such a change improve the efficiency and effectiveness of government?

Any alteration of our constitution is a step of great magnitude and importance, but if your decisions are weighed against this set of criteria, I trust that our government and our people will be well served by your actions as a convention.

If you are able to fulfill the responsibilities that I have outlined briefly in these opening remarks this evening, you will have mastered the classic dichotomy of public service. Individualism and independent judgment, shaped and guided by the will of the people. Such master of this task will insure your success and endear you to the citizens of this and future generations. I certainly wish all of you the best of luck in meeting the challenge that lies ahead.