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JOURNAL OF THE CONSTITUTIONAL CONVENTION

Providence, Rhode Island

February 14, 1966

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 1:40 P. M.

INVOCATION

The Chairman presented Reverend Julius S. Scott, Acting Chaplain of Brown University, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 74 present and 25 absent.

Absentees were Messrs. Belhumeur, Bissonnette, Mrs. Castiglia, Messrs. Cunningham, Delehanty, DeCiantis, Dodge, Feeney, Gallagher, Gates, Kanakry, LaFrance, Mrs. Lambros, Messrs. Martin, McCabe, McGrath, McKiernan, Moon, Murphy of Tiverton, Mrs. Pell, Messrs. SaoBento, Stapleton, Viall, Mrs. Webster, and Mr. Willey.

The names of the absentees were called.

On motion of Mr. Warren, seconded by Messrs. Sherry, Cochran, and DiLuglio, Mr. Ernest A. Foster was elected Secretary Pro Tem in the absence of the Secretary of the Convention unanimously.

On motion of Mr. Cochran, the delegates extended to Reverend Scott, a rising vote of appreciation for his kindness in giving the Invocation.

On motion of Mr. Wexler, seconded by Mr. Dolbashian, the reading of the Journal of the previous day was dispensed, on a voice vote.

REPORTS OF STANDING COMMITTEES

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 12 to 0, the Committee did not recommend the following proposal:

Proposal No. 136: "Referendum on Legislation"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 12 to 0, the Committee did not recommend the following proposal:

Proposal No. 139 "Legislative Initiative"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 12 to 0, the Committee did not recommend the following proposal:

Proposal No. 115 "General Assembly"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 12 to 0, the Committee did not recommend the following proposal:

Proposal No. 95 "General Assembly"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department reported back that, after a duly advertised public hearing was held thereon, by a vote of 11 to 0, the Committee did not recommend the following proposal:

Proposal No. 88 "Eminent Domain"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 12 to 0, the Committee did not recommend the following proposal:

Proposal No. 70 "Of the Legislative Power"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 12 to 0, the Committee did not recommend the following proposal:

Proposal No. 50 "Compensation of Members of the General Assembly"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 10 to 2, the Committee did not recommend the following proposal:

Proposal No. 48 "Legislative Department"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 12 to 0, the Committee did not recommend the following proposal:

Proposal No. 5 "Article VI, Of the Senate"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 12 to 0, the Committee did not recommend the following proposal:

Proposal No. 4 "Article V, Of the House of Representatives"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 10 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 31, Substitute A "Article VI, Of the Senate"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. DiLuglio, for the Committee on the Legislative Department, reported back that, after a duly advertised public hearing was held thereon, by a vote of 11 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 30, Substitute A "Of the House of Representatives"

The proposal and report were accepted, referred to the Committee of the Whole and placed on the General Orders.

Mr. Murray for the Committee on Rules and Credentials, reported back, with recommendation of passage the following resolution:

Resolution No. 28 "Resolution to Require an Election for the Vacancy in the Office of Delegate to the Constitutional Convention."

Mr. Murray, seconded by Mr. Vacca, moved that Resolution No. 28 be amended to read "a prospective vacancy" in the first line of the first paragraph.

The motion was debated.

On a division vote, the motion to amend Resolution No. 28 prevailed, 52 delegates voting in the affirmative and 2 delegates voting in the negative.

Mr. Murray, seconded by Messrs. Cochran and Bride, moved that Resolution No. 28 be adopted as amended.

On a division vote the motion to adopt prevailed, 51 delegates voting in the affirmative and 2 delegates voting in the negative.

COMMUNICATIONS

The Chairman announced receipt of several communications urging adoption of item veto of appropriation bills and unicameralism.

The communications were referred to the Committee on the Legislative Department.

SECOND READING OF PROPOSALS

In order for second reading was the following proposal:

Proposal No. 28 "Distribution of Powers"

Committee on Style and Drafting recommended adoption.

The proposal was read.

On a roll call vote the proposal was adopted, on motion of Mr. Corcoran, seconded by Messrs. Wrenn, Prince and Cochran, 65 delegates voting in the affirmative, 0 delegates voting in the negative and 34 delegates absent or not voting as follows:

AYES - 65

| | |
|-------------------------------------|------------------------------------|
| Felix A. Appolonia - W. Warwick | George D. Greenhalgh - Glocester |
| Vincent J. Baccari - Providence | A. Marion Hager - Cranston |
| Jane H. Barber - Westerly | Raymond E. Jordan - Pawtucket |
| Roger A. Beauchemin - Pawtucket | Samuel C. Kagan - Providence |
| Joseph A. Bevilacqua - Providence | Bradford H. Kenyon - W. Greenwich |
| Norman E. Bizier - Central Falls | John F. Lallo - Westerly |
| Thomas H. Bride - Warwick | John W. Laporte - Burrillville |
| Claire Capuano - Woonsocket | A. Norman LaSalle - Warwick |
| Orist D. Chaharyn - Woonsocket | Edward P. Manning - Cumberland |
| Eugene F. Cochran - Providence | William I. Matzner - Providence |
| Elaine C. Colaneri - Providence | Vincent P. McKinnon - Pawtucket |
| David J. Colbert, Jr. - Cranston | Arthur Merolla - Providence |
| Kevin K. Coleman - Woonsocket | Edward J. Mulligan - Central Falls |
| Edward B. Corcoran - Middletown | James E. Murphy - Warren |
| Osias Cote - Pawtucket | James F. Murphy - Coventry |
| Lloyd R. Crandall - Hopkinton | Paul F. Murray - Newport |
| Thomas R. DiLuglio - Johnston | Charles Nathanson - Warwick |
| Domenic A. DiSandro, Jr. - Narr. | Robert S. Ortoleva - Providence |
| Harry J. Dyl - Central Falls | John A. Parrillo - Providence |
| Edward M. Dolbashian - Portsmouth | Robert F. Pickard - Ea. Greenwich |
| John F. Doris - Woonsocket | Antonio Prince - Woonsocket |
| Stephen A. Fanning - Cumberland | Anthony F. Principe - Bristol |
| Stephen A. Fanning, Jr. - Prov. | Theresa F. Pulner - Cranston |
| Ernest A. Foster - Pawtucket | Hugo L. Ricci - Providence |
| Millicent S. Foster - No. Kingstown | Dennis J. Roberts - Providence |
| Edward P. Gallogly - Providence | Owen V. Sherry - No. Smithfield |
| Michael A. Gammino, Jr. - Prov. | Howard R. Smart, Jr. - Lincoln |
| William J. Gmelin - Charlestown | John J. Toolin - Richmond |
| Fulda E. Geoffroy - W. Warwick | Anthony Vacca - Smithfield |
| Anthony Giangiacomo - Providence | David D. Warren - No. Providence |
| Noel A. Giguere - Woonsocket | Edmund Wexler - Providence |
| Bradford Gorham - Foster | John J. Wrenn - Providence |
| John Gorham - Scituate | |

ABSENT OR NOT VOTING - 34

| | |
|-------------------------------------|------------------------------------|
| Arthur A. Belhumeur - Central Falls | John P. Cooney, Jr. - Providence |
| Adrien Bissonnette - Woonsocket | Matthew C. Cunningham - Pawtucket |
| Domenic C. Canna - Bristol | Robert J. Delehanty - Newport |
| Jeremiah H. Cannon - Providence | Michael DeCiantis - West Warwick |
| Aurora Castiglia - Cranston | John C. Dodge - New Shoreham |
| William J. Champion, Jr. - Newport | William A. Feeney - Ea. Providence |

| | |
|------------------------------------|---------------------------------------|
| Paul A. Fontaine - Woonsocket | Donald E. McKiernan - Providence |
| James A. Gallagher - Jamestown | Edwin J. Moon - Exeter |
| Robert B. Gates - So. Kingstown | William F. Murphy - Tiverton |
| Samuel J. Kanakry - Pawtucket | Nuala O'D. Pell - Newport |
| Jeannette M. Lacroix - Lincoln | Thomas D. Pucci - Providence |
| August P. LaFrance - Pawtucket | Augusto W. SaoBento - Ea. Providence |
| Demetra Lambros - Providence | Alfred B. Stapleton - Little Compton |
| Frederick A. Lawrence - Providence | Charles C. Viall - Ea. Providence |
| Epifanio F. Macari - Cranston | Charlotte H. Webster - Ea. Providence |
| Frank A. Martin, Jr. - Pawtucket | Grafton H. Willey, III - Barrington |
| Francis H. McCabe - Pawtucket | |
| Thomas F. McGrath - Providence | |

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for January 17, 1966, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Mr. DiLuglio, reading of the report was dispensed and the Convention proceeded to act thereon, on a voice vote.

The Chairman, as Chairman of the Committee of the Whole on January 17, 1966, presented the report of the Committee of the Whole to the Convention and action was taken thereon as follows:

"The Committee of the Whole meeting on January 17, 1966 considered Proposal No. 10022, Substitute A, "Natural Resources."

"The Committee on the Executive Department recommended adoption. On a voice vote a motion to recommit the proposal to the Committee on the Executive Department prevailed."

By unanimous consent, the proposal was recommitted to the Committee on the Executive Department.

Also "The Committee considered Proposal No. 27, Sections 1 (d) and 2, Substitute A, "Of Suffrage."

"The Committee on Elections and Right to Vote recommended adoption of the substitute sections. On a division vote a motion to recommend adoption of the substitute sections prevailed."

"The Committee considered Proposal 27, Substitute A, including Sections 1 (d) and 2, Substitute A, "Of Suffrage."

"The Committee on Elections and Right to Vote recommended adoption. On a division vote a motion to recommend adoption of Proposal

No. 27, Substitute A as amended prevailed."

The proposal as amended was referred to the Committee on Style and Drafting.

GENERAL ORDERS

Mr. DiLuglio, seconded by Mr. Cochran, moved that the Convention resolve into a Committee of the Whole upon the General Orders of the Day.

The motion prevailed on a voice vote.

(For Journal of the Committee of the Whole, see appendix, this Journal.)

Upon the rising of the Committee of the Whole, the Chairman again called the Convention to order.

Mr. DiLuglio announced that the Committee on the Legislative Department would meet Wednesday, February 16, 1966.

On motion of Mr. Pickard, seconded by the entire membership of the Convention, the Convention voted that when it adjourns today, the Convention adjourn out of respect to the memory of the late Mrs. William F. Murphy, wife of the delegate from the town of Tiverton, on a unanimous rising vote.

ADJOURNMENT

Mr. Wexler, seconded by Mr. LaSalle, moved that the Convention adjourn to meet on Monday, February 21, 1966 at 1:00 P.M. in the Chamber of the House of Representatives at the State House. Mr. Cochran, seconded by Mrs. Foster, moved that the Convention adjourn to meet on Wednesday, February 23, 1966 at 7:00 P.M. in the Chamber of the House of Representatives at the State House.

Mr. Cochran's motion was withdrawn.

At 5:30 P.M. the Convention adjourned to meet on Monday, February 21, 1966 at 1:00 P.M. in the Chamber of the House of Representatives at the State House and as a further mark of respect to the memory of Mrs. William F. Murphy of Tiverton, on a unanimous rising vote.

August P. LaFrance, Secretary
Constitutional Convention

Journal of the Committee of the Whole

February 14, 1966

Upon the resolving of the Convention into a Committee of the Whole, the Chairman called the Committee of the Whole to order.

GENERAL ORDERS

The Committee of the Whole proceeded to consider and act upon the General Orders of the Day.

Proposal No. 132 "Creating A Property Owners Bill of Rights"
(The Committee on Personal Liberties does not recommend.)

Mr. Murphy of Warren, seconded by Messrs. Warren and Dolbashian, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion to recommend rejection of the proposal prevailed, 65 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 12 "President of the Senate"
(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Murray, seconded by Mr. Dolbashian, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion to recommend rejection of the proposal prevailed, 60 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 16 "State Lotteries for Aid to Education, Public Assistance, Urban Renewal and General Purposes"
(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Ricci, seconded by Messrs. Bizier, Bride and Pickard, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion to recommend rejection of the proposal prevailed, 63 delegates voting in the affirmative and 0 delegates voting in the negative.

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Proposal No. 51 "Income Tax"

(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Murphy of Coventry, seconded by Mr. Geoffroy, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote the motion to recommend adoption of the proposal failed, 3 delegates voting in the affirmative and 56 delegates voting in the negative.

Proposal No. 71 "Article IV (Evening Sessions of the General Assembly)"

(The Committee on the Legislative Department does not recommend.)

By unanimous consent the proposal was placed at the foot of the calendar of General Orders.

Proposal No. 73 "Of the Distribution of Powers"

(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Beauchemin, seconded by Mr. Doris, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion to recommend rejection of the proposal prevailed, 56 delegates voting in the affirmative and 0 delegates voting in the negative.

The Chairman welcomed Honorable Harry F. Curvin, former Speaker and the Speaker Emeritus of the House of Representatives, as a guest on the rostrum.

Proposal No. 91 "Taxation"

(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Fanning of Cumberland, seconded by Messrs. Beauchemin, Fanning, of Providence, and Chaharyn, moved that the Committee of the Whole recommend adoption of the proposal.

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The motion was debated.

On a division vote the motion to recommend adoption of the proposal failed, 1 delegate voting in the affirmative and 55 delegates voting in the negative.

Proposal No. 96 "Lotteries"

(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Fanning of Cumberland, seconded by Mr. Pickard, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote the motion to recommend adoption of the proposal failed, 13 delegates voting in the affirmative and 34 delegates voting in the negative with more than 4 delegates present and not voting.

Proposal No. 100 "Racing"

(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Fanning of Cumberland, seconded by Mr. Murphy of Warren, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

On a division vote the motion to recommend adoption of the proposal failed, 7 delegates voting in the affirmative and 34 delegates voting in the negative, with more than 10 delegates present and not voting.

Proposal No. 144 "Funds for Blood Banks"

(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Vacca, seconded by Messrs. Beauchemin and Wexler, moved that the Committee of the Whole recommend adoption of the proposal.

On a division vote the motion to recommend adoption of the proposal failed, 1 delegate voting in the affirmative and 45 delegates voting in the negative with more than 5 delegates present and not voting.

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Proposal No. 145 "Sales and Income Tax"

(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. DiLuglio, seconded by Mr. Warren, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion to recommend rejection of the proposal prevailed, 46 delegates voting in the affirmative and 0 delegates voting in the negative with more than 5 delegates present and not voting.

Proposal No. 177 "Passage of Bills"

(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mrs. Pulner, seconded by Mr. Warren, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

Mr. Corcoran, seconded by Messrs. Gorham of Foster, Warren, Nathanson and Mrs. Pulner submitted the following written motion to amend:

"I propose to amend the first sentence of Proposal No. 177 as follows:

"No bill shall become a law unless it has been printed and upon the desks of the members in final form at least five (5) days prior to final passage and the majority of those members present and voting has assented to it."

"Edward B. Corcoran"

The motion was read.

The motion was debated by Mrs. Pulner.

Mr. Doris, recognized on a point of order, submitted that Mrs. Pulner's remarks were out of order because they did not pertain to the motion to amend.

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The Chairman ruled that in the Committee of the Whole strict rules of debate did not control and that informality and latitude in debate prevailed and therefore, Mrs. Pulner might continue.

Mr. Doris appealed the ruling of the Chairman.

On appeal the ruling of the Chairman was sustained on a division vote, 35 delegates voting to sustain the Chairman and 9 delegates voting to overrule the Chairman.

On a division vote the motion to amend failed, 19 delegates voting in the affirmative and 40 delegates voting in the negative.

Mr. Gorham of Scituate moved that the question be divided to vote on each sentence separately.

Mr. Doris, recognized on a point of order, submitted that the motion was not divisible and that the motion to divide consideration of the proposal was tardy.

Mr. Gorham of Scituate appealed the ruling of the chair.

On appeal the ruling of the Chairman was sustained, 53 delegates voting to sustain and 4 delegates voting to overrule.

On a division vote the motion to recommend adoption of the proposal failed, 18 delegates voting in the affirmative and 43 delegates voting in the negative.

Dr. Parrillo, seconded by Mr. Bizier, moved that the Committee of the Whole rise.

On a division vote the motion failed, 21 delegates voting in the affirmative and 37 delegates voting in the negative.

Mr. Coleman, seconded by Messrs. Murray, Corcoran, and Principe, moved that the Committee of the Whole recess until 7:00 P.M.

The question of a quorum in the evening was raised and debated.

On a division vote on the motion to recess, there were 42 delegates voting in the affirmative and 22 delegates voting in the negative.

The anticipated absence of a quorum in the evening was noted.

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Mr. Coleman, seconded by Mr. Cote, moved that the motion to recess be reconsidered.

On a division vote the motion prevailed, 49 delegates voting in the affirmative, 0 delegates voting in the negative with more than 2 delegates present and not voting.

On reconsideration the motion to recess failed on a voice vote.

Mr. Wexler, seconded by Messrs. Wrenn, Parrillo, Cochran, and LaSalle, moved that the Committee of the Whole rise.

On a division vote the motion prevailed, 27 delegates voting in the affirmative and 22 delegates voting in the negative with more than 2 delegates present and not voting.

August P. LaFrance, Secretary
Constitutional Convention