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February 1966

## Journal of the Constitutional Convention, 1966 Feb 28

August P. LaFrance

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# JOURNAL OF THE CONSTITUTIONAL CONVENTION

Providence, Rhode Island

February 28, 1966

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 1:42 P.M.

## INVOCATION

The Chairman presented Reverend James F. Ford of St. Timothy's Church, Warwick, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 81 present and 18 absent.

Absentees were Mr. Champion, Miss Colaneri, Messrs. Delehanty, Dodge, DeCiantis, Foster, Gmelin, Giguere, Gorham of Scituate, Jordan, Mmes. Lacroix and Lambros, Messrs. Martin, Moon, Nathanson, Smart and Viall, and Mrs. Webster.

The names of the absentees were called.

## OATH OF OFFICE

Notification by the Board of Elections of the election of a delegate was received as follows:

Honorable August P. LaFrance  
Secretary of State  
State House  
Providence, Rhode Island

Honorable Sir:

We have the honor to notify you that in the Special Election held on February 17, 1966 in the Thirteenth Representative District of the City of Providence that FRANCIS P. O'DONNELL of 41 Health Avenue was Elected a DELEGATE to represent said Thirteenth Representative District in the Constitutional Convention now being held, the vote being:

FRANCIS P. O'DONNELL, Democrat...1040      BRUCE F. MELUCCI, Republican...215

IN TESTIMONY WHEREOF, we have hereunto set our hands and caused our seal to be affixed in the City of Providence this twenty-fifth day of February in the year of our Lord one thousand nine hundred and sixty-sixth.

(Seal)

BOARD OF ELECTIONS

/s/Albert J. Lamarre, Chairman  
/s/George M. Westlake  
/s/Harry F. Curvin  
/s/John Conley

Attest:

Peter J. Pimentel, Secretary  
/s/

Mr. O'Donnell was escorted to the rostrum for the purpose of administering the oath of office.

The delegates attend as the oath of office is administered to Mr. Francis P. O'Donnell by Honorable August P. LaFrance, Secretary of State, Secretary of the Constitutional Convention.

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

#### COMMUNICATIONS

The Chairman announced receipt of a communication from Mr. William F. Murphy which, on motion of Mr. Dolbashian, seconded by Messrs. Doris, Cannon, Murphy of Warren and Principe, on a voice vote was ordered to be made a part of the record as follows:

WILLIAM F. MURPHY  
2 Bobbin Hill Road  
Tiverton, Rhode Island

25 February, 1966

Dear Mr. Secretary:

May I express my thanks to the officers and delegates of the Rhode Island Constitutional Convention for their kindness in adjourning the February 14, 1966 session of the Convention out of respect to the memory of Mrs. Murphy.

I would appreciate it if this letter could be made a part of the permanent record of the Constitutional Convention.

Gratefully,  
/s/ William F. Murphy  
Delegate-Tiverton

Secretary  
Constitutional Convention  
95 Davis Street  
Providence, Rhode Island

The Chairman also announced receipt of a communication supporting a unicameral legislature. The communication was referred to the Committee on the Legislative Department.

#### MOTIONS AND RESOLUTIONS

Mrs. Pulner offered Resolution No. 29. (Congratulations to Mrs. Lambros and her husband, Mr. Nicholas Lambros).

The resolution was read.

Mr. Matzner, seconded by Messrs. Dolbashian, Cannon, Canna and Wexler, moved passage of the resolution.

The motion prevailed on a unanimous rising vote of congratulations.

#### REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for February 14, 1966, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Mr. Dolbashian, 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 February 14, 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 February 14, 1966 considered Proposal No. 132, "Creating a Property Owners Bill of Rights."

"The Committee on Personal Liberties did not recommend adoption. On a division vote a motion to reject the proposal prevailed."

Mr. Murphy of Warren, seconded by Mr. Dolbashian, moved that the proposal be rejected.

On a division vote, the motion prevailed, 65 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 12, "President of the Senate."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Messrs. Doris and Cochran, moved that the proposal be rejected.

On a division vote, the motion prevailed, 63 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 16, "State Lotteries for Aid to Education, Public Assistance, Urban Renewal and General Purposes."

"The Committee on the Legislative Department did not recommend. On a division vote a motion to reject the proposal prevailed."

Mr. Doris, seconded by Messrs. Cochran, Sherry, Cote, Prince, and McGrath, moved that the proposal be rejected.

On a division vote the motion prevailed, 61 delegates voting in the affirmative and 0 delegates voting in the negative.

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

Also "The Committee considered Proposal No. 51, "Income Tax."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to adopt the proposal did not prevail."

Mr. Dolbashian, seconded by Messrs. Corcoran, Sherry, Principe and Bride, moved that the proposal be rejected.

On a division vote the motion prevailed, 63 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 73, "Of the Distribution of Powers."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to reject the proposal prevailed."

Mr. Dolbashian, seconded by Mr. Doris, moved that the proposal be rejected.

On a division vote the motion prevailed, 54 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 91, "Taxation."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to adopt the proposal did not prevail."

Mr. Doris, seconded by Messrs. Sherry, Dolbashian and Principe, moved that the proposal be rejected.

On a division vote the motion prevailed, 59 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 96, "Lotteries."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to adopt the proposal did not prevail."

Mr. Dolbashian, seconded by Messrs. Ricci, Doris and Cote, moved that the proposal be rejected.

On a division vote the motion prevailed, 55 delegates voting in the affirmative and 2 delegates voting in the negative.

Also "The Committee considered Proposal No. 100, "Racing."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to adopt the proposal did not prevail."

Mr. Doris, seconded by Messrs. Dolbashian, Belhumeur and Cote, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 144, "Funds for Blood Banks."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to adopt the proposal did not prevail."

Mr. Dolbashian, seconded by Mr. Doris, moved that the proposal be rejected.

On a division vote the motion prevailed, 59 delegates voting in the affirmative and 1 delegate voting in the negative.

Also "The Committee considered Proposal No. 145, "Sales and Income Tax."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to reject the proposal prevailed."

Mr. Principe, seconded by Messrs. Dolbashian and Doris, moved that the proposal be rejected.

On a division vote, the motion prevailed, 59 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 177, "Passage of Bills."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to adopt the proposal did not prevail."

Mrs. Pulner, seconded by Messrs. Gorham of Foster, Pickard, Coleman, LaSalle and Mrs. Foster, moved that the proposal be adopted.

Mrs. Pulner submitted that consideration of the proposal be divided to take up each sentence separately.

The Chairman ruled that each sentence of the proposal would be considered separately.

The Convention proceeded to consider the first sentence of the proposal.

Mrs. Pulner, seconded by Mrs. Foster offered the following written motion to amend:

"I move to amend Proposal 177 by striking out the first sentence and substituting therefore the following:

"No bill shall become a law until it has been printed and upon the desks of the members at least five days prior to final passage."

"Theresa F. Pulner"

The motion was read.

The motion was debated.

Mrs. Pulner requested a roll call vote on the motion.

The Chairman inquired whether there was a sufficient number of delegates requesting a roll call vote thereon.

There was a sufficient number so requesting.

The roll was called.

On a roll call vote the motion to amend did not prevail, 30 delegates voting in the affirmative, 48 delegates voting in the negative and 22 delegates absent or not voting as follows:

AYES    -    30

Mrs. Jane Barber - Westerly  
Adrien Bissonnette - Woonsocket  
Thomas H. Bride - Warwick  
Mrs. Aurora Castiglia - Cranston  
Kevin K. Coleman - Woonsocket  
Edward B. Corcoran - Middletown  
Lloyd R. Crandall - Hopkinton  
Stephen A. Fanning - Cumberland

Mrs. Millicent S. Foster - No.Kngstn.  
Edward P. Gallogly - Providence  
Robert B. Gates - So. Kingstown  
Bradford Gorham - Foster  
Mrs. A. Marion Hager - Cranston  
Bradford H. Kenyon - West Greenwich  
A. Norman LaSalle - Warwick  
William I. Matzner - Providence

Vincent P. McKinnon - Pawtucket  
Donald E. McKiernan - Providence  
Edward J. Mulligan - Central Falls  
James E. Murphy - Warren  
William F. Murphy - Tiverton  
Francis P. O'Donnell - Providence  
Mrs. Nuala O'D. Pell - Newport

## NOES - 48

Felix A. Appolonia - West Warwick  
Vincent J. Baccari - Providence  
Roger A. Beauchemin - Pawtucket  
Arthur A. Belhumeur - Central Falls  
Joseph A. Bevilacqua - Providence  
Norman E. Bizier - Central Falls  
Domenic C. Canna - Bristol  
Jeremiah H. Cannon - Providence  
Mrs. Claire Capuano - Woonsocket  
Orist D. Chaharyn - Woonsocket  
Eugene F. Cochran - Providence  
David J. Colbert, Jr. - Cranston  
John P. Cooney, Jr. - Providence  
Osias Cote - Pawtucket  
Matthew C. Cunningham - Pawtucket  
Thomas R. DiLuglio - Johnston  
Domenic A. DiSandro, Jr. - Narra.  
Harry J. Dyl - Central Falls  
Edward M. Dolbashian - Portsmouth  
John F. Doris - Woonsocket  
Stephen A. Fanning, Jr. - Providence  
William A. Feeney - E. Providence  
Paul A. Fontaine - Woonsocket  
James A. Gallagher

## ABSENT OR NOT VOTING - 22

William J. Champion, Jr. - Newport  
Miss Elaine C. Colaneri - Providence  
Robert J. Delehanty - Newport  
Michael DeCiantis - West Warwick  
John C. Dodge - New Shoreham  
Ernest A. Foster - Pawtucket  
William J. Gmelin - Charlestown  
Noel A. Giguere - Woonsocket  
John Gorham - Scituate  
Raymond E. Jordan - Pawtucket  
Samuel J. Kanakry

Mr. Robert F. Pickard - E. Greenwich  
Mrs. Theresa F. Pulner - Cranston  
Dennis J. Roberts - Providence  
John J. Toolin - Richmond  
David D. Warren - No. Providence  
Edmund Wexler - Providence  
Grafton H. Willey, III - Barrington

Michael A. Gammino, Jr. - Providence  
Fulda E. Geoffroy - West Warwick  
Anthony Giangiacomo - Providence  
George D. Greenhalgh - Glocester  
Samuel C. Kagan - Providence  
August P. LaFrance - Pawtucket  
John F. Lallo - Westerly  
John W. Laporte - Burrillville  
Frederick A. Lawrence - Providence  
Edward P. Manning - Cumberland  
Thomas F. McGrath - Providence  
Arthur Merolla - Providence  
James F. Murphy - Coventry  
Paul F. Murray - Newport  
Robert S. Ortoleva - Providence  
Dr. John A. Parrillo - Providence  
Antonio Prince - Woonsocket  
Anthony F. Principe - Bristol  
Hugo L. Ricci - Providence  
Augusto W. SaoBento - E. Providence  
Owen V. Sherry - No. Smithfield  
Alfred B. Stapleton - Little Cmptn.  
Anthony Vacca - Smithfield  
John J. Wrenn - Providence

Mrs. Jeannette M. Lacroix - Lincoln  
Mrs. Demetra Lambros - Providence  
Epifanio F. Macari - Cranston  
Frank A. Martin, Jr. - Pawtucket  
Francis H. McCabe - Pawtucket  
Edwin J. Moon - Exeter  
Charles Nathanson - Warwick  
Thomas D. Pucci - Providence  
Howard R. Smart, Jr. - Lincoln  
Charles C. Viall - East Providence  
Mrs. Charlotte H. Webster - E.Prov.

Mrs. Pulner seconded by Messrs. LaSalle, Bride, Kenyon and Toolin, moved that the first sentence of the proposal be adopted.

On a division vote the motion did not prevail, 20 delegates voting in the affirmative and 48 delegates voting in the negative.



The Convention proceeded to consider the second sentence of the proposal.

Mrs. Pulner seconded by Mr. LaSalle, moved that the second sentence be adopted.

Mr. Doris recognized on a point of order submitted that because the second sentence depends on the first sentence which has failed of adoption, the second sentence had also failed with the first and was not properly before the Convention for consideration.

The Chairman ruled that the consideration of the second sentence was proper.

On a division vote the motion for adoption of the second sentence did not prevail, 14 delegates voting in the affirmative and 48 delegates voting in the negative.

Mr. DiLuglio, seconded by Messrs. Belhumeur, Principe and Fontaine, moved that Proposal No. 177 be rejected in full.

On a division vote the motion prevailed, 44 delegates voting in the affirmative and 15 delegates voting in the negative.

The Chairman reported to be in order for reference, after the second reading thereof the following proposal:

Proposal No. 28 "Distribution of Powers"

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

GENERAL ORDERS

Mr. Corcoran, 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.

ADJOURNMENT

At 4:30 P.M., on motion of Mr. Belhumeur, seconded by Mr. Doris, the Convention adjourned to meet on Saturday, March 5, 1966 at 10:00 A.M. in the Chamber of the House of Representatives at the State House on a voice vote.

August P. LaFrance, Secretary  
Constitutional Convention

## A P P E N D I X

Journal of the Committee of the Whole

February 28, 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. 168 "Proposed Amendment to Rhode Island Constitution  
Outlining Veto Procedure in the General Assembly  
and Memorandum Concerning Same."

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

The proposal was read.

At 3:30 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice-Chairman.

Mr. Willey, seconded by Messrs. Doris, Cochran and Wrenn, 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, 52 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 151 "Legislative Vote on Veto"

(The Committee on the Legislative Department does not recommend.

The proposal was read.

Mr. Cochran, seconded by Messrs. Belhumeur, Doris and Wrenn, 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, 50 delegates voting in the affirmative and 0 delegates voting in the negative with more than 1 delegate present and not voting.

Proposal No. 163 "Appropriation Bills"

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

The proposal was read.

Mr. Roberts, seconded by Mrs. Pulner and Mr. Bride, 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, 23 delegates voting in the affirmative and 35 delegates voting in the negative.

Proposal No. 164      "Special Appropriations"  
(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Roberts, seconded by Messrs. Toolin, Pickard, and Willey, 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, 21 delegates voting in the affirmative and 37 delegates voting in the negative.

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

The motion prevailed on a voice vote.

August P. LaFrance, Secretary  
Constitutional Convention