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March 1966

## Journal of the Constitutional Convention, 1966 Mar 05

August P. LaFrance

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**State of Rhode Island and Providence Plantations**

**JOURNAL OF THE  
CONSTITUTIONAL CONVENTION**

**Providence, Rhode Island**

March 5, 1966

The Convention was called to order by Mr. Dennis J. Roberts, Chairman at 10:30 A.M.

INVOCATION

The Chairman presented Reverend Father Haik Donikian, Pastor of St. Sahag and St. Mesrob Armenian Apostolic Church, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 84 present and 16 absent.

Absentees were Mr. Champion, Miss Colaneri, Messrs. Delehanty, Foster, Gmelin, Jordan, Kanakry, Mmes. Lacroix, Lambros, Messrs. Martin, McCabe, Murray, Nathanson, Parrillo, Pucci and Mrs. Webster.

The names of the absentees were called.

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

POINT OF PERSONAL PRIVILEGE

Mrs. Pulner, recognized on a question of personal privilege discussed reports of her statements made in debate at the previous session and the actual statements made.

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

REPORTS OF STANDING COMMITTEES

Mr. Coleman, for the Committee on Local Government, announced that the Committee would meet Saturday, March 12, 1966 at Convention Headquarters for the purpose of hearing Dr. Jefferson B. Fordham, Dean of the University of Pennsylvania Law School. Mr. Coleman extended an invitation to all the delegates to attend this meeting.

Mr. Gallogly announced that the Committee on the Executive Department would meet at the noon recess of the Convention today.

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 8 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 8 "One-Man, One-Vote"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 2, the Committee did not recommend the following proposal:

Proposal No. 19 "Election and Term of Office of Members of the Legislature"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 10 to 0, the Committee did not recommend the following proposal:

Proposal No. 24 "Article VIII, Of Elections"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 10 to 0, the Committee did not recommend the following proposal:

Proposal No. 42 "Election of Members of General Assembly"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, 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. 54 "Article II, Of Suffrage"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 10 to 0, the Committee did not recommend the following proposal:

Proposal No. 59 "Article II-Of Suffrage"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, 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. 66 "Article II-Of Suffrage"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 1, the Committee did not recommend the following proposal:

Proposal No. 74 "Of the Qualifications of Electors"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, 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. 79 "Of Elections"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 10 to 0, the Committee did not recommend the following proposal:

Proposal No. 80 "Of Qualifications for Office"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, 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. 131 "Article II-Of Suffrage"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, 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. 120 "Suffrage"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 8 to 4, the Committee did not recommend the following proposal:

Proposal No. 137 "Recall of Public Officers"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 179 "Suffrage"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, by a vote of 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 188 "Municipal Elections"

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

Mr. Kagan, for the Committee on Elections and Right to Vote, reported back that, after a duly advertised public hearing was held thereon, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 181 "Suffrage"

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

COMMUNICATIONS

The Chairman announced receipt of a communication supporting a revised constitution. The communication was referred to the Committee on the Legislative Department.

INTRODUCTION AND FIRST READING OF PROPOSALS

The Chairman announced receipt of the following proposals:

Proposal No. 197, offered by Mr. Bizier, entitled "Freedom of the Press

The proposal was read by title and referred to the Committee on Personal Liberties.

Proposal No. 198, offered by Mr. Manning, entitled "Property Taken for Public Use."

The proposal was read by title and referred to the Committee on the Legislative Department.

MOTIONS AND RESOLUTIONS

Mr. Wexler offered Resolution No. 30. The resolution was referred to the Committee on Rules and Credentials.

Mr. Wexler offered Resolution No. 31. The resolution was referred to the Committee on Rules and Credentials.

Mr. Wexler offered Resolution No. 32. The resolution was referred to the Committee on Rules and Credentials.

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for February 21, 1966, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Messrs. Murphy of Tiverton and Cochran, 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 21, 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 21, 1966, considered Proposal No. 183, "Bond Referenda."

"The Committee on the Legislative Department did not recommend adoption. On a division vote a motion to recommend recommittal of the Proposal No. 183 to the Committee on the Legislative Department prevailed."

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

Also "The Committee considered Proposal No. 169, 'Limiting the Legislative Power of the General Assembly over Cities and Towns.'

"The Committee on Local Government did not recommend the adoption. On a division vote a motion to recommend rejection of the proposal prevailed

Mr. Coleman, seconded by Messrs. Cannon, Mulligan, Bizier and Kenyon, moved that the proposal be rejected.

On a division vote the motion prevailed, 70 delegates voting in the affirmative and 0 delegates voting in the negative.

Also "The Committee considered Proposal No. 2, 'Lotteries'.

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

Mr. Gorham of Scituate, seconded by Mr. Matzner, moved that the proposal be adopted.

The motion was debated.

Mr. Gorham of Scituate requested a roll call vote on the motion for adoption of the proposal.

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 for adoption of the proposal did not prevail, 34 delegates voting in the affirmative, 45 delegates voting in the negative and 21 delegates absent or not voting as follows:

AYES - 34

Mrs. Jane H. Barber-Westerly	Michael A. Gammino, Jr.-Providence
Thomas H. Bride-Warwick	Robert B. Gates-South Kingstown
John P. Cooney, Jr.-Providence	Bradford Gorham-Foster
Edward B. Corcoran-Middletown	John Gorham-Scituate
Lloyd R. Crandall-Hopkinton	George D. Greenhalgh-Glocester
Domenic A. DiSandro, Jr.-Narragansett	Mrs. A. Marion Hager-Cranston
Harry J. Dyl-Central Falls	Bradford H. Kenyon-West Greenwich
John C. Dodge-New Shoreham	William I. Matzner-Providence
Stephen A. Fanning-Cumberland	Donald E. McKiernan-Providence
Stephen A. Fanning, Jr.-Providence	Edward J. Mulligan-Central Falls
Mrs. Millicent S. Foster-N.Kingstown	James E. Murphy-Warren
Edward P. Gallogly-Providence	William F. Murphy-Tiverton

## AYES - Cont.

Francis P. O'Donnell-Providence	John J. Toolin-Richmond
Robert F. Pickard-East Greenwich	Anthony Vacca-Smithfield
Dennis J. Roberts-Providence	David D. Warren-North Providence
Howard R. Smart, Jr.-Lincoln	Edmund Wexler-Providence
Alfred B. Stapleton-Little Compton	Grafton H. Willey, III-Barrington

## NOES - 45

Felix A. Appolonia-West Warwick	Samuel C. Kagan-Providence
Vincent J. Baccari-Providence	August P. LaFrance-Pawtucket
Roger A. Beauchemin-Pawtucket	John F. Lallo-Westerly
Arthur A. Belhumeur-Central Falls	John W. Laporte-Burrillville
Joseph A. Bevilacqua-Providence	A. Norman LaSalle-Warwick
Norman E. Bizier-Central Falls	Frederick A. Lawrence-Providence
Adrien Bissonnette-Woonsocket	Epifanio F. Macari-Cranston
Domenic C. Canna-Bristol	Edward P. Manning-Cumberland
Jeremiah H. Cannon-Providence	Thomas F. McGrath-Providence
Mrs. Claire Capuano-Woonsocket	Vincent P. McKinnon-Pawtucket
Mrs. Aurora Castiglia-Cranston	Arthur Merolla-Providence
Orist D. Chaharyn-Woonsocket	Edwin J. Moon-Exeter
Eugene F. Cochran-Providence	James F. Murphy-Coventry
David J. Colbert, Jr.-Cranston	Robert S. Ortoleva-Providence
Kevin K. Coleman-Woonsocket	Mrs. Nuala O'D. Pell-Newport
Michael DeCiantis-West Warwick	Antonio Prince-Woonsocket
Thomas R. DiLuglio-Johnston	Anthony F. Principe-Bristol
Edward M. Dolbashian-Portsmouth	Mrs. Theresa F. Pulner-Cranston
John F. Doris-Woonsocket	Hugo L. Ricci-Providence
William A. Feeney-East Providence	Augusto W. SaoBento-East Providence
Fulda E. Geoffroy-West Warwick	Owen V. Sherry-North Smithfield
Anthony Giangiacomo-Providence	Charles C. Viall-East Providence
	John J. Wrenn - Providence

## ABSENT OR NOT VOTING - 21

William J. Champion, Jr. - Newport	Raymond E. Jordan-Pawtucket
Miss Elaine C. Colaneri-Providence	Samuel J. Kanakry-Pawtucket
Osias Cote - Pawtucket	Mrs. Jeannette M. Lacroix-Lincoln
Matthew C. Cunningham-Pawtucket	Mrs. Demetra Lambros-Providence
Robert J. Delehanty-Newport	Frank A. Martin, Jr.-Pawtucket
Paul Fontaine - Woonsocket	Francis H. McCabe-Pawtucket
Ernest A. Foster-Pawtucket	Paul F. Murray-Newport
James A. Gallagher-Jamestown	Charles Nathanson-Warwick
William J. Gmelin-Charlestown	John A. Parrillo-Providence
Noel A. Giguere-Woonsocket	Thomas D. Pucci-Providence
	Mrs. Charlotte H. Webster-E.Providence

Also "The Committee considered Proposal No. 156, 'State Lotteries.'

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



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

On a division vote the motion prevailed, 53 delegates voting in the affirmative and 3 delegates voting in the negative.

Also "The Committee considered Proposal No. 69, 'Legislature.'

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

Mr. Doris, seconded by Messrs. Bizier, DiLuglio and Principe, 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. 114, 'Legislative Power.'

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

Mr. DiLuglio, seconded by Messrs. Principe, Doris, Bizier and Wrenn, moved that the proposal be rejected.

On a division vote the motion prevailed, 47 delegates voting in the affirmative and 9 delegates voting in the negative.

Also "The Committee considered Proposal No. 125, 'The Governor.'

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

Mr. Doris, seconded by Messrs. Wrenn, Bizier and Dolbashian, 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.

Mr. Gallogly, recognized on a point of order, submitted that he had understood that the Chairman had ruled that the motion to reject Proposal No. 114 had failed and that actually it had prevailed.

The Chairman ruled that Proposal No. 114 had been rejected.

Also "The Committee considered Proposal No. 140, 'Legislative Session.'

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

Mr. Doris, seconded by Messrs. Wrenn, Belhumeur and Bizier, 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. 141, 'Legislative Rules.'

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

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

On a division vote the motion prevailed, 62 delegates voting in the affirmative and 0 delegates voting in the negative.

#### APPOINTMENTS

The Chairman announced that after consultation with the Vice Chairmen he has appointed Mr. Francis P. O'Donnell to the Committee on the Judiciary and the Committee on the Administration of the Convention to fill the vacancies thereon caused by the death of James H. Kiernan, subject to the approval of the Convention.

#### GENERAL ORDERS

Mr. Corcoran, seconded by Mr. Warren, 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 on Monday, March 14, 1966.

#### MOTION

Mr. Doris, seconded by Messrs. LaSalle and Cochran, moved that when the Convention adjourns today it adjourn to meet on Monday, March 21, 1966 at 1:00 P.M.

On a division vote the motion prevailed, 53 delegates voting in the affirmative and 0 delegates voting in the negative.

RECESS

Mr. Murray, seconded by Messrs. Principe, Nathanson and Pickard, moved that the Convention recess until 7:00 P.M.

At 4:50 P.M. on a division vote the motion prevailed, 34 delegates voting in the affirmative, 0 delegates voting in the negative with more than 17 delegates present and not voting.

ORDER

At 7:56 P.M. the Chairman called the Convention to order.

GENERAL ORDERS

Mr. Fanning of Cumberland, seconded by Messrs. Cannon, Kagan, Warren and Wrenn, 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 9:40 P.M. on Monday, March 14, 1966, on motion of Mr. Doris, seconded by Mr. Cochran, the Convention adjourned to meet on Monday, March 21, 1966 at 1:00 P.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 XJournal of the Committee of the WholeMarch 5, 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

Mr. Doris, seconded by Messrs. Belhumeur, Sherry, Dolbashian, Appolonia, Wrenn, Bizier, Bevilacqua and Lawrence, moved that Proposal No. 29-Substitute A be placed first on the calendar of General Orders.

At 12:10 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice-Chairman.

The motion was debated.

Mr. Pickard inquired if the motion was in order.

The Chairman ruled that the motion was in order.

The Convention rules pertaining to the order of consideration of proposals on the General Orders were debated.

Mr. Doris requested a parliamentary ruling as to whether the Committee of the Whole as well as the Convention is authorized by Rule 25 to designate a particular order of consideration of proposals on the General Orders.

The Chairman ruled that Rule 25 is sufficiently broad to authorize the Committee of the Whole to designate a particular order of consideration of proposals on the General Orders.

On a division vote the motion to place Proposal No. 29-Substitute A first on the calendar of General Orders prevailed, 55 delegates voting in the affirmative and 19 delegates voting in the negative.

Mr. DiLuglio announced that the Committee on the Legislative Department would meet during the noon recess.

RECESS

At 12:47 P.M. on motion of Mr. Principe, seconded by Mr. Cochran, the Committee of the Whole recessed until 1:30 P.M. on a voice vote.

ORDER

At 1:55 P.M., Mr. Warren on the rostrum, the Committee of the Whole was again called to order.

GENERAL ORDERS

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

Proposal No. 29-Substitute A "Of the Legislative Power-Article IV"  
(The Committee on the Legislative Department recommends the adoption of the Substitute Proposal.)

On motion of Mr. DiLuglio, seconded by Mr. Cochran, the Committee of the Whole dispensed with reading the proposal through and proceeded to read, debate and act upon the proposal by sections, on a voice vote.

Section 1 of the proposal was read.

Mr. DiLuglio, seconded by Mr. Wexler, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 70 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 2 of the proposal was read.

Mr. Doris, seconded by Messrs. Fontaine, Belhumeur, Wrenn, Cunningham, Lawrence, Gallogly, Beauchemin, Bizier, Cote, Moon, McGrath, Bevilacqua, and Kagan, moved that the Committee of the Whole recommend adoption of the section.

Mr. Roberts, seconded by Messrs. DiLuglio, LaSalle, Toolin, Matzner, Wexler, Coleman and Pickard and Mmes. Hager and Barber, offered the following written motion to amend:

"I move to amend Section 2 of Proposal 29-Substitute A as follows:

"There shall be submitted to the voters in the manner determined by the convention for adoption either of the following:

"(a) 'The General Assembly shall consist of one chamber, to be called the Senate. The number of senators shall be prescribed by law but shall not be less than 80 or exceed 100. The style of its laws shall be, "It is enacted by the general assembly as follows:'

OR

"(b) 'The legislative power, under this Constitution, shall be vested in two houses, the one to be called the senate, the other, the house of representatives; and both together the general assembly. The concurrence of the two houses

shall be necessary to the enactment of laws. The style of their laws shall be, "It is enacted by the General Assembly as follows:"

"Whichever alternative shall receive a majority of the electors voting thereon at the special election held for the purpose of voting on the matters submitted by the convention shall be designated as Section 2 of the article on the legislative power and the same shall become operative as the supreme law of the state at the time and in the manner determined by the convention.

/s/ Dennis J. Roberts"

The motion was read.

The motion was debated.

Mr. Pickard, seconded by Mr. Toolin, offered the following written motion to amend:

"I move to delete the last paragraph of the proposed amendment before the committee."

"/s/Robert F. Pickard

The motion was read.

The motion was debated.

On a division vote the motion to amend the motion to amend did not prevail, 27 delegates voting in the affirmative and 56 delegates voting in the negative.

On a division vote the motion offered by Mr. Roberts, did not prevail, 24 delegates voting in the affirmative and 55 delegates voting in the negative.

Mr. Coleman, seconded by Messrs. DiLuglio, Gallogly, Gates, Gorham of Foster, Roberts, DiSandro, Bride, LaSalle, Toolin, Gammino, and Matzner, offered the following written motion to amend:

"I move to amend Section 2 of Proposal 29-Substitute A as follows:

"The legislative power, under this Constitution, shall be vested in one chamber, to be called the Senate; the number of senators shall be not less than eighty (80) nor more than one hundred (100). The style of its laws shall be, It is enacted by the General Assembly as follows:"

"/s/Kevin K. Coleman

The motion was read.

The motion was debated.

Mr. Cunningham, recognized on a point of order, submitted that the subject matter of a motion to amend was different from the subject under consideration and that therefore pursuant to Rule 39 was not properly in order.

The Chairman ruled that the subject matter of the motion was consistent with the rule and that the motion was properly in order.

The debate on the motion continued.

Mr. Toolin submitted a petition favoring a unicameral system of government which was referred to the Committee on the Legislative Department.

#### RECESS

At 4:30 P.M. on motion of Mr. Doris, seconded by Messrs. Cochran, Ricci, Cote and McGrath, the Committee of the Whole recessed until Monday, March 7, 1966 at 1:00 P.M., on a voice vote.

#### ORDER

At 1:40 P.M. on March 7, 1966, Mr. Warren on the rostrum, the Committee of the Whole was again called to order.

The roll was called to determine existence of a quorum. A quorum was present.

Absentees were Messrs. Champion, Delehanty, Foster, Gmelin, Jordan, Kanakry, Mrs. Lacroix, Messrs. Martin, McCabe, Moon, Pucci and Mrs. Webster.

#### GENERAL ORDERS

The Committee of the Whole continued its consideration interrupted by the recess.

The motion to amend offered by Mr. Coleman was again read.

The motion was debated.

Mrs. Foster submitted a petition urging a unicameral legislature which was referred to the Committee on the Legislative Department.

At 3:10 P.M., the First Vice Chairman yielded the rostrum to Mr. Robert F. Pickard, Second Vice Chairman.

On a division vote the motion to amend offered by Mr. Coleman did not prevail, 34 delegates voting in the affirmative and 53 delegates voting in the negative.

On a division vote the motion for adoption of Section 2 of the proposal prevailed, 56 delegates voting in the affirmative and 29 delegates voting in the negative.

Section 3 of the proposal was read.

Mr. DiLuglio, seconded by Messrs. Wrenn, Doris, Dolbashian, Bizier, and Cochran, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote the motion prevailed, 68 delegates voting in the affirmative and 2 delegates voting in the negative.

Section 4 of the proposal was read.

Mr. DiLuglio, seconded by Messrs. Wrenn, Cochran, Belhumeur and Dolbashian, moved that the Committee of the Whole recommend adoption of the section.

At 4:30 P.M. the Chairman again took the rostrum.

On a division vote the motion prevailed, 68 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 5 of the proposal was read.

Mr. Cochran, seconded by Messrs. Principe, Dolbashian, DiLuglio, Doris, Beauchemin and Appolonia, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 68 delegates voting in the affirmative and 0 delegates voting in the negative.

#### RECESS

At 4:42 P.M. on motion of Mr. Cochran, seconded by Messrs. Ricci and Belhumeur, the Committee of the Whole recessed until Monday, March 14, 1966 at 1:00 P.M., on a division vote 59 delegates voting in the affirmative and 13 delegates voting in the negative.

#### ORDER

At 1:45 P.M. on March 14, 1966, the Chairman again called the Committee of the Whole to order.

The roll was called to determine existence of a quorum. A quorum was present.



Absentees were Messrs. Champion, Cunningham, Delehanty, Dodge, Foster, Gallagher, Gates, Jordan, Kanakry, Mmes. Lacroix, Lambros, Messrs. Martin, Merolla, Moon, Stapleton, Viall and Mrs. Webster.

#### COMMUNICATIONS

The Chairman announced receipt from Most Reverend Russell J. McVinney, Bishop of Providence, Reverend Richard G. Belcher, President R. I. Council of Churches and Rabbi Eli A. Bohnen, President, R. I. Board of Rabbis of A Declaration of Concern for retention of a ban on lotteries in the new Constitution.

By unanimous consent, the communication was read and ordered to be recorded as follows:

#### "A Declaration of Concern

"The Rhode Island Constitutional Convention, now in session, must determine whether it shall draft a ban on lotteries in the new Constitution. The present Constitution has contained such a restriction on financial policy since 1842. It is our conviction that this restriction is based on sound principle and should be retained.

"It is recognized by all that Rhode Island is in need of a thorough revision of its fiscal and tax structures. It is imperative that in such an undertaking we adopt those policies and methods which not only meet our financial needs but are socially and ethically responsible. When a community resorts to lotteries for the solution of its financial problems, it actually undermines civic responsibility by encouraging its people to gamble, which is hardly the role of government. The use of state lotteries, moreover, serves as a temptation to solve difficult financial problems by an oversimplified method which, experience elsewhere has demonstrated, fails to meet the long-term needs of government.

"In rewriting its Constitution, Rhode Island stands at an important crossroad in its history. The Constitutional Convention shoulders the heavy burden of providing for many future generations a norm according to which our state will not alone maintain the high standards of the past but even surpass them. This it cannot do if the Convention delegates relinquish our traditional high ideals by recourse to dubious devices of state support. "

/s/+Russell J. McVinney

Bishop of Providence

/s/Richard G. Belcher

President, R.I. Council of Churches

/s/Eli A. Bohnen

President, R.I. Board of Rabbis

#### GENERAL ORDERS

The Committee of the Whole continued its consideration of Proposal No. 29-Substitute A which was interrupted by the recess.

At 1:55 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice Chairman.

Section 6 of the proposal was read.

Mr. DiLuglio, seconded by Messrs. Doris, Principe, Wrenn and Dolbashian, moved that the Committee of the Whole recommend adoption of the section.

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

Section 7 of the proposal was read.

Mr. DiLuglio, seconded by Messrs. Dolbashian, Bizier and Belhumeur, moved that the Committee of the Whole recommend adoption of the section.

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

Section 8 of the proposal was read.

Mr. DiLuglio, seconded by Messrs. Bizier, Doris, Principe, Ricci, Cannon and Dolbashian, moved that the Committee of the Whole recommend adoption of the section.

Mrs. Foster, seconded by Mmes. Hager and Pulner and Mr. Toolin offered the following written motion to amend:

"I move the following amendment to Section 8: At the end, add the following:

"Adequate notice of public committee hearings and a clear statement of all subjects to be considered at each hearing shall be published in advance in the journal of such house."

"/s/Millicent S. Foster"

The motion was read.

The motion was debated.

On a division vote the motion to amend did not prevail, 21 delegates voting in the affirmative and 40 delegates voting in the negative.

On a division vote the motion to recommend adoption of the section prevailed, 58 delegates voting in the affirmative and 1 delegate voting in the negative.

Section 9 of the proposal was read.

Mr. DiLuglio, seconded by Messrs. Wrenn, Dolbashian and Belhumeur, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 62 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 10 of the proposal was read.

Mr. DiLuglio, seconded by Messrs. Lawrence, Sherry, Doris, Fanning of Cumberland and Cannon, moved that the Committee of the Whole recommend adoption of the section.

Mr. LaSalle, seconded by Mr. Toolin, offered the following written motion to amend:

"I move to amend the first sentence of section 10 to read as follows:

"The members of the general assembly shall severally receive the sum of twenty-five dollars for every day of actual attendance, and twenty cents per mile for traveling expenses in going to and returning from the general assembly; provided, that no compensation or mileage shall be allowed any member for more than sixty day's attendance in any calendar year."

"/s/A. Norman LaSalle"

The motion was read.

The motion was debated.

On a division vote the motion to amend did not prevail, 8 delegates voting in the affirmative and 49 delegates voting in the negative.

Mr. Gorham of Scituate, seconded by Messrs. Gorham of Foster and Kenyon, offered the following written motion to amend:

"Amend Section 10 of 29-A to substitute

"shall receive a per diem pay for actual attendance not to exceed 60 days in any calendar year in such amount as may be prescribed by law."

in place of

"shall receive an annual salary"

"/s/John Gorham"

The motion was read.

The motion was debated.

Mr. Fanning of Cumberland, seconded by Mr. Appolonia, offered the following written motion to amend the motion to amend:

"I move to amend the amendment by adding the following 'at the rate of \$100 per meeting"

"/s/Stephen A. Fanning"

The motion was read.

The motion was debated.

On a division vote the motion to amend the motion to amend did not prevail, 3 delegates voting in the affirmative and 63 delegates voting in the negative.

On a division vote the motion to amend did not prevail, 17 delegates voting in the affirmative and 53 delegates voting in the negative.

On a division vote the motion to recommend adoption of section 10 prevailed, 62 delegates voting in the affirmative and 3 delegates voting in the negative.

Section 11 of the proposal was read.

Mr. Dolbashian, seconded by Messrs. Sherry, Principe, Doris and Wrenn, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

Mr. LaSalle, seconded by Mr. Toolin, offered the following written motion to amend:

"I move to amend section 11 by striking out the word 'five' in line 3 and inserting the word 'one' in its place."

"/s/A. Norman LaSalle"

The motion was read.

The motion was debated.

On a division vote the motion to amend did not prevail, 1 delegate voting in the affirmative and 51 delegates voting in the negative.

On a division vote the motion to recommend adoption of the section prevailed, 53 delegates voting in the affirmative and 2 delegates voting in the negative.

Section 12 of the proposal was read.

Mr. Dolbashian, seconded by Messrs. Principe, Doris, Cochran, Wrenn, and Wexler, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 56 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 13 of the proposal was read.

Mr. Doris, seconded by Messrs. Sherry, Wrenn, Dolbashian, Wexler, and Cochran, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 56 delegates voting in the affirmative and 0 delegates voting in the negative.

At 4:00 P.M. the Chairman again took the rostrum.

Section 14 of the proposal was read.

Mr. Dolbashian, seconded by Mr. Principe, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote the motion prevailed, 56 delegates voting in the affirmative and 0 delegates voting in the negative.

Section 15 of the proposal was read.

Mr. Dolbashian, seconded by Messrs. Cochran, Bride, Sherry, Wexler, Wrenn and Bizier, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

On a division vote the motion prevailed, 53 delegates voting in the affirmative and 1 delegate voting in the negative.

Section 16 of the proposal was read.

Mr. Dolbashian, seconded by Messrs. Cochran, Doris, Lawrence and Wexler, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 42 delegates voting in the affirmative and 0 delegates voting in the negative with more than 9 delegates present and not voting.

Section 17 of the proposal was read.

Mr. Dolbashian, seconded by Mr. Doris, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 50 delegates voting in the affirmative and 0 delegates voting in the negative with more than 1 delegate present and not voting.

Section 18 of the proposal was read.

Mr. Willey, seconded by Messrs. Principe, Cochran, Wexler, Lawrence, Wrenn and Doris, moved that the Committee of the Whole recommend adoption of the section.

The motion was debated.

Mrs. Foster, seconded by Messrs. Pickard, Corcoran, Bride, Willey, Gorham of Foster and LaSalle, offered the following written motion to amend:

"I move that the following be added at the end of Section 18:

"The governor may strike out or reduce items in appropriation bills passed by the legislature, and the procedure in such cases shall be the same as in the case of the disapproval of an entire bill by the governor."

"/s/Millicent S. Foster"

The motion was read.

The motion was debated.

Mr. Gallogly, recognized on a point of order, submitted that the subject matter of a motion to amend was different from the subject under consideration and that therefore pursuant to Rule 39 was not properly in order.

The Chairman ruled that the subject matter of the motion was consistent with the rule and that the motion was properly in order.

Mr. Gallogly appealed the ruling of the chair.

On appeal, the ruling of the chair was sustained, 33 delegates voting to sustain the ruling and 27 delegates voting to overrule the chair.

The debate on the motion to amend continued.

On a division vote the motion to amend did not prevail, 29 delegates voting in the affirmative and 31 delegates voting in the negative.

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

Mr. Wrenn, seconded by Messrs. Cochran, Ricci and Doris, moved that the Committee of the Whole recommend adoption of Proposal No. 29-Substitute A.

On a division vote the motion prevailed, 41 delegates voting in the affirmative and 14 delegates voting in the negative.

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

Mr. Doris, seconded by Mr. Cochran, moved that the Committee of the Whole rise.

The Chairman ruled that the motion to rise took precedence.

On a division vote the motion to rise prevailed, 33 delegates voting in the affirmative and 13 delegates voting in the negative with more than 5 delegates present and not voting.

(For proceedings in Convention, recess and resolving into a Committee of the Whole again, see Journal.)

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

#### GENERAL ORDERS

Mr. Doris, seconded by Messrs. Cochran, Wrenn, Kagan and Ricci, moved that Proposal Nos. 20-Substitute B, 7, 142, 30-Substitute A, 31-Substitute A, 136, 139 and 5 be placed last on the calendar of General Orders.

On a voice vote the Chairman was in doubt.

On a division vote the motion prevailed, 37 delegates voting in the affirmative and 16 delegates voting in the negative.

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

#### Proposal No. 47 "Municipal Elections"

(The Committee on Elections and Right to Vote recommends the adoption.)

Mr. Kagan, seconded by Messrs. Cochran, Greenhalgh and Doris, moved that the Committee of the Whole recommend recommitment to the Committee on Elections and Right to Vote.

The motion was debated.

On a division vote the motion prevailed, 48 delegates voting in the affirmative and 5 delegates voting in the negative.

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

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

The proposal was read.

Mr. McKiernan, seconded by Messrs. Sherry, Cochran and Doris moved that the Committee of the Whole recommend rejection of the proposal.

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

Proposal No. 25 "Preamble"

(The Committee on Style and Drafting recommends the adoption.)

Mr. Wexler, seconded by Messrs. Cochran and Murphy of Tiverton, moved that the Committee of the Whole recommend recommittal to the Committee on Style and Drafting.

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.

Proposal No. 71 "Article IV-Evening Session of the General Assembly"

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

Mr. McKiernan, seconded by Mr. Cannon, moved that the Committee of the Whole recommend adoption of the proposal.

On a division vote the motion did not prevail, 3 delegates voting in the affirmative and 43 delegates voting in the negative with more than 5 delegates present and not voting.

Proposal No. 115 "General Assembly"

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

The proposal was read.

Mr. Doris, seconded by Messrs. Wrenn and Cochran, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 45 delegates voting in the affirmative and 0 delegates voting in the negative with more than 6 delegates present and not voting.

Proposal No. 95 "General Assembly"

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

The proposal was read.

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

On a division vote the motion 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. 88 "Eminent Domain"

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

The proposal was read.

Mr. Fanning of Cumberland, seconded by Messrs. Bride, Ortoleva, Warren and Cochran, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

Mr. Warren, seconded by Mr. Fanning of Cumberland, offered the following written motion to amend:

"I move to add 'conservation of natural resources' to the last of the enumerated areas specified in Proposal No. 88."

"/s/D. Warren"

The motion was read.

The motion was debated.

On a division vote the motion to amend did not prevail, 13 delegates voting in the affirmative and 30 delegates voting in the negative with more than 8 delegates present and not voting.

On a division vote the motion to recommend adoption of the proposal did not prevail, 14 delegates voting in the affirmative and 31 delegates voting in the negative with more than 6 delegates present and not voting.

Proposal No. 70 "Of the Legislative Power"

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

The proposal was read.

Mr. Doris, seconded by Messrs. Wrenn and Fanning of Providence, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 48 delegates voting in the affirmative and 0 delegates voting in the negative with more than 3 delegates present and not voting.

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

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

The proposal was read.

Mr. Wrenn, seconded by Messrs. Doris and Principe, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 43 delegates voting in the affirmative and 0 delegates voting in the negative with more than 8 delegates present and not voting.

Proposal No. 48 "Legislative Department"

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

The proposal was read.

Mr. Cochran, seconded by Messrs. Doris and Roberts, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion 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. 3 "Article IV-Of Legislative Power"

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

Mr. Doris, seconded by Messrs. Ricci and McKiernan, moved that Proposal No. 3 be placed last on the calendar of General Orders.

On a division vote the motion prevailed, 52 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 87 "Sessions of the Legislature"

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

The proposal was read.

Mr. Gorham of Scituate, seconded by Messrs. Wrenn, Cochran and Cannon, moved that the Committee of the Whole recommend adoption of the proposal.

On a division vote the motion did not prevail, 1 delegate voting in the affirmative and 47 delegates voting in the negative with more than 3 delegates present and not voting.

Proposal No. 94 "Taxation"

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

The proposal was read.

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

The motion was debated.

On a division vote the motion did not prevail, 0 delegates voting in the affirmative and 44 delegates voting in the negative with more than 7 delegates present and not voting.

Mr. Doris, seconded by Messrs. Cannon, Gallogly, Cochran and Wexler, moved that the Committee of the Whole rise.

The motion prevailed on a voice vote.

August P. LaFrance, Secretary  
Constitutional Convention