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State of Rhode Island and Providence Plantations

**JOURNAL OF THE
CONSTITUTIONAL CONVENTION**

Providence, Rhode Island

April 4, 1966

The Convention was called to order by Mr. Dennis J. Roberts, Chairman at 1:50 P.M.

INVOCATION

The Chairman presented Reverend Raymond E. Gibson, D.D., Pastor of Central Congregational Church, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 76 present and 24 absent.

Absentees were Mr. Appolonia, Mmes. Capuano, Castiglia, Messrs. Chaharyn, Champion, Dodge, Gallogly, Gammino, Geoffroy, Giguere, Jordan, Kanakry, Lallo, Mrs. Lambros, Messrs. LaSalle, Macari, Martin, McCabe, Merolla, Moon, Murphy of Coventry, Parrillo, Pucci, and Mrs. Webster.

The names of the absentees were called.

On motion of Mr. Gorham of Foster, the delegates extended a rising vote of appreciation to Reverend Raymond E. Gibson for his kindness in giving the Invocation.

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

Mr. Greenhalgh, recognized on a question of personal privilege, discussed a newspaper report of the effect of reapportionment on the district which he represents.

REPORT OF THE COMMITTEE OF THE WHOLE

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

On motion of Mr. Wexler, seconded by Messrs. Cote and 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 March 21, 1966 presented a report of the Committee of the Whole to the Convention and action was taken thereon as follows:

"The Committee of the Whole meeting on March 21, 1966, considered Proposal No. 30-Substitute A, "Of the House of Representatives."

"The Committee on the Legislative Department recommended the adoption of the Substitute Proposal. On a division vote a motion to recommend adoption of the Substitute Proposal prevailed."

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

Also, "The Committee considered Proposal No. 31-Substitute A, "Article VI, Of the Senate."

"The Committee on the Legislative Department recommended the adoption of the Substitute Proposal. On a division vote a motion to recommend adoption of the Substitute Proposal prevailed."

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

GENERAL ORDERS

Mr. Dolbashian, seconded by Messrs. Principe, Warren and Wexler, 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. Cannon announced that the Committee on the Administration of the Convention would meet at 12:45 P.M. on Monday, April 11, 1966.

Mr. DiLuglio announced that the Committee on the Legislative Department would meet at 12:30 P.M. on Monday, April 11, 1966.

ADJOURNMENT

At 4:42 P.M. on motion of Mr. Doris, seconded by Messrs. Sherry, Cannon and Bizier, the Convention adjourned to meet on Monday, April 11, 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 X

Journal of the Committee of the Whole

April 4, 1966

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

RECONSIDERATION

Mr. Wexler, seconded by Mr. Viall, moved that the Committee of the Whole reconsider Proposal No. 179, "Suffrage," which was recommended for adoption at the previous session of the Committee of the Whole.

On a division vote, the motion to reconsider prevailed, 41 delegates voting in the affirmative and 0 delegates voting in the negative, with more than 10 delegates present and not voting.

On reconsideration, Mr. Viall, seconded by Messrs. Doris, Kagan, Cote and Corcoran, moved that the Committee of the Whole recommend rejection of the proposal.

The motion was debated.

At 2:13 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice Chairman.

The debate continued.

Mr. Fontaine, seconded by Mr. SaoBento, moved that the motion to recommend rejection be laid on the table.

The Chairman ruled that a motion to lay on the table, applied to a main question, would cut off debate contrary to the provisions of the rules governing debate in the Committee of the Whole, and was therefore out of order.

Mr. Fanning of Cumberland, seconded by Messrs. Wexler and Willey, offered the following written motion to amend:

"I move to amend by substituting the following for Proposal No. 179:

"Nor shall any person convicted of bribery or of any crime deemed infamous at common law, be permitted to exercise that privilege until he has served whatever sentence has been imposed or paid whatever penalty exacted for his crime. The General Assembly shall provide by law for the restoration of the right to vote for such convicted persons."

/s/ Stephen A. Fanning

The motion was read.

The motion was debated.

On a division vote the motion to amend did not prevail, 14 delegates voting in the affirmative and 41 delegates voting in the negative.

On a division vote a motion to recommend rejection prevailed, 43 delegates voting in the affirmative and 22 delegates voting in the negative.

GENERAL ORDERS

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

Proposal No. 20-Substitute B "Term and Election of General Officers" (The Committee on Elections and Right to Vote recommends the adoption of the Substitute Proposal.)

The proposal was read.

Mr. Kagan, seconded by Messrs. Foster, Wrenn, Bizier, Cote and Doris, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

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

"I propose the following amendment to Proposal 20-Substitute B:

"In Section 1. - Strike the words "and all members of the General Assembly" and insert "and members of the Senate".

Add Section 2. - Members of the House of Representatives shall be elected at a general election on the Tuesday next after the first Monday in November every two years in the even numbered years and shall hold office for two years from the first Tuesday after the first Monday in January next succeeding their election and until their successors are elected and qualified."

/s/ Charles Nathanson

The motion was read.

The motion was debated.

On a division vote the motion to amend prevailed, 31 delegates voting in the affirmative and 28 delegates voting in the negative.

Mr. Cooney, seconded by Messrs. Murphy of Tiverton, Matzner, Willey, Dolbashian and Corcoran, offered the following written motion to amend:

"I move to amend Proposal No. 20, Substitute B by striking from lines 1 and 2 of Section 1 thereof, the following words,

"and members of the Senate" and by adding to said Section, the following:

"Senators in the General Assembly to the full number shall be elected at the general election on the Tuesday next after the first Monday in November in the next even number year non-current with a presidential election. Prior to said election the General Assembly shall provide by law for the election of one-half of the senators, distributed as equitably as possible throughout the state, for a term of two years. The other half of the senators shall be elected for a term of four years. Thereafter, one-half of the senators shall be elected biennially for a term of four years. In every instance the senators shall severally hold their offices from the first Tuesday of January next succeeding their election for the term prescribed (namely, four years, except for the senators who at the first election hereunder are elected for a two-year term) and until their successors are elected and qualified."

/s/ John P. Cooney, Jr.

The motion was read.

On a division vote the motion did not prevail, 28 delegates voting in the affirmative and 37 delegates voting in the negative.

On a division vote the motion to recommend adoption did not prevail, 28 delegates voting in the affirmative and 36 delegates voting in the negative.

Mr. Fontaine, seconded by Mr. Coleman, moved that the Committee of the Whole reconsider Proposal No. 181, "Suffrage", which was recommended for rejection at the previous session of the Committee of the Whole.

On a division vote the motion to reconsider did not prevail, 12 delegates voting in the affirmative and 42 delegates voting in the negative.

On suggestion of Mr. Roberts, by unanimous consent, Proposal No. 194 was placed first on the calendar of General Orders.

Proposal No. 194 "Of the Legislature"

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

Mr. Roberts, seconded by Messrs. Bride, Toolin, Coleman and Mrs. Foster, moved that the Committee of the Whole recommend adoption of the proposal.

Mr. Roberts, seconded by Messrs. Bride, Toolin and DiLuglio, offered the following written motion to amend:

"I move to amend Proposal No. 194 by substituting the following language for that contained in the proposal:

"The following alternative proposal shall be submitted to the voters at the time of submission of the Constitution in the following form:

"Shall the alternative proposal for a Unicameral Legislature be adopted?" In the event that a majority of the voters voting on the question vote in favor of the alternative proposed, the following alternative provisions for a Unicameral Legislature shall become part of the Constitution in place of the provisions of Article IV (Bicameral system)."

ARTICLE IV
OF THE LEGISLATIVE POWER

"Section 1. This Constitution shall be the supreme law of the state and any law inconsistent therewith shall be void. The general assembly shall pass all laws necessary to carry this Constitution into effect.

"Section 2. The legislative power, under this Constitution, shall be vested in the general assembly, which shall consist of one chamber to be called the Senate. The style of its laws shall be, It is enacted by the general assembly as follows:

"Section 3. There shall be a session of the general assembly at Providence commencing on the first Tuesday of January in each year. It may be convened at other times by the governor; or, at the request of a majority of the members by the lieutenant-governor.

"Section 4. No member of the general assembly shall take any fee, or be of counsel, in any matter pending before the general assembly, under penalty of forfeiting his seat, upon proof thereof to the satisfaction of the general assembly.

"Section 5. The person of every member of the general assembly shall be exempt from arrest and his estate from attachment in any civil action, during the session of the general assembly, and two days before the commencement and two days after the termination thereof, and all process served contrary hereto shall be void. For any speech or debate in the general assembly, no member shall be questioned in any other place.

"Section 6. The general assembly shall be the judge of the elections and qualifications of its members; and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner, and under such penalties, as may be prescribed by the general assembly or by law. The organization of the general assembly may be regulated by law, subject to the limitations contained in this Constitution.

"Section 7. The general assembly may determine its rules of proceeding, punish contempts, punish its members for disorderly behavior, and, with the concurrent of two-thirds, expel a member; but not a second time for the same cause.

"Section 8. The general assembly shall keep a journal of its proceedings. The yeas and nays of the members shall, at the desire of one-fifth of those present, be entered on the journal. The general assembly may establish such committees as may be necessary for the efficient conduct of its business. One-third of the members shall have power to relieve a committee of further consideration of a bill when a committee to which it was assigned has not reported on it.

"Section 9. The members of the general assembly shall receive an annual salary as may be prescribed by law, but the amount thereof shall be neither increased nor diminished during the term of the general assembly which enacted the change. The general assembly shall regulate the compensation of the governor and of all other officers, subject to the limitations contained in the Constitution.

"Section 10. The general assembly shall have no power, hereafter, without the express consent of the people, to incur state debts to an amount exceeding five hundred thousand dollars, except in time of war, or in case of insurrection or invasion; nor shall they in any case, without such consent, pledge the faith of the state for the payment of obligations of others. This section shall not be construed to refer to any money that may be deposited with this state by the government of the United States.

"Section 11. Notwithstanding the provisions of Section 10 of this article the general assembly may provide by law for the state to borrow in any fiscal year, in anticipation of receipts from taxes, sums of money not exceeding twenty percent of the receipts from taxes during the next prior fiscal year, and, in anticipation of receipts from other sources, additional sums of money, not exceeding ten percent of the receipts from such other sources during the said next prior fiscal year; provided, that the aggregate of all such borrowings shall not exceed a sum equal to thirty percent of the actual receipts from taxes during the said next prior fiscal year. Any money so borrowed in anticipation of such receipts shall be repaid within the fiscal year in which such borrowings take place. No money shall be so borrowed in anticipation of such receipts in any fiscal year until all money so borrowed in all previous fiscal years shall have been repaid.

"Section 12. The assent of two-thirds of the members elected to the general assembly shall be required to every bill appropriating the public money or property for local or private purposes.

"Section 13. Hereafter the general assembly may provide by general law for the creation and control of corporations; provided, however,

that no corporation shall be created with the power to exercise the right of eminent domain, or to acquire franchises in the streets and highways of towns and cities, except by special act of the general assembly upon a petition for the same, the pendency whereof shall be notified as may be required by law.

"Section 14. The clearance, replanning, redevelopment, rehabilitation and improvement of blighted and sub-standard areas shall be a public use and purpose for which the power of eminent domain may be exercised, tax monies and other public funds expended and public credit pledged. The general assembly may authorize cities, towns, or local redevelopment agencies to undertake and carry out projects approved by the local legislative body for such uses and purposes including (a) the acquisition in such areas of such properties as the local legislative body may deem necessary or proper to effectuate any of the purposes of this article, although temporarily not required for such purposes, and (b) the sale or other disposition of any such properties to private persons for private uses or to public bodies for public uses.

"Section 15. The general assembly may authorize the acquiring or taking in fee by the state, or by any cities or towns of more land and property than is needed for actual construction in the establishing, laying out, widening, extending or relocating of public highways, streets, places, parks or parkways: provided, however, that the additional land and property so authorized to be acquired or taken shall be no more in extent than would be sufficient to form suitable building sites abutting on such public highway, street, place, park or parkway. After so much of the land and property has been appropriated for such public highway, street, place, park, or parkway as is needed therefore, the remainder may be held and improved for any public purpose or purposes, or may be sold or leased for value with or without suitable restrictions, and in case of any such sale or lease, the person or persons from whom such remainder was taken shall have the first right to purchase or lease the same upon such terms as the state or city or town is willing to sell or lease the same.

"Section 16. The general assembly may authorize cities and towns to acquire property by eminent domain, or otherwise, for the establishment and construction of off-street parking facilities and to maintain and operate or lease the same. Without limitation of the generality of the foregoing, any of the powers or authorities consistent with the provisions of this article for the provision of off-street parking, now vested in public bodies by law, shall continue in existence and may be exercised by said public bodies, except as such powers and authorities may be modified or repealed by the general assembly.

"Section 17. Every bill, resolution, or vote (except such as relate to adjournment, the organization or conduct of the general assembly, and resolutions proposing amendment to the Constitution) which shall have passed the general assembly shall be presented to the governor.

If he approves it he shall sign it, and thereupon, it shall become operative, but if he does not approve it he shall return it, accompanied by his objections in writing, to the general assembly, which shall enter his objections in full upon its journal and proceed to reconsider it within five legislative days thereafter. If, after such reconsideration, three-fifths of the members present and voting shall vote to pass the measure, it shall become operative in the same manner as if the governor had approved it, but in such cases the vote shall be determined by ayes and nays and the names of the members voting for and against the measure shall be entered upon the journal. If the measure shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall become operative unless the general assembly, by adjournment, prevents its return, in which case it shall become operative unless transmitted by the governor to the secretary of state, with the disapproval in writing, within thirty days after such adjournment. Notwithstanding the foregoing, a majority of the general assembly may decide, on division vote of those present and voting, not to reconsider the action of the Governor. In such case the vetoed measure, vote, or resolutions shall remain inoperative."

/s/ Dennis J. Roberts

By unanimous consent reading of the motion was dispensed, each delegate having been furnished a copy of the motion.

On a division vote the motion did not prevail, 32 delegates voting in the affirmative and 33 delegates voting in the negative.

On a division vote the motion to recommend adoption of the proposal did not prevail, 35 delegates voting in the affirmative and 35 delegates voting in the negative.

Proposal No. 7 "Article IV, Of the Legislative Power"
(The Committee on the Legislative Department does not recommend.)

The proposal was read.

Mr. Roberts, seconded by Messrs. Bride and Toolin, Mmes. Hager and Pulner, moved that the Committee of the Whole recommend adoption of the proposal.

On a division vote the motion did not prevail, 31 delegates voting in the affirmative and 34 delegates voting in the negative.

Proposal No. 136 "Referendum on Legislation"
(The Committee on the Legislative Department does not recommend.)

The proposal was read.

At 3:47 P.M. the Chairman again took the rostrum.

Mr. Wexler, seconded by Mmes. Hager and Pulner, and Mr. Bride, moved that the Committee of the Whole recommend adoption of the proposal.

On a division vote the motion did not prevail, 10 delegates voting in the affirmative and 48 delegates voting in the negative.

Proposal No. 139 "Legislative Initiative"

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

The proposal was read.

Mr. Wexler, seconded by Mr. Bride, moved that the Committee of the Whole recommend adoption of the proposal.

On a division vote the motion did not prevail, 19 delegates voting in the affirmative and 40 delegates voting in the negative.

Proposal No. 24 "Article VIII of Elections"

(The Committee on Elections and Right to Vote does not recommend.)

The proposal was read.

Mr. Nathanson, seconded by Messrs. Gorham of Scituate, Kenyon and Pickard, moved that the Committee of the Whole recommend adoption of the proposal.

Mr. Pickard, seconded by Mr. Gorham of Scituate, offered the following written motion to amend:

"I propose the following amendment to Proposal 24

"The general officers shall be elected at a general election on the Tuesday next after the first Monday in November every four years commencing in the next even-numbered year non concurrent with a presidential election and shall severally hold their offices for four years from the first Tuesday after the first Monday in January next succeeding their election and until their successors are elected and qualified."

/s/ Robert F. Pickard

The motion was read.

The motion was debated.

Mr. Murphy of Warren, seconded by Messrs. Canna, Cannon and Dolbashian, offered the following written motion to amend the motion to amend:

"I move to amend the motion to amend Proposal No. 24 by striking the word 'non concurrent' and inserting the word 'concurrent'".

/s/ James E. Murphy

The motion was read.

On a division vote the motion to amend the motion to amend did not prevail, 9 delegates voting in the affirmative and 47 delegates voting in the negative.

On a division vote the motion to amend did not prevail, 19 delegates voting in the affirmative and 42 delegates voting in the negative.

On a division vote the motion to recommend adoption of the proposal did not prevail, 14 delegates voting in the affirmative and 44 delegates voting in the negative.

Proposal No. 66 "Article II Of Suffrage"

(The Committee on Elections and Right to Vote does not recommend.)

The proposal was read.

Mr. Kagan, seconded by Messrs. Cote, Foster, Lawrence, Bizier, and Nathanson, moved that the Committee of the Whole recommend rejection of the proposal.

On a division vote the motion prevailed, 58 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 137 "Recall of Public Officers"

(The Committee on Elections and Right to Vote does not recommend.)

The proposal was read.

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

On a division vote the motion did not prevail, 8 delegates voting in the affirmative and 40 delegates voting in the negative, with more than 3 delegates present and not voting.

Mr. Doris, seconded by Mr. Cote, Bizier, Ricci and Cochran, moved that the Committee of the Whole rise.

The motion prevailed on a voice vote.

August P. LaFrance, Secretary
Constitutional Convention