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JOURNAL OF THE CONSTITUTIONAL CONVENTION

Providence, Rhode Island

May 2, 1966

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

INVOCATION

The Chairman presented Reverend Howard F. Smith, Jr., Minister of the First Universalist Church, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 68 present and 32 absent.

Absentees were Mr. Appolonia, Mrs. Barber, Mr. Canna, Mmes. Capuano and Castiglia, Messrs. Corcoran, DeCiantis, Dodge, Fanning of Cumberland, Fanning of Providence, Fontaine, Gallagher, Gallogly, Gates, Giguere, Gorham of Scituate, Greenhalgh, Jordan, Lallo, Mrs. Lambros, Messrs. Macari, Manning, Martin, McCabe, McKiernan, Merolla, Moon, Murphy of Coventry, SaoBento, Sherry, Viall, and Mrs. Webster.

The names of the absentees were called.

On motion of Mr. Wexler, seconded by Mr. Cannon, 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 8 to 0, the Committee recommended adoption of the following proposal:

Proposal No. 190-Substitute A "Claims Against Government Units"

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 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 195 "Of the Legislature"

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 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 192 "Article - Initiative and Referendum"

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 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 189-Sec. M - "Of Amendments"

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 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 189-Sec. E - "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 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 189-Sec. D - "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 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 60 "Of Amendments"

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 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 40 "Amendment of Constitution"

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

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

On motion of Mrs. Foster, the delegates extended a rising vote of congratulations to John J. Toolin, delegate from Richmond on the occasion of his 83rd birthday, Friday, May 6, 1966.

INTRODUCTIONS AND FIRST READING OF PROPOSALS

The Chairman announced receipt of the following proposal:

Proposal No. 206, offered by Mr. O'Donnell, entitled "Prohibition of Lotteries".

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

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for April 18, 1966, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Messrs. Dolbashian and Warren, 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 April 18, 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 April 18, 1966, considered Proposal No. 36, "Article XI, Of Impeachments".

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

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

Also "The Committee considered Proposal No. 75, "Of the Legislative Power".

The Committee on the Legislative Department did not recommend.

On a division vote a motion to recommend rejection of the proposal prevailed."

Mr. DiLuglio, seconded by Mr. Principe, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 76, "Of the House of Representatives".

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

Mr. DiLuglio, seconded by Messrs. Belhumeur, Cochran, Lawrence and Dolbashian, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 77, "Of the Senate".

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

Mr. DiLuglio, seconded by Mr. Belhumeur, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 82, "Of Impeachments".

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

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

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

Also, "The Committee considered Proposal No. 189-Sec. I, Article XI, Of Impeachments."

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

Mr. Doris, seconded by Mr. Cochran, 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. 85, "Of Continuity of Government During an Emergency".

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

Mr. Cochran, seconded by Mr. Belhumeur, moved that the proposal be rejected.

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.

Also "The Committee considered Proposal No. 191, "Article IV, Of the Legislative Power."

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

Mr. Gorham of Foster, seconded by Mr. Pickard, moved that the proposal be adopted.

On a division vote the motion did not prevail, 3 delegates voting in the affirmative and 48 delegates voting in the negative.

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

On a division vote the motion prevailed, 48 delegates voting in the affirmative and 3 delegates voting in the negative.

GENERAL ORDERS

Mr. Cannon, seconded by Messrs. Foster, Principe, and Murphy of Tiverton, 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 2:27 P.M., on Motion of Mr. Vacca, seconded by Mr. Foster, the Convention adjourned to meet on Monday, May 16, 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

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A P P E N D I X

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

RECONSIDERATION

Mr. Coleman, seconded by Messrs. Cochran and Cannon moved that the Committee of the Whole reconsider Proposal No. 155-Substitute A "Of Local Government".

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

Mr. Coleman, seconded by Mr. Cochran, offered, in the nature of an amendment, Proposal No. 155-Substitute B "Of Local Government" as follows:

Section 1. Every city and town may exercise any legislative power or perform any function which is not denied to it by this Constitution, or its charter, is not denied to cities and towns generally, and is within such limitations as the General Assembly may establish by general law, but no such act of the General Assembly shall affect the form of government of any city or town. This grant of power does not include the power to enact private or civil law relating to civil relationships except as an incident to the exercise of an independent municipal power, nor does it include the power to define or provide for the punishment of a felony.

Section 2. Every city or town may incur obligations and may issue bonds or other evidences of indebtedness, except that no obligation for the payment of money shall be incurred for current expenses unless such obligation is in anticipation of current revenues and is limited to one year. No obligations for the payment of money for a period of more than one year shall be incurred by any city or town unless it is approved by a majority of those local electors voting thereon at a general election. The General Assembly may by general law regulate the incurring of obligations for the payment of money and the issuance of bonds and other evidences of indebtedness by cities and towns, and may provide for special elections for the approval of such obligations.

Section 3. Every city or town may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation with this state, other cities and towns of this state, any public body or authority of this state, and with the United States, or with any one or more of such governmental units. The General Assembly may authorize cities and towns generally, or any one city or town, or any group of cities and towns, to enter into similar joint or cooperative arrangements with any other state, or any municipality, public body, authority or governmental agency of any other state.

Section 4. The General Assembly may provide for the methods by which municipal boundaries may be altered, by which municipal corporations may be merged or incorporated, and by which municipal corporations may be dissolved.

Section 5. Every city and town shall have a legislative body, the members of which are chosen by popular election in districts as nearly equal in population and as compact in area as is practicable, or in its whole area at large, or by a combination of the two methods. All other elected city or town officials shall be chosen on the same basis.

Section 6. Subsection 1: Every city and town shall have the power to adopt a charter in the following manner: Whenever a petition for the adoption of a charter signed by fifteen percent of the qualified electors of a city or town shall be filed with the legislative body of such city or town, said petition shall be referred forthwith to the canvassing authority, which shall within ten days after its receipt determine the sufficiency and validity of the signatures thereon and certify the results to the legislative body of said city or town. Within sixty days thereafter, the legislative body of the city or town shall submit to its qualified electors the following question: "Shall a commission be appointed to frame a charter?" and shall also provide by ordinance or resolution a method for the nomination and election of a charter commission to frame a charter, consisting of nine qualified electors elected at large without party or political designation. Candidates for the commission shall be listed alphabetically on the ballot used for said election. Such ordinance or resolution shall provide for the submission of the question and the election of the charter commission at the same time. Upon approval of the question submitted the nine candidates who individually receive the greater numbers of votes shall be declared elected and shall constitute the charter commission.

Within one year from the date of the election of the charter commission the charter framed by the commission shall be submitted to the legislative body of the city or town, which body shall provide for the publication of said charter in a newspaper of general circulation in said city or town at least thirty days before the day fixed for voting on the question of charter adoption, and which shall provide for the submission of said charter to the qualified electors of the city or town at the general election next succeeding provided thirty days shall have elapsed from the date of the submission of the charter by the charter commission. If said charter is approved by a majority of said electors voting thereon, it shall become effective upon the date fixed thereon.

Subsection 2: Every city or town may amend, alter or revise its charter (whether such charter has been adopted by such

city or town or whether it has been granted by the General Assembly), in the following manner:

A. The legislative body of a city or town may propose an amendment, alteration, or revision to a charter upon an affirmative vote of a majority of its membership. Within sixty days thereafter the legislative body of a city or town shall submit the change to its qualified electors for approval or disapproval provided that such change shall be published in a newspaper of general circulation in said city or town at least thirty days before the date fixed for voting on the question of adoption of the same. If the amendment, alteration, or revision is approved by a majority of the electors voting thereon, it shall become effective upon the date fixed thereon.

B. Upon a petition signed by fifteen percent of the qualified electors of a city or town, an amendment, alteration or revision may be proposed and submitted by a duly elected charter commission, and may be submitted to the qualified electors in compliance with the procedures established for the adoption of a new charter in subsection (1) of this section.

C. The majority of the members of the legislative body of a city or town possessing a charter granted by the General Assembly may also amend, alter, or revise said charter with the approval of the General Assembly and under such conditions as the General Assembly may prescribe.

Section 7. Section 6 of this article shall become effective upon the adoption of this constitution. All other sections of this article shall become effective sixty days after the completion of the second full session of the General Assembly following the adoption of this constitution.

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

The motion prevailed on a voice vote.

August P. LaFrance, Secretary
Constitutional Convention