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August P. LaFrance

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State of Rhode Island and Providence Plantations

JOURNAL OF THE
CONSTITUTIONAL CONVENTION

Providence, Rhode Island

May 16, 1966

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

INVOCATION

The Chairman presented Reverend F. Lawson Suetterlein, Pastor of the First Presbyterian Church, Providence, for the purpose of giving the Invocation. The Invocation was given.

The roll of delegates was called; there were 77 present and 22 absent.

Absentees were Mr. Appolonia, Mrs. Barber, Messrs. Belhumeur, Bride, Cannon, Colbert, DeCiantis, Dodge, Feeney, Gallagher, Giguere, Jordan, Mrs. Lacroix, Mr. Lallo, Mrs. Lambros, Messrs. McCabe, McGrath, McKinnon, Moon, Mulligan, Murphy of Coventry and Viall.

The names of the absentees were called.

On motion of Mr. O'Donnell, the delegates extended a rising vote of appreciation to Reverend Suetterlein for his kindness in giving the Invocation.

OATH OF OFFICE

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

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
BOARD OF ELECTIONS
50 BRANCH AVENUE, PROVIDENCE

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 May 5, 1966, in the First Representative District of the City of East Providence that BRADLEY L. STEERE of 228 Thatcher Street was elected a DELEGATE to represent said First Representative District in the Constitutional Convention now being held, the vote being:

ROBERT L. DEASY, Democrat.....503
BRADLEY L. STEERE, Republican.....574

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

BOARD OF ELECTIONS

/s/ Albert J. Lamarre

Chairman

/s/ George M. Westlake

/s/ Harry F. Curvin

/s/ John Conley

ATTEST:

/s/ Peter J. Pimental,

Secretary

Mr. Steere was escorted to the rostrum for the purpose of administering the oath of office.

The delegates attend as the oath of office was administered to Mr. Bradley L. Steere by Honorable August P. LaFrance, Secretary of State, Secretary of the Constitutional Convention.

On motion of Mr. Lawrence, the Secretary of the Convention was directed to convey a motion of sympathy to David J. Colbert, Jr., delegate from Cranston, on the recent loss of an infant child.

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

REPORTS OF STANDING COMMITTEES

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, by a vote of 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 197 "Freedom of the Press"

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

Mr. Murphy of Warren, for the Committee on Personal Liberties, reported back that, by a vote of 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 189A "Article I, Preamble and Section 1 through 23"

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

Proposal No. 189B "Article II, Section 1 through Section 3"

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

Proposal No. 189G "Article VIII, Section 1 through Section 3"

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

Proposal No. 189H "Article IX, Section 1 through Section 6"

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

Proposal No. 200 "Term of General 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, by a vote of 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 203 "Election of General Officers"

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

Mr. Wexler, for the Committee on Style and Drafting, reported back that, by a vote of 8 to 0, the Committee recommended adoption of the

following proposal:

Proposal No. 25 "Preamble"

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

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman announced that he would present the report of the Committee of the Whole for April 25, 1966, a copy of which was on the desk of each delegate.

On motion of Mr. Wexler, seconded by Mr. Murphy of 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 25, 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 25, 1966, considered Proposal No. 196, "Permanent Commission on the Constitution."

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

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

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

Also "The Committee considered Proposal No. 189C, "Of the Distribution of Powers."

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

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

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

Also "The Committee considered Proposal No. 8, "No Title."

"The Committee on Local Government did not recommend. On a division

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

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

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

Also "The Committee considered Proposal No. 46, "Of Local Government."

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

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

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

Also "The Committee considered Proposal No. 52, "Local Government."

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

Mr. Coleman, seconded by Messrs. Cochran and Bizier, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 113, "Towns and Cities."

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

Mr. Coleman, seconded by Messrs. Cochran and Bizier, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 149, "Education."

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

Mr. Coleman, seconded by Messrs. Cochran, Kagan and Bizier, 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. 159, "Local Debt."

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

Mr. Coleman, seconded by Messrs. Bizier and Cochran, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 193, "Publication of Home Rule Charters."

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

Mr. Coleman, seconded by Messrs. Cochran and Bizier, moved that the proposal be rejected.

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

Also "The Committee considered Proposal No. 155, Substitute A, "Of Local Government."

"The Committee on Local Government recommended adoption of the Substitute Proposal. On a division vote a motion to recommend recommitment of Proposal No. 155, Substitute A, to the Committee on Local Government prevailed."

"On May 2nd, the day on which the Committee of the Whole next met, a motion to reconsider Proposal No. 155, Substitute A was introduced and on a division vote was adopted. An amendment to Proposal No. 155, Substitute A was then submitted and Proposal No. 155, Substitute A and its amendment were established as an order of business for the meeting of the Committee of the Whole on May 16, 1966."

GENERAL ORDERS

Mr. Warren, seconded by Mr. Doris, 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 4:35 P.M., on motion of Mr. Doris, seconded by Messrs. Dolbashian and Cochran, the Convention adjourned to meet on Monday, May 23, 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

Journal of the Committee of the Whole

May 16, 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. 155, Substitute B "Of Local Government"
(The Committee on Local Government recommends adoption of the Substitute Proposal.)

Section 1 of the proposal was read.

Mr. Coleman, seconded by Messrs. O'Donnell, Kenyon, Lawrence and Gorham of Foster, moved that the Committee of the Whole recommend adoption of the section.

Mr. LaSalle, seconded by Messrs. Toolin, Fanning of Providence and Vacca, submitted the following written motion to amend:

"I move to amend Proposal No. 155, Substitute B - Section 1 by striking out the word "felony" and inserting the word "crime" in its place."

/s/ A. Norman LaSalle

The motion to amend was read.

The motion to amend was debated.

On a division vote the motion to amend prevailed, 32 delegates voting in the affirmative and 25 delegates voting in the negative.

Mr. Cooney, seconded by Mr. Manning, submitted the following written motion to amend:

"I move to amend Proposal No. 155-Substitute B by striking therefrom Section 1 and substituting therefore the following:

"Section 1. The general assembly shall have the power to act in relation to the property, affairs and government of any city or town by general laws which shall apply alike to all cities and towns, but which shall not affect the form of government of any city or town. The general assembly shall also have the power to act in relation to the property, affairs and government of a particular city or town provided that such legislative action shall become effective only upon approval by a majority of the qualified electors of the said city or town voting at a general or special election."

/s/ John P. Cooney, Jr.

The motion to amend was read.

On a division vote the motion to amend prevailed, 40 delegates voting in the affirmative and 20 delegates voting in the negative.

Section 2 of the substitute proposal was read.

Mr. Coleman, seconded by Mrs. Pulner, moved that the Committee of the Whole recommend adoption of the section.

On a division vote the motion prevailed, 30 delegates voting in the affirmative, 12 delegates voting in the negative with more than 9 delegates present and not voting.

Mr. Coleman, seconded by Messrs. Fontaine and Cochran, moved that the Committee of the Whole recommend that the proposal be recommitted to the Committee on Local Government.

On a division vote the motion prevailed, 47 delegates voting in the affirmative, 0 delegates voting in the negative with more than 4 delegates present and not voting.

Mr. Cooney, seconded by Messrs. Wrenn, Cochran, Foster, Beauchemin and Mrs. Foster, moved that the Committee of the Whole recommend that Proposal No. 38 and No. 84 be recommitted to the Committee on Local Government.

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

Proposal No. 189K "Article XIII, Sections 1 through 12"
(The Committee on Local Government does not recommend.)

Mr. Cochran, seconded by Mr. Doris, moved that the Committee of the Whole recommend recommitment to the Committee on Local Government.

On a division vote the motion prevailed, 35 delegates voting in the affirmative, 0 delegates voting in the negative with more than 16 delegates present and not voting.

Proposal No. 190-Substitute A "Claims Against Governmental Units"
(The Committee on Legislative Department recommends adoption of the Substitute Proposal.)

The proposal was read.

Mr. Dolbashian, seconded by Messrs. DiLuglio, Murphy of Tiverton, Cochran, Doris, Wrenn, Foster and Kanakry, moved that the Committee of the Whole recommend adoption of the proposal.

At 4:10 P.M. the Chairman yielded the rostrum to Mr. David D. Warren, First Vice-Chairman.

Mrs. Pulner, seconded by Messrs. LaSalle, Willey and Roberts, submitted the following written motion to amend:

"I move to strike the words 'is authorized to' and substitute therefore the word 'shall' in Proposal No. 190-Substitute A."

/s/ Theresa F. Pulner

The motion to amend was read.

On a division vote the motion to amend prevailed, 30 delegates voting in the affirmative, 14 delegates voting in the negative with more than 7 delegates present and not voting.

On a division vote the motion to adopt the proposal, as amended, prevailed, 26 delegates voting in the affirmative, 18 delegates voting in the negative with more than 7 delegates present and not voting.

Proposal No. 195 "Of the Legislature"
(The Committee on Legislative Department does not recommend.)

The proposal was read.

Mr. Roberts, seconded by Messrs. Cochran, Doris and 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, 0 delegates voting in the negative with more than 5 delegates present and not voting.

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

Mr. LaSalle, seconded by Messrs. Doris and Foster, moved that the Committee of the Whole rise.

The motion prevailed on a voice vote.

August P. LaFrance, Secretary
Constitutional Convention