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Journal of the Constitutional Convention, 1966 Jun 20

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State of Rhode Island and Providence Plantations

**JOURNAL OF THE
CONSTITUTIONAL CONVENTION**

Providence, Rhode Island

June 20, 1966

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

INVOCATION

The Chairman presented Reverend Rollin A. Swanson, Pastor of the Calvery Covenant Church of Cranston, 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 Messrs. Appolonia, Baccari, Belhumeur, Bride, Cannon, Champion, Cunningham, DeCiantis, DiSandro, Dyl, Dodge, Foster, Gallagher, Gates, Giguere, Kagan, Kenyon, Mrs. Lacroix, Mr. Lallo, Mrs. Lambros, Messrs. Laporte, LaSalle, Martin, McCabe, McKinnon, McKiernan, Merolla, Moon, Mulligan, Murphy of Coventry, Pickard and Stapleton.

The names of the absentees were called.

Mr. Wexler, seconded by Messrs. Murphy of Tiverton, Viall and Principe, moved that the Journal of June 8, 1966, be corrected as follows:

That the paragraph, following the record of the vote on the last motion to amend proposal No. 171, Substitute C, wherein the motion for adoption was recorded be corrected to read as follows:

"Mr. Wexler, seconded by Mr. Cooney, moved that the proposal be adopted."

That in the Journal of the Committee of the Whole following the record of consideration of Proposal No. 203 and before the record of consideration of Proposal No. 78 there be inserted the following:

"Proposal No. 23 "Of the Executive Power"

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

"The proposal was read.

"Mr. Doris, seconded by Messrs. Bizier, and Ricci, moved that the Committee of the Whole recommend rejection of the proposal.

"On a division vote the motion prevailed, 38 delegates voting in the affirmative and 10 delegates voting in the negative with more than 3 delegates present and not voting."

The motion to correct the Journal prevailed on a voice vote.

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

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

INTRODUCTION AND FIRST READING OF PROPOSALS

The Chairman announced receipt of the following proposal:

Proposal No. 207, offered by Mr. Pickard, entitled "Limitation on State Debt."

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

REFERENCE OF PROPOSALS AFTER SECOND READING

The Chairman announced that the following proposals were referred to the Committee on Style and Drafting after second reading and vote on passage by the Convention at its session on May 31, 1966:

Proposal No. 26, Substitute B "Declaration of Certain Constitutional Rights and Principles"

Proposal No. 27, Substitute B "Of Suffrage"

Proposal No. 34, Substitute B "Of Qualifications for Office"

Proposal No. 33, Substitute B "Of Elections"

RECONSIDERATION

Mr. Cooney, seconded by Mr. Wexler, moved that the Convention reconsider the following proposal which failed of passage on second reading at the previous session of the Convention:

Proposal No. 171, Substitute C "Of Amendments"

The proposal was read.

At 2:10 P.M. the Chairman yielded the rostrum to Mr. Doris.

On a division vote the motion to reconsider prevailed, 46 delegates voting in the affirmative and 6 delegates voting in the negative.

Mr. Cooney, seconded by Messrs. Fanning of Providence and Lawrence, moved that the proposal be adopted.

On reconsideration on a roll call vote the motion to adopt prevailed, 58 delegates voting in the affirmative, 5 delegates voting in the negative and 37 delegates absent or not voting as follows:

AYES - 58

Mrs. Jane H. Barber-Westerly	Bradford Gorham-Foster
Roger A. Beauchemin-Pawtucket	George D. Greenhalgh-Glocester
Joseph A. Bevilacqua-Providence	Raymond E. Jordan-Pawtucket
Norman E. Bizier-Central Falls	Samuel J. Kanakry-Pawtucket
Adrien Bissonnette-Woonsocket	August P. LaFrance-Pawtucket
Domenic C. Canna-Bristol	Frederick A. Lawrence-Providence
Mrs. Claire Capuano-Woonsocket	Epifanio F. Macari-Cranston
Mrs. Aurora Castiglia-Cranston	Edward P. Manning-Cumberland
Orist D. Chaharyn-Woonsocket	William I. Matzner-Providence
Eugene F. Cochran-Providence	James E. Murphy-Warren
David J. Colbert, Jr.-Cranston	William F. Murphy-Tiverton
Kevin K. Coleman-Woonsocket	Paul F. Murray-Newport
John P. Cooney, Jr.-Providence	Francis P. O'Donnell-Providence
Edward B. Corcoran-Middletown	Robert S. Ortoleva-Providence
Osias Cote-Pawtucket	Dr. John A. Parrillo-Providence
Lloyd R. Crandall-Hopkinton	Mrs. Nuala O'D. Pell-Newport
Robert J. Delehanty-Newport	Antonio Prince-Woonsocket
Thomas R. DiLuglio-Johnston	Anthony F. Principe-Bristol
Edward M. Dolbashian-Portsmouth	Thomas D. Pucci-Providence
John F. Doris-Woonsocket	Mrs. Theresa F. Pulner-Cranston
Stephen A. Fanning-Cumberland	Augusto W. SaoBento-East Providence
Stephen A. Fanning, Jr.-Providence	Owen V. Sherry-North Smithfield
William A. Feeney-East Providence	Howard R. Smart, Jr.-Lincoln
Paul A. Fontaine-Woonsocket	Anthony Vacca-Smithfield
Michael A. Gammino, Jr.-Providence	Charles C. Viall-East Providence
William J. Gmelin-Charlestown	David D. Warren-North Providence
Fulda E. Geoffroy-West Warwick	Edmund Wexler-Providence
Anthony Giangiacomo-Providence	Grafton H. Willey, III-Barrington
Miss Elaine C. Colaneri-Providence	John J. Wrenn-Providence

NOES - 5

Millicent S. Foster-North Kingstown	Charles Nathanson-Warwick
John Gorham-Scituate	Bradley L. Steere-East Providence
John J. Toolin-Richmond	

ABSENT OR NOT VOTING - 37

Felix A. Appolonia-West Warwick	Thomas H. Bride-Warwick
Vincent J. Baccari-Providence	Jeremiah H. Cannon-Providence
Arthur A. Belhumeur-Central Falls	William J. Champion, Jr.-Newport

ABSENT OR NOT VOTING - Cont.

Matthew C. Cunningham-Pawtucket
Michael DeCiantis-West Warwick
Domenic A. DiSandro, Jr.-Narra.
Harry J. Dyl-Central Falls
John C. Dodge-New Shoreham
Ernest A. Foster-Pawtucket
James A. Gallagher-Jamestown
Edward P. Gallogly-Providence
Robert B. Gates-So.Kingstown
Noel A. Giguere-Woonsocket
Mrs. A. Marion Hager-Cranston
Samuel C. Kagan-Providence
Bradford H. Kenyon-West Greenwich
Mrs. Jeannette M. Lacroix-Lincoln
John F. Lallo-Westerly

Mrs. Demetra Lambros-Providence
John W. Laporte-Burrillville
A. Norman LaSalle-Warwick
Frank A. Martin, Jr.-Pawtucket
Francis H. McCabe-Pawtucket
Thomas F. McGrath-Providence
Vincent P. McKinnon-Pawtucket
Donald E. McKiernan-Providence
Arthur Merolla-Providence
Edwin J. Moon-Exeter
Edward J. Mulligan-Central Falls
James F. Murphy-Coventry
Robert F. Pickard-East Greenwich
Hugo L. Ricci-Providence
Dennis J. Roberts-Providence

Alfred B. Stapleton-Little Compton

(During the roll call Mr. Corcoran explained his 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 did not recommend the following proposal:

Proposal No. 61 "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 9 to 0, the Committee did not recommend the following proposal:

Proposal No. 183 "Bond Referenda"

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. 186 "Of the Senate"

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. 206 "Prohibition of Lotteries"

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, by a vote of 8 to 0, the Committee did not recommend the following proposal:

Proposal No. 198 "Property taken for Public Use"

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

Proposal No. 165, Substitute A "Legislative Auditor"

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

MOTIONS AND RESOLUTIONS

Mrs. Pulner offered Resolution No. 33, "Resolution congratulating delegate Donald E. McKiernan on the birth of a son, Shaun Patrick, on May 17, 1966."

The Resolution was read.

Mrs. Pulner, seconded by Messrs. Warren, Principe and Sherry, moved passage of the resolution.

The motion prevailed on a unanimous voice vote.

REPORT OF THE COMMITTEE OF THE WHOLE

The Chairman Pro Tempore announced that he would present the report of the Chairman of the Committee of the Whole for May 23, 1966, a copy of which was on the desk of each delegate.

On motion of Mr. Dolbashian, seconded by Mr. Murphy of Tiverton, reading of the report was dispensed and the Convention proceeded to act thereon, on a voice vote.

The Chairman Pro Tempore, for the Chairman of the Committee of the Whole on May 23, 1966, presented a report of the Committee of the Whole to the Convention and action was taken thereon as follows:

"The Committee considered Proposal No. 189M, "Article XV - Of Amendments."

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

Mr. Matzner, seconded by Messrs. Dolbashian, Nathanson and Corcoran, 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. 189E, "Article V - Of the House of Representatives and Article VI - 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. Cochran, seconded by Messrs. Beauchemin and Bizier, 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. 189D, "Article IV - 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. Dolbashian, seconded by Messrs. Cochran 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. 60, "Of Amendments."

"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 Messrs. Principe and Dolbashian, moved that the proposal be rejected.

On a division vote the motion prevailed, 51 delegates voting in the affirmative and 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 40, "Amendment of Constitution."

"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 Messrs. Dolbashian and Principe, 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. 197, "Freedom of the Press."

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

Mr. Murphy of Warren, seconded by Messrs. Cochran, Dolbashian and Murphy of Tiverton, moved that the proposal be rejected.

On a division vote the motion prevailed, 51 delegates voting in the affirmative and 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 189A, "Article I, Declaration of Certain Constitutional Rights and Principles."

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

Mr. Dolbashian, seconded by Messrs. Gorham of Scituate and Cochran, 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. 189B, "Article II - Of Suffrage."

"The Committee on Elections and Right to Vote did not recommend. On a division vote a motion to recommend rejection prevailed."

Mr. Bizier, seconded by Messrs. Cochran, Nathanson and Dolbashian, 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. 189G, "Article VIII, Of Elections."

"The Committee on Elections and Right to Vote did not recommend. On a division vote a motion to recommend rejection of the proposal prevailed."

Mr. Bizier, seconded by Messrs. Cochran and Nathanson, 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. 189H, "Article IX - Of Qualifications for Office."

"The Committee on Elections and Right to Vote did not recommend. On a division vote a motion to recommend rejection of the proposal prevailed."

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

On a division vote the motion prevailed, 55 delegates voting in the affirmative and 0 delegates voting in the negative.

Also, "The Committee considered Proposal No. 25, "Preamble."

"The Committee on Style and Drafting recommended 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.

GENERAL ORDERS

Mr. Cochran, seconded by Mr. Bizier, moved that the Convention resolve into a Committee of the Whole.

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 3:55 P.M., on motion of Mr. Murray, seconded by Messrs. Manning, Sherry and Parrillo, the Convention adjourned 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

June 20, 1966

Upon the resolving of the Convention into a Committee of the Whole, the Chairman Pro Tempore 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.

UNFINISHED BUSINESS

Proposal No. 32, Substitute A "Of the Executive Power"
(The Committee on the Executive Department recommends the adoption of the Substitute Proposal.)

The Committee of the Whole continued consideration of the proposal.

Sections 1 through 6 of the proposal had been considered and acted upon at the previous session of the Committee of the Whole.

Section 7 of the proposal was read.

Mr. Nathanson, seconded by Messrs. Cochran and Feeney and Mrs. Pulner, moved that the Committee of the Whole recommend adoption of the Section.

The motion prevailed on a voice vote.

Section 8 of the proposal was read.

Mr. Nathanson, seconded by Mrs. Pulner, moved that the Committee of the Whole recommend adoption of the Section.

RECESS

On suggestion of Mr. Fanning of Providence, the Chairman declared that the Committee of the Whole be in recess at 2:50 P.M.

ORDER

At 3:00 P.M. the Chairman again called the Committee of the Whole to order.

UNFINISHED BUSINESS

The Committee of the Whole continued consideration of Section 8 of the proposal.

The motion to recommend adoption of the Section was debated.

The motion prevailed on a voice vote.

Section 9 of the proposal was read.

Mr. Gallogly, seconded by Mrs. Pulner, moved that the Committee of the Whole recommend adoption of the Section.

The motion prevailed on a voice vote.

Section 10 of the proposal was read.

Mr. Gallogly, seconded by Mr. Cochran, moved that the Committee of the Whole recommend adoption of the Section.

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

"I hereby move to amend Sec. 10 by adding after the words "The Department of Attorney General" the following: "and shall prosecute criminal cases in all courts of the state."

/s/ Thomas D. Pucci

The motion was read.

On a voice vote the motion did not prevail.

On a voice vote the motion to recommend adoption of Section 10 prevailed.

Mr. Gallogly, seconded by Messrs. Nathanson and Lawrence, offered the following written motion to amend the proposal:

"I move the following as a substitute Section one of the proposal:

"Section 1. The executive power of the State shall be vested in a Governor. The Governor, Lieutenant-Governor, Secretary of State, Attorney General and General Treasurer, shall be elected at the general election, beginning in 1970, for a term of four years commencing on the first Tuesday in January next following their election."

/s/ Edward P. Gallogly

The motion was read.

On a division vote the motion did not prevail, 24 delegates voting in the affirmative and 24 delegates voting in the negative with more than 3 delegates present and not voting.

Mr. Beauchemin, seconded by Messrs. Vacca and Lawrence, moved that the Committee of the Whole recommend adoption of the proposal as amended.

Mr. Cooney, seconded by Messrs. Canna, Principe, Dolbashian and Gallogly, offered the following written motion to amend:

"I move to amend Proposal No. 32, Substitute C by adding as Section 1 the following:

"Section 1. The executive power of the State shall be vested in a Governor."

/s/ John P. Cooney, Jr.

The motion was read.

The motion prevailed on a voice vote.

Mr. Gallogly, seconded by Messrs. Lawrence and Beauchemin, moved that the Committee of the Whole recommend adoption of the proposal as amended.

On a division vote the motion prevailed, 55 delegates voting in the affirmative and 0 delegates voting in the negative.

Proposal No. 205 "Term of Office of Representatives"
(The Committee on Elections and Right to Vote does not recommend.)

Mr. Murphy of Warren, seconded by Messrs. Cochran and Nathanson, moved that the Committee of the Whole recommend adoption of the proposal.

The motion was debated.

The question was put on a division vote.

Before the vote was announced, Mr. Bizier questioned a quorum.

Mr. Nathanson, recognized on a point of order, submitted that a quorum having existed at the opening roll call the rules considered that it continued to exist and that therefore questioning and determination of a quorum was out of order.

The Chairman Pro Tempore ruled that questioning and determination of a quorum were in order.

Mr. Nathanson appealed the ruling of the chair.

On appeal, the ruling of the chair was sustained on a division vote, 28 delegates voting in the affirmative and 20 delegates voting in the negative.

On a roll call to determine the existance of a quorum, there were 49 delegates present.

The Chairman Pro Tempore ruled that there was not a quorum present and that the Committee of the Whole could not therefore take any further action on the business before it.

Mr. Murray, seconded by Messrs. Manning, Sherry and Parrillo, moved that the Committee of the Whole rise.

On a division vote the motion prevailed, 28 delegates voting in the affirmative and 15 delegates voting in the negative.