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JOURNAL OF THE CONSTITUTIONAL CONVENTION

Providence, Rhode Island

June 21, 1965

The Convention was called to order by Mr. Dennis J. Roberts, Chairman, at 2:15 P.M.

INVOCATION

The Chairman presented Rev. Daniel L. Ward, O.M.I. of Pawtucket, for the purpose of giving the Invocation. The Invocation was given.

On suggestion of Mr. Foster, the delegates extended Rev. Daniel L. Ward, O.M.I., a rising vote of appreciation for his kindness in giving the Invocation.

The roll of delegates was called; there were 62 present, 37 absent. A quorum was present.

Absentees were Mrs. Barber, Messrs. Belhumeur, Bevilacqua, Bissonnette, Bride, Canna, Chaharyn, Coleman, Cunningham, Delehanty, DeCiantis, Dyl, Dodge, Fanning of Cumberland, Fanning of Providence, Gallagher, Gallogly, Gates, Giguere, Gorham of Scituate, Greenhalgh, Mrs. Hager, Messrs. Jordan, Kagan, Kiernan, Lallo, Mrs. Lambros, Messrs. LaSalle, Martin, McCabe, McGrath, Merolla, Mulligan, Murphy of Coventry, Parrillo, SaoBento and Stapleton.

The names of the absentees were called.

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

INTRODUCTION OF PROPOSALS

The Chairman announced receipt of the following proposals:

Proposal No. 160 offered by Mr. Roberts, entitled "Item Veto". The proposal was read by title and referred to the Committee on the Executive Department.

Proposal No. 161 offered by Mr. Roberts, entitled "Expenditures". The proposal was read by title and referred to the Committee on the Executive Department.

Proposal No. 162 offered by Mr. Roberts, entitled "Executive Budget". The proposal was read by title and referred to the Committee on the Executive Department.

Proposal No. 163 offered by Mr. Roberts, entitled "Appropriation Bills". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 164 offered by Mr. Roberts, entitled "Special Appropriations". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 165 offered by Mr. Roberts, entitled "Legislative Auditor". The proposal was read by title and referred to the Committee on Legislative Department.

Proposal No. 166 offered by Mr. Manning, entitled "Judicial Power". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 167 offered by Mr. Manning, entitled "Judicial Power". The proposal was read by title and referred to the Committee on Judiciary.

Proposal No. 10011 offered by a qualified elector, James L. Sweeney, of Providence. The proposal was referred to the Committee on Rules and Credentials.

Proposal No. 10012 offered by a qualified elector, Martin Malinou, of Providence. The proposal was referred to the Committee on Rules and Credentials.

GENERAL ORDERS

On motion of Mr. Warren, seconded by Messrs. Cochran and Dolbashian, the Convention resolved into a Committee of the Whole upon the General Orders of the Day, 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 4:15 P.M., on motion of Mrs. Foster, seconded by Messrs. DiSandro, Murphy of Tiverton, Toolin, McKiernan and Sherry, the Convention adjourned to meet on Monday, July 19, 1965 at 2:00 P.M. in the Chamber of the House of Representatives on a voice vote.

August P. LaFrance, Secretary

A P P E N D I X

Journal of the Committee of the Whole

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. 10 "Acting Governor"

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

The proposal was read. The Chairman ruled that the proposal does not contain more than one section.

On suggestion of Mr. Murray, by unanimous consent, Proposal No. 10 was ordered to be placed on the calendar of General Orders following Proposal No. 11.

Proposal No. 28 "Distribution of Powers"

(The Committee on the Executive Department recommends.)

The proposal was read. Mr. Cooney, seconded by Messrs. Vacca, DiLuglio, Wrenn, Cochran and Beauchemin moved that the recommendation of the committee be adopted and that the proposal be recommended to the Convention for adoption. Messrs. Cooney and Cochran and Mme. Foster and Pulner discussed the proposal.

The motion prevailed on a division vote; 58 delegates voting in the affirmative; 0 delegates voting in the negative.

Proposal No. 11 "Executive Department"

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

The proposal was read.

Mr. Murray and Mrs. Webster discussed whether in accordance with Rule 27, each paragraph of the proposal should be considered a section and read, debated and acted upon separately. The chairman ruled that each paragraph would be so considered. The first paragraph was read.

Mr. Murray moved that the recommendation of the committee be not adopted. Messrs. Murray and DiLuglio discussed the motion.

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Mr. Matzner, recognized on a point of order, submitted that discussion was out of order because Mr. Murray's motion had not been seconded.

The Chairman ruled that Rule 30 provided for observation of the Rules of the Convention in the Committee of the Whole and that therefore a second was required for each motion.

Mr. Doris seconded the motion. Mrs. Foster, Mr. LaPorte and Mrs. Webster discussed the motion.

Mr. Pucci, recognized on a point of order, submitted that the Committee of the Whole is not bound by rules of procedure as in Convention. The Chairman ruled that the Rules of the Convention, by Rule 30, required that, so far as they may be applicable, the rules of the Convention be observed in the Committee of the Whole.

Mr. Appolonia recognized on a point of order requested a ruling on the vote required on the motion.

The Chairman ruled that because Rule 30 provides that in the Committee of the Whole the vote of a majority of the Committee shall govern its action except as otherwise provided, Mr. Murray's motion and every motion taking action on a proposal would require 51 votes.

The motion did not prevail on a division vote; one member voting in the affirmative; 54 delegates voting in the negative.

Mr. Dolbashian seconded by Mr. Cochran, moved that the recommendation of the Committee be adopted as to the first paragraph.

Mr. Doris inquired on the procedure for acting on the committee recommendation. The Chairman ruled that Rule 27 required that each section be read, debated and acted upon.

Mr. Dolbashian, Mrs. Pulner and Messrs. Pickard and Appolonia discussed the motion. Mr. DiLuglio, seconded by Mr. Murphy of Tiverton, moved that Mr. Dolbashian's motion be amended to read as follows:

"I move that the Committee of the Whole reject paragraph one of Proposal 11."

Mr. Dolbashian discussed the motion.

Mr. Corcoran inquired if the committee report could be considered a motion for its adoption. Mr. Pickard, Mrs. Webster and Mr. Dolbashian

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discussed the effect of committee reports.

Messrs. Fontaine, Bizier, Doris, Cannon and Foster seconded Mr. DiLuglio's motion. On a division vote, the motion to amend prevailed; 54 delegates voting in the affirmative; 2 delegates voting in the negative.

Mr. Dolbashian's motion, as amended, prevailed and the first paragraph of Proposal 11 was rejected and recommended for rejection by the Convention on a division vote; 58 delegates voting in the affirmative; 2 delegates voting in the negative.

The second paragraph of the proposal was read.

Mrs. Webster, seconded by Messrs. Cochran, Viall, Wrenn, Appolonia, Fontaine, and Bizier, moved that the second paragraph not be approved and that such recommendation be made to the Convention.

Mr. Murray, Mrs. Webster, Mr. Pickard and Mr. Vacca discussed the motion. Mr. Vacca moved that the motion be layed on the table. Mr. Doris discussed the paragraph. The Chairman commented on the discussion of the delegates and on Mr. Vacca's motion. Mr. Vacca withdrew his motion. Mr. Gammino, Mrs. Foster, Messrs. Murray, Warren, DiLuglio and Corcoran discussed the motion.

On a division vote the motion did not prevail; 49 delegates voting in the affirmative; 4 delegates voting in the negative.

Mr. Pucci submitted that, a majority of those present and voting having voted in the affirmative, the motion had prevailed. The Chairman ruled that Rule 30 required a majority of the full Committee of the Whole rather than of those present and voting. Mrs. Webster, seconded by Mr. DiLuglio, moved that the motion be reconsidered. The motion to reconsider prevailed on a voice vote.

On reconsideration the motion prevailed on a division vote; 55 delegates voting in the affirmative; 2 delegates voting in the negative.

The third paragraph of the proposal was read. Mrs. Webster, seconded by Messrs. Warren, McKiernan, Prince, Wrenn, Viall and Cote moved that the third paragraph be not approved and that such recommendation be made to the Convention.

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Messrs. Murray and Nathanson discussed the motion.

On a division vote the motion prevailed; 51 delegates voting in the affirmative; 4 delegates voting in the negative.

Proposal No. 10 "Acting Governor"

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

On suggestion of Mr. Murray, by unanimous consent, further reading of the proposal was dispensed. Mr. Fontaine, seconded by Messrs. Murphy of Tiverton, Warren, Cannon, DiLuglio, McKiernan, Sherry, Prince, Wrenn, Cote, and the Mmes. Foster and Capuano, 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; 1 delegate voting in the negative.

Mr. Warren, seconded by Mrs. Foster and Mr. Cochran, moved that the Committee of the Whole rise. The motion prevailed on a voice vote.

August P. LaFrance
Secretary
Constitutional Convention