

SPECIAL SESSION

JOURNAL OF THE SENATE

Friday, January 27, 1967

January 27, 1967

The Senate was called to order by the President at 11:00 A. M. The following Senators were recorded present:

Mr. President	Davis (27th)	Gregory	Ryan
Askew	Deeb	Griffin	Sayler
Bafalis	de la Parte	Gunter	Shevin
Barron	Edwards	Horne	Slade
Barrow	Elrod	Johnson (19th)	Spencer
Boyd (15th)	Fincher	Johnson (37th)	Stolzenburg
Boyd (28th)	Fisher	Knopke	Teague
Broxson	Friday	McCarty	Thomas
Chiles	Gibson	Mathews	Whitaker
Covington	Gong	Ott	Wilson
Davis (5th)	Greene	Poston	Young

Report to Senate Committee on Reapportionment

Your legal staff is well aware of the feeling of many members of the senate of frustration and not being able to actively participate in every step of the legal work including briefing, research and planning of procedure. This is not unusual in an important lawsuit, and especially one which involves the principles as important as those in the present case.

Your attorneys in their professional capacity have but one interest and that is to represent you and through you the people of Florida to the best of our ability in obtaining the desired results. As we conceive our task pursuant to your instructions we are charged with first doing everything within our power to maintain the existence of the present legislature and the terms of office for which members thereto have been elected. Secondly, to urging support for and demonstrating the constitutional validity of Committee Substitute for Senate Bill 8-X. To this task we have been devoting all of our energies on an almost around-the-clock basis and we are convinced that as of the present time our stand is just, legally defensible and hopefully, potentially acceptable to those who must make the final decision. It is impossible for attorneys to work effectively in a theater in making preparations and preparing briefs. We ask your indulgence, with the assurance that when any important development occurs we will inform you. We believe you realize that for this attorney-client relationship to work effectively, it is necessary that the client be available for instant consultation. Many times in a law trial the client will wonder why his presence is required in court although he may sit for days and not testify. Let us assure you that it is of vital importance that you be present in Tallahassee and available for consultation and for giving directions to your lawyers when required.

Aside from the above, however, there are certain specific matters that your legal staff thinks might be studied and discussed by the apportionment committee. Most of these grow out of things that were said or done at the pre-trial conference in Miami. It is therefore the recommendation of your lawyers that the committee appoint subcommittees or otherwise proceed to develop the following subjects:

1. To study the practicality of using the 1965 estimates of population, or the 1966 estimates, as a basis for apportionment. There is some indication in the Hawaii case that if found to be reliable, such would be constitutionally acceptable. This would involve, however, a study of the provisions of the Florida constitution, the question of whether a separate state census must be made and if so, whether this would require separate legislation, time that would be required to carry out the same and the manner in which it would be done. Of fundamental importance, of course, in the use of any estimates is the matter of proving the reliability or accuracy of the same.

2. To study the effect of at-large elections and particularly the manner in which they are conducted in the state of Illinois, and what the results were. We feel it is of extreme importance in discussing this matter to know all of the facts involved and we would recommend if necessary direct contact with appropriate officials in Illinois.

3. Study the advisability of designating by an asterisk or otherwise the names of incumbents running in a special election required by order of the court so that on a lengthy ballot the public would know the names of the people who actually held office.

4. To study the advisability of raising or otherwise changing the qualification fees required for candidates for the legislature.

5. To consider the practicality and advisability of a constitutional amendment to take effect after the 1970 census limiting the size of the legislature for apportionment purposes.

6. To consider the advisability of an extension of the present session, which expires at midnight on Saturday.

44. A quorum present.

Excused: Senators Haverfield, Hollahan, Weissenborn and Spottswood.

Prayer by Senator L. K. Edwards, Jr., of the Fourteenth Senatorial District:

Teach us, O Lord, the disciplines of patience, for we find that to wait is harder than to work. When we wait upon thee, we shall not be ashamed, but shall renew our strength. May we be willing to listen to what thou has to say. May our prayers be a true conversation with God. Please forgive us our sins and give us peace on earth. In Jesus' name we pray. Amen.

The reading of the Journal was dispensed with.

The Journal of January 26 was corrected and approved as follows:

Page 70, column 2, between lines 8 and 9 in fourth column of roll call insert Slade

The Journal of January 20 was further corrected and approved as follows:

Page 55, line 23 counting from the bottom of column 2, strike "Senate, the House concurring:" and insert Legislature of the State of Florida:

Page 60, line 31, counting from the bottom of column 1, strike "of 144" and insert or 144

Page 64, column 2, line 12, strike "officers" and insert offices

Page 64, column 2, line 32, strike "officers" and insert offices

Page 64, line 36, counting from the bottom of column 2, strike "officers" and insert offices

Page 67, column 1, strike lines 23 and 24 and insert the following: two-thirds vote and CS for SB 8-X(67) was ordered certified to the House immediately, after being engrossed.

MESSAGE FROM THE GOVERNOR

The Honorable Verle A. Pope
President of the Senate
The Capitol
Tallahassee, Florida

January 20, 1967

Dear Sir:

I have today transmitted to the office of the Secretary of State, Committee Substitute for Senate Bill No. 8-X (67), Extraordinary Session 1967, which I have signed.

Respectfully,
CLAUDE R. KIRK, JR.
Governor

The following Report of the Select Legal Advisory Committee on Reapportionment was read by Senator Mathews and filed with the Secretary:

It is the opinion of your legal committee that the introduction of brand new plans at the present time, prior to the completion of the present work of the lawyers in our responsibilities in the instant case would be unwise.

7. A study of limited, weighted voting, applicable to 17-X and 8-X, to achieve mathematical exactitude.

Respectfully,

JOHN E. MATHEWS, JR.
Senator, 18th District

JOSEPH C. JACOBS, Attorney

J. LEWIS HALL, Attorney

JOHN M. McCARTY
Senator, 12th District

DEMPSEY J. BARRON
Senator, 4th District

The following Report of the Committee on Apportionment, Resolutions and Memorials was read by Senator Boyd (28th):

SUBCOMMITTEES ON REAPPORTIONMENT AND ASSIGNMENTS

Subcommittee "A": Chairman, Senator Ryan
Senator Askew
Senator Hollahan
Senator Whitaker

To study the practicality of using the 1965 estimates of population, or the 1966 estimates, as a basis for apportionment. There is some indication in the Hawaii case that if found to be reliable, such would be constitutionally acceptable. This would involve, however, a study of the provisions of the Florida constitution, the question of whether a separate state census must be made and if so, whether this would require separate legislation, time that would be required to carry out the same and the manner in which it would be done. Of fundamental importance, of course, in the use of any estimates is the matter of proving the reliability or accuracy of the same.

A study of limited, weighted voting, applicable to 17-X and 8-X to achieve mathematical exactitude.

Subcommittee "B": Chairman, Senator Spencer
Senator Bafalis
Senator Haverfield
Senator Spottswood
Senator Slade

To study the effect of at-large elections and particularly the

manner in which they are conducted in the state of Illinois, and what the results were. We feel it is of extreme importance in discussing this matter to know all of the facts involved and we would recommend if necessary direct contact with appropriate officials in Illinois.

Study the advisability of designating by an asterisk or otherwise the names of incumbents running in a special election required by order of the court so that on a lengthy ballot the public would know the names of the people who actually held office.

To study the advisability of raising or otherwise changing the qualification fees required for candidates for the legislature.

Subcommittee "C": Chairman, Senator Johnson (19th)
Senator Ott
Senator Sayler

To consider the practicality and advisability of a constitutional amendment to take effect after the 1970 census, limiting the size of the legislature for apportionment purposes.

Legal Council and Committee: Senator Mathews
Senator McCarty
Senator Barron
Joseph C. Jacobs
J. Lewis Hall

The legal council will coordinate the work of the subcommittees and legal council.

On motion of Senator Edwards, the foregoing Report was adopted.

Senator Horne moved that upon the receipt of all appointments and removals by the Secretary of the Senate they be then referred by the President to appropriate select committee or committees whose charge it would be to make such inquiry or investigation as may be necessary so as to advise the Senate:

1. As to the necessity of handling the subject matter in Executive Session.
2. As to the proper course to be taken by the Senate with respect to such specific appointment or removal.

—and finally that such committee be advisory only.

On the substitute motion of Senator Friday, consideration of the foregoing motion made by Senator Horne was referred to the Committee on Rules and Calendar.

On motion of Senator Friday, the rules were waived and the Senate stood adjourned at 11:40 A. M. until call of the President or no later than 11:00 A. M., January 28, 1967.