

SPECIAL SESSION

JOURNAL OF THE FLORIDA SENATE

Thursday, December 2, 1971

The Senate was called to order by the President at 9:00 a.m. A quorum present—47:

Mr. President Daniel Johnson (34th) Reuter
Arnold Deeb Karl Saunders
Barron de la Parte Knopke Saylor
Barrow Ducker Lane Scarborough
Beaufort Fincher Lewis (33rd) Stolzenburg
Bell Gong Lewis (43rd) Trask
Bishop Graham McClain Ware
Boyd Gunter Myers Weber
Brannen Haverfield Ott Weissenborn
Brantley Henderson Plante Williams
Broxson Hollahan Pope Wilson
Childers Johnson (29th) Poston

Excused: Senator Horne for the morning session.

Prayer by the Secretary of the Senate:

Father, as we tune our ear to the voice of our own child who calls out to us in need, turn and tune thine ear to our plea—our needs. We cry out, O Lord, not for our personal comfort, but for those in whose name we serve . . . make us strong, help us be wise, make us humble, and give more comfort to our people in their servant and their government. Amen.

The Journal of December 1 was corrected and approved as follows:

Page 12, counting from the bottom of column 1, line 3, strike "read" and insert: determined by the President to be within the purview of the Governor's call, read

REPORTS OF COMMITTEES

The Committee on Ways and Means recommends the following pass: CS for HB 16-D with 12 amendments

The Committee on Transportation recommends the following pass: SB 18-D

The bills contained in the foregoing reports were placed on the Calendar.

The Committee on Rules, Calendar, Privileged Business and Ethics recommends that the following bills do not fall within the purview of the call of the Governor and should not be considered during this special session:

SB 1-D SB 6-D SB 23-D
SB 3-D SB 21-D SB 28-D

Respectfully submitted,
GEORGE L. HOLLAHAN, JR., Chairman

ENGROSSING REPORTS

Your Engrossing Clerk to whom was referred SB 10-D with 1 amendment reports that the amendment has been incorporated and the bill is returned herewith.

ELMER O. FRIDAY
Secretary of the Senate

The bill was certified to the House.

INTRODUCTION

By Senators Fincher and Haverfield—

SB 29-D—A bill to be entitled An act relating to municipal millage limitation; amending section 200.131(1), Florida Stat-

utes; amending expiration date of this section; providing for an effective date.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Ways and Means.

By Senators Johnson (29th) and Fincher—

SCR 30-D—A concurrent resolution commending the Miami Dolphins professional football team for their outstanding record and achievements.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senator Haverfield—

SB 31-D—A bill to be entitled An act authorizing and empowering the state, its departments, agencies, political subdivisions and legislatively established port and airport authorities to comply with the provisions of the federal relocation assistance and real property acquisition policies act of 1970 in connection with public projects for which federal funds are available and used; providing an effective date.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

By Senators Haverfield and Graham—

SJR 32-D—A Joint Resolution Amending Article VII of the Constitution of the State of Florida by adding a new Section 15 thereto; permitting the issuance, when authorized by law, of revenue bonds to establish a fund to make loans to students admitted to attend public or private institutions of higher learning, junior colleges, or health related training institutions, or public vocational training centers; providing that such revenue bonds shall be secured by a pledge of and shall be payable primarily from payments of interest, principal, and handling charges to such fund from the recipients of the loans and, if authorized by law, may be additionally secured by student fees and by any other moneys in such fund; providing for the establishment of a reserve account from the proceeds of the revenue bonds sufficient to pay the debt service requirements in any ensuing state fiscal year; and, providing that moneys in such fund not needed for debt service or maintenance of the reserve account may be used for educational grants or other related purposes as provided by law.

—was delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same is within the purview of the call of the Governor.

By the Committee on Commerce—

SB 33-D—A bill to be entitled An act relating to insurance and claims against insolvent insurers; setting forth a purpose and scope; providing definitions; requiring certain insurers to establish and be members of the Florida Property and Casualty Insurance Guaranty Association; providing duties, functions, obligations, and rights of the association; providing four guaranty accounts; providing for assessments of member insurers; providing a governing committee; providing the membership, powers, duties, and functions of the governing committee; providing duties of the department of insurance relating to the association; providing for payment of certain claims; barring the payment of claims previously paid; providing a method to prevent insolvencies of insurers; providing immunity from certain suits; providing a time limitation for the filing of suits against the association; amending section 627.0851(4), Florida Statutes, providing a method for payment of claims against

insolvent insurers arising under the uninsured motorists statute; providing a severability clause; and providing an effective date for the expiration of this act.

—was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Commerce.

On motion by Senator Karl, by two-thirds vote, SB 33-D was withdrawn from the Committee on Commerce and placed on the calendar.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Jerry Thomas
President of the Senate

December 1, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed with amendments—

By the Committee on Ways and Means—

CS for SB 8-D—A bill to be entitled An act relating to tax on rentals; amending section 212.03, Florida Statutes, by adding subsection (7) to provide an exemption on rentals of buildings intended primarily for lease or rent to persons as their principal or permanent place of residence; amending sections 212.02 (6)(h), 212.031 (1)(a), and 212.031 (1)(b), Florida Statutes, relative to such exemption on rentals; providing the Department of Revenue with responsibility for certain classification; providing an effective date.

Amendment 1—

On page 5, line 2, strike "January 1, 1972" and insert the following: July 1, 1972

Amendment 2—

On page 2, line 11, after the word "facilities" insert the following: , including trailer lots,

Amendment 3—

On page 3, lines 3, 5 and 6, strike "January 1, 1972" and insert the following: July 1, 1972

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

On motions by Senator de la Parte, the Senate refused to concur in House amendments to CS for SB 8-D, and the House was requested to recede therefrom. The action of the Senate was certified to the House.

The Honorable Jerry Thomas
President of the Senate

December 1, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Finance & Taxation—

HB 33-D—A bill to be entitled An act relating to taxation; amending subsection 212.08(7), Florida Statutes, by adding subsection (i) to provide an exemption from sales and use taxes for household utilities; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

HB 33-D, contained in the above message, was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Ways and Means.

The Honorable Jerry Thomas
President of the Senate

December 1, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required Constitutional two-thirds vote of the membership and passed as amended—

By the Committee on Appropriations—

HB 25-D—A bill to be entitled An act relating to the industrial relations commission; amending §440.44(2), Florida Statutes, as amended by chapter 71-377, Laws of Florida, to provide that the salaries of the two (2) members of the industrial relations commission, other than the director, shall be seven thousand two hundred dollars (\$7,200) per annum; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

December 1, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required constitutional two-thirds vote of the membership and passed—

By the Committee on Appropriations—

HB 26-D—A bill to be entitled An act relating to court reporters' salaries and expenses; amending subsection 29.04(1), Florida Statutes, by changing the present salary level to five thousand four hundred dollars (\$5,400); providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

The Honorable Jerry Thomas
President of the Senate

December 1, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has admitted for introduction by the required constitutional two-thirds vote of the membership and passed—

By Representative Danahy—

HB 13-D—A bill to be entitled An act relating to legislation; amending subsection (1) of section 3 of Chapter 71-29, Laws of Florida, to delete the requirement of incorporating certain court related matters into the Florida Statutes; providing an effective date.

—and requests the concurrence of the Senate therein.

Respectfully,
ALLEN MORRIS
Clerk, House of Representatives

House Bills 25-D, 26-D and 13-D, contained in the above messages, were delivered to the Committee on Rules, Calendar, Privileged Business and Ethics for consideration and advice as to whether same are within the purview of the call of the Governor.

*The Honorable Jerry Thomas
President of the Senate*

December 1, 1971

Sir:

I am directed to inform the Senate that the House of Representatives has passed—

By the Committee on Insurance—

HB 29-D—A bill to be entitled An act relating to insurance and claims against insolvent insurers; setting forth a purpose and scope; providing definitions; requiring certain insurers to establish and be members of the Florida Property and Casualty Insurance Guaranty Association; providing duties, functions, obligations, and rights of the association; providing four guaranty accounts; providing for assessments of member insurers; providing a governing committee; providing the membership, powers, duties, and functions of the governing committee; providing duties of the department of insurance relating to the association; providing for payment of certain claims; barring the payment of claims previously paid; providing a method to prevent insolvencies of insurers; providing immunity from certain suits; providing a time limitation for the filing of suits against the association; amending section 627.0851(4), Florida Statutes, providing a method for payment of claims against insolvent insurers arising under the uninsured motorists statute; providing a severability clause; and providing an effective date for the expiration of this act.

—and requests the concurrence of the Senate therein.

*Respectfully,
ALLEN MORRIS
Clerk, House of Representatives*

HB 29-D, contained in the above message, was determined by the President to be within the purview of the Governor's call, read the first time by title and referred to the Committee on Commerce.

On motion by Senator Karl, by two-thirds vote, HB 29-D was withdrawn from the Committee on Commerce and placed on the calendar.

Senator Barron was excused for the purpose of working on the final draft of Article V of the Constitution.

SECOND READING

CS for HB 16-D—A bill to be entitled An act relating to taxation and finance; amending Title XIII, Florida Statutes, to provide for the imposition, collection and administration of an income tax on corporations and other artificial persons; amending subsection 323.15(6), Florida Statutes, to remove the income tax exemption of motor carriers; amending sections 624.0307 and 624.0308, Florida Statutes, to provide a credit for insurers against insurance premium taxes for an amount of income taxes paid; providing an appropriation and procedures for competitive bidding; providing an effective date.

—was read the second time by title.

On motion by Senator de la Parte, Arthur J. England, Jr., Special Tax Counsel for the House of Representatives, and Dr. Leroy Qualls, Legal Economist for the Senate Committee on Ways and Means, were granted privileges of the floor.

The Committee on Ways and Means offered the following amendment which was moved by Senator de la Parte:

Amendment 1—On page 25, line 13, strike all of lines 13 through 31 on page 25 and all of lines 1 through 10 on page 26.

Senator Knopke presiding.

The President presiding.

Senator Henderson presiding.

The President presiding.

Amendment 1 was adopted by the following vote:

Yeas—25

Mr. President	Gong	Lewis (33rd)	Scarborough
Barron	Graham	Lewis (43rd)	Weissenborn
Beaufort	Gunter	Myers	Williams
Bell	Haverfield	Pope	Wilson
Brantley	Johnson (34th)	Poston	
Broxson	Karl	Reuter	
Childers	Knopke	Saunders	

Nays—22

Arnold	Deeb	Johnson (29th)	Stolzenburg
Barrow	de la Parte	Lane	Trask
Bishop	Ducker	McClain	Ware
Boyd	Fincher	Ott	Weber
Brannen	Henderson	Plante	
Daniel	Hollahan	Sayler	

The Committee on Ways and Means offered the following amendment which was moved by Senator de la Parte:

Amendment 2—On page 45, line 12 strike all of lines 12 through 29 on page 45, and all of pages 46 and 47, and all of lines 1 through 6 on page 48, and insert: Section 3. Section 624.0307, Florida Statutes, is amended by adding a new subsection (4) to read:

624.0307 Premium tax; rate and computation.—

(4) The income tax imposed under chapter 220, Florida Statutes, which is paid by any insurer shall be credited against and to the extent thereof discharge the liability for tax imposed by this section for the annual period in which said income tax payment is made. For purposes of this subsection, payments of estimated income tax under chapter 220, Florida Statutes, shall be deemed "paid" either at the time the insurer actually files its annual return under that chapter or at the time said return is required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

Section 4. Section 624.0308, Florida Statutes, is amended by adding a new subsection (3) to read:

(3) The income tax imposed under chapter 220, Florida Statutes, which is paid by any insurer shall be credited against and to the extent thereof discharge the liability for tax imposed by this section for the annual period in which said income tax payment is made; provided that the aggregate income tax credit for any insurer under this subsection and subsection 624.0307 (4) shall not exceed the amount of tax paid under chapter 220 in any calendar year. For purposes of this subsection, payments of estimated income tax under chapter 220, Florida Statutes, shall be deemed "paid" either at the time the insurer actually files its annual return under that chapter or at the time said return is required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

Senator Hollahan moved that the Senate recess at 12:30 p.m. to reconvene at 2:00 p.m. The motion was adopted.

The hour of adjournment having arrived, a point of order was called and the Senate recessed at 12:30 p.m. to reconvene at 2:00 p.m.

AFTERNOON SESSION

The Senate was called to order by the President at 2:00 p.m. A quorum present—46:

Mr. President	Bell	Brantley	Deeb
Arnold	Bishop	Broxson	de la Parte
Barrow	Boyd	Childers	Ducker
Beaufort	Brannen	Daniel	Fincher

Gong	Johnson (34th)	Ott	Trask
Graham	Karl	Plante	Ware
Gunter	Knopke	Pope	Weber
Haverfield	Lane	Poston	Weissenborn
Henderson	Lewis (33rd)	Reuter	Williams
Hollahan	Lewis (43rd)	Saunders	Wilson
Horne	McClain	Sayler	
Johnson (29th)	Myers	Scarborough	

Senator Stolzenburg was recorded present.

The question recurred on amendment 2 which was adopted by the following vote:

Yeas—24

Mr. President	Brantley	Horne	Ott
Arnold	Broxson	Johnson (29th)	Plante
Barrow	Daniel	Johnson (34th)	Poston
Beaufort	de la Parte	Knopke	Scarborough
Bishop	Gunter	Lane	Stolzenburg
Brannen	Hollahan	McClain	Trask

Excused: Senator Stolzenburg until 2:45 p.m.; Senator Barron until 3:30 p.m. due to illness.

The Senate resumed consideration of—

CS for HB 16-D—A bill to be entitled An act relating to taxation and finance; amending Title XIII, Florida Statutes, to provide for the imposition, collection and administration of an income tax on corporations and other artificial persons; amending subsection 323.15(6), Florida Statutes, to remove the income tax exemption of motor carriers; amending sections 624.0307 and 624.0308, Florida Statutes, to provide a credit for insurers against insurance premium taxes for an amount of income taxes paid; providing an appropriation and procedures for competitive bidding; providing an effective date.

Nays—21

Bell	Gong	Pope	Weissenborn
Boyd	Graham	Reuter	Williams
Childers	Haverfield	Saunders	Wilson
Deeb	Lewis (33rd)	Sayler	
Ducker	Lewis (43rd)	Ware	
Fincher	Myers	Weber	

Senator Barron was recorded present.

Senator Deeb offered and moved the following substitute amendment for amendment 2 which failed:

The Committee on Ways and Means offered the following amendment which was moved by Senator de la Parte and failed:

Amendment 3—On pages 45-46, 47-48, line 12 strike Entire Sections 3. and 4. Insert: New Section 3. to read as follows: Any retaliatory tax imposed by other states or countries against Florida insurance companies as a result of the passage of this Code shall be credited against and to the extent thereof discharge the liability of such Florida companies for the tax under this Code for the taxable year in which payment is made.

Amendment 4—On page 20, line 13 strike all of lines 13 through 15 and insert the following: Revenue Code shall mean taxable income as defined in section 63 of the Internal Revenue Code, and not small business corporation taxable income described in subsection 1373 (d) of the Code.

Senators Broxson and Wilson offered the following amendment to amendment 2 which was moved by Senator Broxson and failed:

Senator Horne presiding.

The vote was:

Amendment 2a—At the end of amendment 2 add the following: Section 624.0312(1), Florida Statutes, is amended to read:

624.0312 Regional home offices of foreign insurers; credits on premium tax liability.—

(1) A foreign insurer formed by or under the laws of any other state or foreign country, which is subject to the taxes imposed by sections 624.0307 and 624.0308, and which owns and substantially occupies any building in this state as a regional home office, as hereinafter defined, shall be entitled to the following credits and deductions against such tax:

Yeas—23

Mr. President	de la Parte	Karl	Scarborough
Beaufort	Gunter	Knopke	Stolzenburg
Bell	Haverfield	Lane	Ware
Bishop	Henderson	McClain	Weissenborn
Childers	Hollahan	Plante	Williams
Daniel	Johnson (34th)	Pope	

Nays—23

Arnold	Deeb	Lewis (33rd)	Saunders
Barron	Ducker	Lewis (43rd)	Sayler
Barrow	Gong	Myers	Trask
Boyd	Graham	Ott	Weber
Brantley	Horne	Poston	Wilson
Broxson	Johnson (29th)	Reuter	

(a) An amount equal to fifty per cent of the amount of the tax as determined under said sections;

(b) An amount equal to the full amount of all ad valorem taxes paid by such a foreign insurer during the year next preceding the filing of the return required by section 624.0309;

1. Upon any building and the land on which it stands in this state owned and substantially occupied by such foreign insurer in the said tax year as a regional home office, together with any adjacent land as may be required for the convenient use and occupation thereof, and

2. Upon any property used in connection with the operation and maintenance of such regional home office; provided, however, that in no event shall such credits and deductions reduce the amount of tax payable to less than twenty per cent of the amount of the tax as determined under sections 624.0307 and 624.0308; and, provided further, that as to a foreign insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty lines, the tax imposed by sections 624.0307 and 624.0308, as intended and contemplated by the above provisions of this subsection, shall be construed to mean the net amount of said tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firemen's relief and pension funds and policemen's retirement funds maintained in such cities or towns, as provided in and by relevant provisions of Florida statutes.

Abstention from Voting on Amendment 4

I am not voting on Sub-Chapter S, amendment due to possible conflict of interest.

Bob Brannen, District 28

The President presiding.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 5—On page 2, line 15 strike all of line 15.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 6—On page 6, line 21 strike "619" and insert: 618

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 7—On page 10, line 9 strike all of line 9.

Senator Ducker moved that the Senate reconsider the vote by which Amendment 4 failed. The motion was adopted by the following vote:

Yeas—23

Mr. President	de la Parte	Knopke	Scarborough
Arnold	Ducker	Lane	Stolzenburg
Beaufort	Gunter	McClain	Ware
Bell	Henderson	Plante	Weissenborn
Bishop	Johnson (34th)	Pope	Williams
Daniel	Karl	Reuter	

Nays—21

Barron	Gong	Lewis (43rd)	Trask
Barrow	Graham	Myers	Weber
Boyd	Haverfield	Ott	Wilson
Brantley	Horne	Poston	
Broxson	Johnson (29th)	Saunders	
Deeb	Lewis (33rd)	Sayler	

By unanimous consent Senator Hollahan was recorded as voting yea.

The question recurred on the adoption of amendment 4 which was adopted by the following vote:

Yeas—26

Mr. President	Daniel	Karl	Scarborough
Arnold	de la Parte	Knopke	Stolzenburg
Beaufort	Ducker	Lane	Ware
Bell	Gunter	McClain	Weissenborn
Bishop	Haverfield	Plante	Williams
Brantley	Henderson	Pope	
Childers	Johnson (34th)	Reuter	

Nays—19

Barron	Gong	Lewis (43rd)	Sayler
Barrow	Graham	Myers	Trask
Boyd	Horne	Ott	Weber
Broxson	Johnson (29th)	Poston	Wilson
Deeb	Lewis (33rd)	Saunders	

By unanimous consent Senator Hollahan was recorded as voting yea.

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 8—On page 13, line 16 strike “; and” on line 16 and all of lines 17 through 21 and insert the following: a period (.)

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 9—On page 18, line 28 strike the period (.) and insert the following: a semicolon (;)

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 10—On page 26, line 11 strike all of paragraph (3)

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 11—On page 48, line 15 strike all of paragraph (b) and the reference to “(a)” on page 48, line 8

The Committee on Ways and Means offered the following amendment which was adopted on motion by Senator de la Parte:

Amendment 12—On page 1, line 16 strike all of lines 16 and 17

On motion by Senator de la Parte the following amendment was adopted:

Amendment 13—On page 45 after line 9 insert the following: the sales tax imposed by Chapter 212, Florida Statutes,

On motion by Senator de la Parte the following amendment was adopted:

Amendment 14—On page 16, line 9 strike (IV) and insert the following: (III)

Senators McClain, Deeb and Brantley offered the following amendment which was moved by Senator McClain:

Amendment 15—Insert as section 6 on page 49 and renumber sections 6, 7 and 8:

No revenue derived from this act shall be used to bus students to public schools in order to create a balance based on race, creed or color.

Senator Myers raised a point of order that the amendment was out of order in that it was not within the purview of the Governor's call as it related to the question of appropriation; therefore the amendment was not germane to the bill.

The President appointed a committee composed of Senators Hollahan, Horne and Wilson to examine the amendment and advise the Chair.

The committee advised the Chair that the bill was not an appropriation item and, therefore, the prohibition of use of revenue would be out of order. The Chair ruled the point of order well taken and the amendment was out of order.

Senator Horne moved the adoption of the following amendment which failed:

Amendment 16—On page 6, line 17, Strike on lines 17, 18, and 19 the following:

“common law declaration of trust under chapter 609, corporation not for profit under chapter 617”

Strike on lines 23 and 24 the following:

“private school corporations under chapter 623”

Strike on line 26 the following:

“and all other organizations, associations,”

Strike all of line 27

Strike on page 7 all of lines 1 and 2 and through the word “jurisdiction” on line 3.

On motion by Senator Horne the following amendment was adopted:

Amendment 17—On page 10, lines 25-26 strike “5% of the taxpayer's net income for the taxable year.” and insert the following: 2½% of the taxpayer's net income up to \$25,000 for the taxable year, and 5% of the taxpayer's net income in excess of \$25,000 for the taxable year.

Senator Plante offered the following amendment:

Amendment 18—On page 17(a), line 1 strike lines 1 through 31 on page 17(a), lines 1 through 29 on page 17(b) and lines 1 through 14 on page 17(c) and insert on page 16, after line 12 the following: (iv) Any taxpayer which returns any portion of its income for federal income tax purposes under section 453 of the Internal Revenue Code (whether or not as a dealer) shall adjust its taxable income in order to arrive at adjusted federal income:

a. by subtracting all installment sale income reported in the taxable year with respect to income realized from such sales prior to January 1, 1972; and

b. by adding to such taxable income all expenses deducted on the return for the taxable year which are attributable

to income realized from installment sales transactions prior to January 1, 1972, including collection costs and expenses attributable to servicing such prior sales.

On motion by Senator Hollahan, the Senate adjourned at 5:00 p.m. to reconvene at 9:30 a.m., December 3, 1971.