STATE OF MINNESOTA

EIGHTY-FOURTH SESSION — 2005

FIRST DAY

SAINT PAUL, MINNESOTA, TUESDAY, JANUARY 4, 2005

In accordance with the Constitution and the Laws of the State of Minnesota, the members-elect of the House of Representatives assembled in the Chamber of the House of Representatives in the Capitol in Saint Paul on Tuesday, the fourth day of January 2005.

At the hour of twelve o'clock noon and pursuant to Minnesota Statutes 2004, Section 3.05, the Honorable Mary Kiffmeyer, Secretary of State, called the members-elect to order and appointed the Honorable Ron Abrams from District 43B as Clerk pro tempore.

Prayer was offered by the Reverend Lonnie E. Titus, Farmington, Minnesota.

The members of the House gave the pledge of allegiance to the flag of the United States of America.

The Clerk pro tempore called the roll by legislative district in numerical order, and the following members-elect presented proof of their eligibility to be sworn in and seated as members of the House of Representatives:

1A Maxine Penas 9B Paul Marquart
1B Bernie L. Lieder 10A Bud Nornes
2A Kent Eken 10B Dean Simpson
2B Brita Sailer 11A Torrey Westrom
3A Irv Anderson 11B Mary Ellen Otremba
3B Loren A. Solberg 12A Paul Gazelka
4A Frank Moe 12B Greg Blaine
4B Larry Howes 13A Bud Heidgerken
5A Tom Rukavina 13B Al Juhnke
5B Anthony "Tony" Sertich 14A Dan Severson
6A David Dill 14B Larry Hosch
6B Mary Murphy 15A Jim Knoblach
7A Thomas Huntley 15B Joe Opatz
7B Mike Jaros 16A Sondra Erickson
8A Bill Hilty 16B Mark Olson
8B Judy Soderstrom 17A Rob Eastlund
9A Morrie Lanning 17B Pete Nelson
18A ......................... Scott Newman
18B ......................... Dean Urdahl
19A ......................... Bruce Anderson
19B ......................... Tom Emmer
20A ......................... Aaron Peterson
20B ......................... Lyle Koenen
21A ......................... Marty Seifert
21B ......................... Brad Finstad
22A ......................... Doug Magnus
22B ......................... Rod Hamilton
23A ......................... Ruth Johnson
23B ......................... John Dorn
24A ......................... Bob Gunther
24B ......................... Tony Cornish
25A ......................... Laura Brod
25B ......................... Ray Cox
26A ......................... Connie Ruth
26B ......................... Patti Fritz
27A ......................... Dan Dorman
27B ......................... Jeanne Poppe
28A ......................... Jerry Dempsey
28B ......................... Steve Sviggum
29A ......................... Randy Demmer
29B ......................... Fran Bradley
30A ......................... Tina Liebling
30B ......................... Andy Welti
31A ......................... Gene Pelowski, Jr.
31B ......................... Gregory M. Davids
32A ......................... Joyce Peppin
32B ......................... Kurt Zellers
33A ......................... Steve Smith
33B ......................... Barb Sykora
34A ......................... Paul Kohls
34B ......................... Joe Hoppe
35A ......................... Mike Beard
35B ......................... Mark Buesgens
36A ......................... Mary Liz Holberg
36B ......................... Pat Garofalo
37A ......................... Lloyd Cybart
37B ......................... Dennis Ozment
38A ......................... Tim Wilkin
38B ......................... Lynn Wardlow
39A ......................... Rick Hansen
39B ......................... Joe Atkins
40A ......................... Duke Powell
40B ......................... Ann Lenczewski
41A ......................... Ron Erhardt
41B ......................... Neil W. Peterson
42A ......................... Maria Ruud
42B ......................... Erik Paulsen
43A ......................... Jeff Johnson
43B ......................... Ron Abrams
44A ......................... Steve Simon
44B ......................... Ron Latz
45A ......................... Sandra Peterson
45B ......................... Lyndon R. Carlson
46A ......................... Mike Nelson
46B ......................... Debra Hilstrom
47A ......................... Denise R. Dittrich
47B ......................... Melissa Hortman
48A ......................... Tom Hackbarth
48B ......................... Jim Abeler
49A ......................... Chris DeLaForest
49B ......................... Kathy Tingelstad
50A ......................... Barb Goodwin
50B ......................... Char Samuelson
51A ......................... Andy Westerberg
51B ......................... Connie Bernardy
52A ......................... Ray Vandeever
52B ......................... Matt Dean
53A ......................... Phil Krinke
53B ......................... Doug Meslow
54A ......................... Mindy Greiling
54B ......................... Bev Scalze
55A ......................... Leon M. Lillie
55B ......................... Nora Slawik
56A ......................... Mike Charron
56B ......................... Karen Klinzing
57A ......................... Katie Sieben
57B ......................... Denny McNamara
58A ......................... Joe Mullery
58B ......................... Keith Ellison
59A ......................... Diane Loefler
59B ......................... Phyllis Kahn
60A ......................... Margaret Anderson Kelliher
60B ......................... Frank Hornstein
61A ......................... Karen Clark
61B ......................... Neva Walker
62A ......................... Jim Davnie
62B ......................... Jean Wagenius
63A ......................... Paul Thissen
63B ......................... Dan Larson
64A ......................... Matt Entenza
64B ......................... Michael Paymar
65A ......................... Cy Thao
65B ......................... Carlos Mariani
66A ......................... John Lesch
66B ......................... Alice Hausman
67A ......................... Tim Mahoney
67B ......................... Sheldon Johnson

134 eligible persons answered to the call by legislative district.
OATH OF OFFICE

The members-elect subscribed to the oath of office as administered to them by the Honorable Chief Justice Kathleen A. Blatz.

The members took their seats in the Chamber of the House of Representatives.

The Clerk pro tempore called the roll in alphabetical order and the following answered to their names:

Abeler  Dill  Hilstrom  Latz  Ozment  Slawik
Abrams  Dittrich  Hilty  Lenczewski  Paulsen  Smith
Anderson, B.  Dorman  Holberg  Lesch  Paymar  Soderstrom
Anderson, I.  Dorn  Hoppe  Liebling  Pelowski  Solberg
Atkins  Eastlund  Hornstein  Lieder  Penas  Sviggum
Beard  Eken  Hortman  Lillie  Peppin  Sykora
Bernardy  Ellison  Hosch  Loeffler  Peterson, A.  Thao
Blaine  Emmer  Howes  Magnus  Peterson, N.  Thissen
Bradley  Entenza  Huntley  Mahoney  Peterson, S.  Tingelstad
Brod  Erhardt  Jaros  Mariani  Poppe  Urdahl
Buesgens  Erickson  Johnson, J.  Marquart  Powell  Vandevier
Carlson  Finstad  Johnson, R.  McNamara  Rukavina  Wagenius
Charron  Fritz  Johnson, S.  Meslow  Ruth  Walker
Clark  Garofalo  Juhnke  Moe  Ruud  Wardlow
Cornish  Gazelka  Kahn  Mullery  Sailer  Welti
Cox  Goodwin  Kellher  Murphy  Samuelson  Westerberg
Cybart  Greiling  Klinzing  Nelson, M.  Scalze  Westrom
Davids  Gunther  Knoblach  Nelson, P.  Seifert  Wilkin
Davnie  Hackathorn  Koenen  Newman  Sertich  Zellers
Dean  Hamilton  Kohls  Nornes  Severson  Sieben
DeLaForest  Hansen  Krinke  Olson  Simen  Simon
Demmer  Hausman  Lanning  Opatz  Simpson
Dempsey  Heidgerken  Larson  Otrema  Simpson

A quorum was present.

ELECTION OF OFFICERS

The Secretary of State announced the next order of business to be the election of the Speaker.

The name of Steve Sviggum was placed in nomination by Hoppe. The nomination was seconded by Dorman and Penas.

The name of Matt Entenza was placed in nomination by Dorn. The nomination was seconded by Fritz and Lieder.

There being no further nominations, the Secretary of State declared the nominations closed.

The Clerk pro tempore called the roll on the election of a Speaker.
The following members of the House voted for Sviggum:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dean</th>
<th>Gunther</th>
<th>Lanning</th>
<th>Peterson, N.</th>
<th>Urdahl</th>
</tr>
</thead>
<tbody>
<tr>
<td>Abrams</td>
<td>DeLaForest</td>
<td>Hackbarth</td>
<td>Magnus</td>
<td>Powell</td>
<td>Vandeveer</td>
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<tr>
<td>Beard</td>
<td>Demmer</td>
<td>Hamilton</td>
<td>McNamara</td>
<td>Ruth</td>
<td>Wardlow</td>
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<tr>
<td>Blaine</td>
<td>Dempsey</td>
<td>Heidgerken</td>
<td>Meslow</td>
<td>Samuelson</td>
<td>Westerberg</td>
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<tr>
<td>Bradley</td>
<td>Dorman</td>
<td>Hulberg</td>
<td>Nelson, P.</td>
<td>Seifert</td>
<td>Westrom</td>
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<tr>
<td>Brod</td>
<td>Eastlund</td>
<td>Hoppe</td>
<td>Newman</td>
<td>Severson</td>
<td>Wilkin</td>
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<tr>
<td>Buesgens</td>
<td>Emmer</td>
<td>Howes</td>
<td>Nornes</td>
<td>Simpson</td>
<td>Zellers</td>
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<tr>
<td>Charron</td>
<td>Erhardt</td>
<td>Johnson, J.</td>
<td>Olson</td>
<td>Smith</td>
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<tr>
<td>Cornish</td>
<td>Erickson</td>
<td>Klinzing</td>
<td>Ozment</td>
<td>Soderstrom</td>
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<tr>
<td>Cox</td>
<td>Finstad</td>
<td>Knoblach</td>
<td>Paulsen</td>
<td>Svigum</td>
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<tr>
<td>Cybart</td>
<td>Garofalo</td>
<td>Kohls</td>
<td>Penas</td>
<td>Sykora</td>
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</tr>
<tr>
<td>Davids</td>
<td>Gazelka</td>
<td>Krinkie</td>
<td>Peppin</td>
<td>Tinglestad</td>
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</tbody>
</table>

Sviggum received 67 votes.

The following members of the House voted for Entenza:

<table>
<thead>
<tr>
<th>Anderson, I.</th>
<th>Entenza</th>
<th>Huntley</th>
<th>Liebling</th>
<th>Opatz</th>
<th>Sieben</th>
</tr>
</thead>
<tbody>
<tr>
<td>Atkins</td>
<td>Fritz</td>
<td>Jaros</td>
<td>Lieder</td>
<td>Paymar</td>
<td>Simon</td>
</tr>
<tr>
<td>Bernardy</td>
<td>Goodwin</td>
<td>Johnson, R.</td>
<td>Lillie</td>
<td>Pelowski</td>
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</tr>
<tr>
<td>Carlson</td>
<td>Greiling</td>
<td>Johnson, S.</td>
<td>Loeffler</td>
<td>Peterson, A.</td>
<td>Solberg</td>
</tr>
<tr>
<td>Clark</td>
<td>Hansen</td>
<td>Kahn</td>
<td>Mahoney</td>
<td>Poppe</td>
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<tr>
<td>Davnie</td>
<td>Hausman</td>
<td>Keliher</td>
<td>Mariani</td>
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<tr>
<td>Dill</td>
<td>Hilstrom</td>
<td>Koenen</td>
<td>Marquart</td>
<td>Ruan</td>
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<tr>
<td>Dittrich</td>
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<td>Moe</td>
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<tr>
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<td>Latz</td>
<td>Mullery</td>
<td>Sailer</td>
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<tr>
<td>Eken</td>
<td>Hortman</td>
<td>Lenczewski</td>
<td>Murphy</td>
<td>Scalze</td>
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<tr>
<td>Ellison</td>
<td>Hosch</td>
<td>Lesch</td>
<td>Nelson, M.</td>
<td>Sertich</td>
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</table>

Entenza received 64 votes.

Steve Sviggum, having received a majority of the votes cast, was declared duly elected Speaker of the House.

Hamilton, Brod, Charron, Dean and Ruth were appointed to escort the Speaker-elect to the rostrum.

**OATH OF OFFICE**

The oath of office was administered to Speaker-elect Steve Sviggum by the Honorable Chief Justice Kathleen A. Blatz. The Speaker expressed his appreciation for the honor bestowed upon him.

The Speaker announced the next order of business to be the election of the Chief Clerk.

The name of Albin A. Mathiowetz was placed in nomination by Ozment. The nomination was seconded by Bernardy.

There being no further nominations, the Speaker declared the nominations closed.
The Clerk pro tempore called the roll on the election of the Chief Clerk and the following voted for Mathiowetz:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Dill</th>
<th>Hilstrom</th>
<th>Latz</th>
<th>Ozment</th>
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<td>Samuelson</td>
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<td>Hack Barth</td>
<td>Koenen</td>
<td>Newman</td>
<td>Sertich</td>
<td>Spk. Sviggum</td>
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<tr>
<td>Dean</td>
<td>Hamilton</td>
<td>Kohls</td>
<td>Nornes</td>
<td>Severson</td>
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<td>Otreamba</td>
<td>Simpson</td>
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</table>

Albin A. Mathiowetz, having received a majority of the votes cast, was declared duly elected Chief Clerk of the House of Representatives.

OATH OF OFFICE

The oath of office was administered to the Chief Clerk-elect by the Speaker.

The Speaker announced the next order of business to be the election of other elected officers of the House of Representatives.

Kelliher offered the following resolution and moved its adoption:

*Resolved*, that the election of other officers be made on one roll call unless there should be more than one nomination for any one office.

The motion prevailed and the resolution was adopted.

Kelliher placed the following names in nomination for elected officers of the Minnesota House of Representatives:

The name of Patrick D. Murphy for First Assistant Chief Clerk.

The name of Gail C. Romanowski for Second Assistant Chief Clerk.
The name of Shawn M. Peterson for Chief Sergeant at Arms.

The name of Andrew H. Carter for First Assistant Sergeant at Arms.

The name of Jake Jewell for Second Assistant Sergeant at Arms/Postmaster.

The name of Sandra A. Dicke for Assistant Sergeant at Arms.

The name of Soliving K. Kong for Assistant Postmaster.

The name of David G. Surdez for Index Clerk.

The name of the Reverend Lonnie E. Titus for Chaplain.

There being no further nominations, the Speaker declared the nominations closed.

The Chief Clerk called the roll on the election of the other officers and the following members voted for Murphy, Romanowski, Peterson, Carter, Jewell, Dicke, Kong, Surdez and Titus:

Abeler
Abrams
Anderson, B.
Atkins
Beard
Bernardy
Blaine
Bradley
Brod
Buesgens
Carlson
Charron
Clark
Cornish
Cox
Cybart
Davids
Davnie
Dean
DeLaForest
Demmer
Dempsey
Dill

Dittrich
Dormant
Dorn
Eastlund
Eken
Ellison
Emmer
Entenza
Erhardt
Erickson
Finstad
Fritz
Garofalo
Gazelka
Goodwin
Greiling
Günther
Hackbarth
Hamilton
Hansen
Hausman
Heidgerken
Hilstrom

Hilty
Holberg
Dorn
Hornstein
Hortman
Hosch
Howes
Huntley
Jaros
Johnson, J.
Johnson, R.
Johnson, S.
Juhnke
Kahn
Kelliher
Klinzing
Knoblauch
Koenen
Krinkel
Lanning
Larson
Lanz

Lenczewski
Lesch
Liebling
Lieder
Lillie
Loeffler
Magnus
Mahoney
Mariam
Marquart
McNamara
Moe
Mullery
Murphy
Nelson, M.
Nelson, P.
Newman
Normals
Norske
Olson
Opatz
Otrema
Ozment

Paulsen
Paymar
Pelowski
Penas
Peppin
Peterson, A.
Peterson, N.
Peterson, S.
Poppe
Powell
Rukavina
Ruth
Ruud
Sailer
Samuelson
Scalze
Sertich
Seifert
Sieben
Simon
Simpson
Slawik

Smith
Soderstrom
Solberg
Sykora
Thao
Thissen
Tingelstad
Urdahl
Vandeveer
Wagenius
Walker
Wardlow
Welti
Westerberg
Westrom
Wilkin
Zellers
Spk. Sviggum

The following member voted for Murphy, Romanowski, Peterson, Carter, Jewell, Dicke, Kong and Surdez:

Anderson, I.

The nominees, having received a majority of the votes cast, were declared duly elected to their respective offices.
OATH OF OFFICE

The oath of office was administered by the Speaker to those elected to the above offices.

Paulsen offered the following resolution and moved its adoption:

Be It Resolved by the House of Representatives of the State of Minnesota that the Temporary Rules of the House for this session, the 84th Regular Session, are the same as the Temporary Rules of the House for the last session, the 83rd Regular Session, as they existed on May 16, 2004, with the following exceptions:

Rule 1.10 shall read:

1.10 INTRODUCTION OF BILLS AND RESOLUTIONS. A bill or resolution must be submitted to the Speaker at least 24 hours before the convening of the daily session at which it is to be introduced.

A bill or resolution must be introduced in quadruplicate and each copy must bear the signature of the member or the name of the committee introducing it.

In regular session, a bill prepared by a department or agency of state government must be introduced and given its first reading at least ten days before the date of the first committee deadline.

Rule 4.03 shall read:

4.03 WAYS AND MEANS COMMITTEE; BUDGET RESOLUTION; EFFECT ON EXPENDITURE AND REVENUE BILLS. The Committee on Ways and Means must hold hearings as necessary to determine state expenditures and revenues for the fiscal biennium.

Within 20 days after the last state general fund revenue and expenditure forecast for the next fiscal biennium becomes available during the regular session in the odd-numbered year, the Committee on Ways and Means must adopt and report a budget resolution, in the form of a House resolution. The budget resolution must set: (a) the maximum limit on net expenditures for the next fiscal biennium for the general fund, excluding any increased expenditures for tax reduction and relief; and (b) an amount or amounts to be set aside as a budget reserve and a cash flow account. The House budget resolution must not specify, limit, or prescribe revenues or expenditures by any category other than those specified in clauses (a) and (b). After the House adopts the budget resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the House, acting upon a subsequent report of the Committee on Ways and Means, adopts a different limit or limits for the same fiscal biennium. During the regular session in the even-numbered year, before the Committee on Ways and Means reports a bill containing net increases or decreases in expenditures as compared to general fund expenditures in the current fiscal biennium estimated by the most recent state budget forecast, the Committee must adopt a budget resolution that accounts for the net changes in expenditures. After the Committee adopts the budget resolution, it is effective during the regular session that year, unless the Committee adopts a different or amended resolution.

Within 14 days after the House or the Committee on Ways and Means adopts a budget resolution, the Committee must adopt, by resolution, limits for each budget category represented by the major finance and revenue bills identified in this Rule. The Committee may also, by resolution, set limits for funds other than the general fund.
After the Committee adopts a resolution, the limits in the resolution are the maximums effective during the regular session in the year in which the resolution is adopted, unless the Committee subsequently adopts different or amended limits for the same fiscal biennium.

The Committee on Ways and Means may not combine any of the major finance or revenue bills.

Major finance and revenue bills are:

- the agriculture and rural development finance bill;
- the higher education finance bill;
- the K-12 education finance bill;
- the family and early childhood education finance bill;
- the agriculture, environment, and natural resources finance bill;
- the health and human services finance bill;
- the state government finance bill;
- the jobs and economic development opportunity finance bill;
- the transportation finance bill;
- the judiciary public safety finance bill;
- the omnibus capital investment bill; and
- the omnibus tax bill.

After the adoption of a resolution by the House or by the Committee on Ways and Means, each finance committee, the Committee on Capital Investment, and the Committee on Taxes must reconcile each finance and revenue bill described in Rule 4.10 and Rule 4.11 with the resolution or resolutions. When reporting a bill, the committee must provide to the Committee on Ways and Means a fiscal statement on the bill and a written statement certifying that the committee has reconciled the fiscal effect of the bill with the resolution or resolutions and that the bill, as reported by the committee, together with other bills reported and expected to be reported by the committee, does not and will not exceed the limits specified in the resolution or resolutions.

After the adoption of a resolution by the House or the Committee on Ways and Means, the Committee on Ways and Means must reconcile finance and revenue bills with the resolution or resolutions. When reporting a bill, the chair of the Committee must certify to the House that the Committee has reconciled the bill with the resolution or resolutions and that the bill, as reported by the committee, together with other bills reported and expected to be reported by the committee, does not and will not exceed the limits specified in the resolution or resolutions.

After the adoption of a resolution by the House or the Committee on Ways and Means, an amendment to a bill is out of order if it would cause any of the limits specified in the resolution or resolutions to be exceeded. Whether an amendment is out of order under this Rule is a question to be decided on the Floor by the Speaker or other presiding officer and in committee by the person chairing the committee meeting. In making the determination, the Speaker or other presiding officer or the committee chair may consider: (1) the limits in a resolution; (2) the effect of
existing laws on revenues and expenditures; (3) the effect of amendments previously adopted to the bill under consideration; (4) the effect of bills previously recommended by a committee or bills previously passed in the legislative session by the House or by the legislature; (5) whether expenditure increases or revenue decreases that would result from the amendment are offset by decreases in other expenditures or increases in other revenue specified by the amendment; and (6) other information reasonably related to expenditure and revenue amounts.

After a resolution is adopted by the House or the Committee on Ways and Means, the Committee must cause to be published a summary of the estimated fiscal effect on the general fund of each bill that has been referred to the Committee on Ways and Means by a finance committee, the Capital Investment Committee, or the Committee on Taxes and of each bill that has been reported by the Committee on Ways and Means.

Rule 4.13 shall read:

4.13 BILLS AFFECTING STATE GOVERNMENT POWERS AND STRUCTURE. The Committee on Governmental Operations and Veterans Affairs Policy has jurisdiction over a House or Senate bill that:

(a) establishes or reestablishes a department, agency, commission, board, task force, advisory committee or council, or bureau, or other like entity;

(b) delegates rulemaking authority to, or exempts from rulemaking, a department or agency of state government; or

(c) substantially changes the organization of a department or agency of state government or substantially changes, vests or divests the official rights, powers, or duties of an official, department or agency of state government or an institution under its control.

Except as otherwise provided in this Rule and Rule 1.15, a bill that is within the jurisdiction of the Committee on Governmental Operations and Veterans Affairs Policy must be referred to that Committee before it receives its second reading. A committee (other than the Committee on Governmental Operations and Veterans Affairs Policy) reporting such a bill must recommend its re-referral to the Committee on Governmental Operations and Veterans Affairs Policy if reporting before the deadline for action on the bill by that Committee; if reporting after the deadline, the committee must recommend re-referral to the Committee on Rules and Legislative Administration.

The re-referral requirements of this Rule do not apply to the major finance and revenue bills identified in Rule 4.03. If a major finance or revenue bill contains a provision specified in clauses (a) or (b) of the definition in this Rule, the chair of the finance or tax committee reporting the bill must notify the chair of the Committee on Rules and Legislative Administration before the bill is considered by the House.

The re-referral requirements of this Rule do not apply to other bills reported by a finance committee or the tax committee, except bills that contain a provision specified in clauses (a) and (b) of the definition in this Rule.

Rule 6.01 shall read:

6.01 COMMITTEES. Standing committees of the House must be appointed by the Speaker as follows:

Agriculture and Rural Development

Capital Investment

Civil Law and Elections
Commerce and Financial Institutions
  Technology, Bio-Sciences and Medical Products Division
  Tourism Division
Education Policy and Reform
Environment and Natural Resources
Ethics
Governmental Operations and Veterans Affairs
Local Government
Regulated Industries
  Gaming Division
Rules and Legislative Administration
Taxes
  Property and Local Tax Division
Transportation
Ways and Means
  Agriculture, Environment and Natural Resources Finance
  Education Finance
  Health Policy and Finance
    Health Care Cost Containment Division
  Higher Education Finance
  Jobs and Economic Opportunity Policy and Finance
  Public Safety Policy and Finance
  State Government Finance
  Transportation Finance
The Temporary Rules of the House for the 84th Regular Session apply until the Committee on Rules and Legislative Administration to be appointed by the Speaker has made its report and the House has adopted new permanent rules.

Olson moved to amend the proposed Temporary Rules for the 84th session as reported in the resolution as follows:

Page 6, after line 24, insert "The committee shall make its report and the House shall adopt permanent rules by February 15, 2005."

The motion prevailed and the amendment was adopted.

Entenza moved to amend the proposed Temporary Rules for the 84th session as reported in the resolution as follows:

Rule 6.02 is amended to read:

6.02 COMMITTEE MEMBERSHIP. At least 30 days before the start of a regular session of the Legislature, the Speaker-designate must provide the minority political party caucuses with a list of the standing committees proposed for the session. The Speaker-designate must prescribe the number of minority caucus members to be appointed to each committee and may require general membership guidelines to be followed in the selection of committee members.

If the minority leader submits to the Speaker-designate, at least 15 days before the start of the session, a list of proposed committee assignments for the minority caucus that complies with the numbers and guidelines provided, the Speaker must make the proposed assignments with the purpose of attaining proportionate representation on the committees for the minority caucus.

A committee of the House must not have exclusive membership from one profession, occupation or vocation. During the 84th Legislature, the number of members assigned to each committee of the House from the majority caucus must not exceed by more than one the number of members assigned from the minority caucus.

A member must not serve as the chair of the same standing committee, or a standing committee with substantially the same jurisdiction, during more than three consecutive regular biennial sessions that the member’s caucus is in the majority, even if the sessions are not otherwise consecutive. This Rule does not apply to service as chair of the Committee on Rules and Legislative Administration.

A roll call was requested and properly seconded.

The question was taken on the Entenza amendment and the roll was called. There were 67 yeas and 67 nays as follows:

Those who voted in the affirmative were:

Anderson, I.  Carlson  Dill  Eken  Fritz  Hansen
Atkins  Clark  Dittrich  Ellson  Goodwin  Hausman
Bernardy  Davnie  Dorn  Entenza  Greiling  Hilstrom
Those who voted in the negative were:

Abeler  Davids  Gazelka  Krinkie  Peterson, N.  Vandeveer
Abrams  Dean  Gunther  Lanning  Powell  Wardlow
Anderson, B.  DeLaForest  Hackbarth  Magnus  Ruth  Westerberg
Beard  Demmer  Hamilton  McNamara  Samuelson  Westrom
Blaine  Dempsey  Heidgerken  Meslow  Seifert  Wilkin
Bradley  Dorman  Holberg  Nelson, P.  Severson  Zellers
Brod  Eastlund  Hoppe  Newman  Simpson  Spk. Sviggum
Buesgens  Emmer  Howes  Nornes  Smith
Charroon  Erhardt  Johnson, J.  Oztment  Soderstrom
Cornish  Erickson  Klinzing  Paulsen  Sykora
Cox  Finstad  Knoblach  Penas  Tinglestad
Cybart  Garofalo  Kohls  Peppin  Urdaahl

The motion did not prevail and the amendment to the proposed Temporary Rules was not adopted.

Rukavina moved to amend the proposed Temporary Rules for the 84th session as reported in the resolution as follows:

Rule 4.03 shall read:

4.03 WAYS AND MEANS COMMITTEE; BUDGET RESOLUTION; EFFECT ON EXPENDITURE AND REVENUE BILLS. The Committee on Ways and Means must hold hearings as necessary to determine state expenditures and revenues for the fiscal biennium.

Within 20 days after the last state general fund revenue and expenditure forecast for the next fiscal biennium becomes available during the regular session in the odd-numbered year, the Committee on Ways and Means must adopt and report a budget resolution, in the form of a House resolution. The budget resolution must set: (a) the maximum limit on net expenditures for the next fiscal biennium for the general fund, excluding any increased expenditures for tax reduction and relief; and (b) an amount or amounts to be set aside as a budget reserve and a cash flow account. The House budget resolution must not specify, limit, or prescribe revenues or expenditures by any category other than those specified in clauses (a) and (b). After the House adopts the budget resolution, the limits in the resolution are effective during the regular session in the year in which the resolution is adopted, unless the House, acting upon a subsequent report of the Committee on Ways and Means, adopts a different limit or limits for the same fiscal biennium. During the regular session in the even-numbered year, before the Committee on Ways and Means reports a bill containing net increases or decreases in expenditures as compared to general fund expenditures in the current fiscal biennium estimated by the most recent state budget forecast, the Committee must adopt a budget resolution that accounts for the net changes in expenditures. After the Committee adopts the budget resolution, it is effective during the regular session that year, unless the Committee adopts a different or amended resolution.
Within 14 days after the House or the Committee on Ways and Means adopts a budget resolution, the Committee must adopt, by resolution, limits for each budget category represented by the major finance and revenue bills identified in this Rule. The Committee may also, by resolution, set limits for funds other than the general fund. After the Committee adopts a resolution, the limits in the resolution are the maximums effective during the regular session in the year in which the resolution is adopted, unless the Committee subsequently adopts different or amended limits for the same fiscal biennium.

The Committee on Ways and Means may not combine any of the major finance or revenue bills.

Major finance and revenue bills are:

- the agriculture and rural development finance bill;
- the higher education finance bill;
- the K-12 education finance bill;
- the family and early childhood education finance bill;
- the agriculture, environment, and natural resources finance bill;
- the health and human services finance bill;
- the state government finance bill;
- the jobs and economic development opportunity finance bill;
- the transportation finance bill;
- the judiciary public safety finance bill;
- the omnibus capital investment bill; and
- the omnibus tax bill.

After the adoption of a resolution by the House or by the Committee on Ways and Means, each finance committee, the Committee on Capital Investment, and the Committee on Taxes must reconcile each finance and revenue bill described in Rule 4.10 and Rule 4.11 with the resolution or resolutions. When reporting a bill, the committee must provide to the Committee on Ways and Means a fiscal statement on the bill and a written statement certifying that the committee has reconciled the fiscal effect of the bill with the resolution or resolutions and that the bill, as reported by the committee, together with other bills reported and expected to be reported by the committee, does not and will not exceed the limits specified in the resolution or resolutions.

After the adoption of a budget resolution by the House or the Committee on Ways and Means, the Committee on Ways and Means must reconcile finance and revenue bills with the resolution or resolutions. When reporting a bill, the chair of the Committee must certify to the House that the Committee has reconciled the bill with the budget resolution or resolutions and that the bill, as reported by the Committee, together with other bills reported and expected to be reported by the Committee, does not and will not exceed the limits specified in the resolution or resolutions.
After the adoption of a resolution by the House or the Committee on Ways and Means, an amendment to a bill is out of order in a finance committee or tax committee if it would cause any of the limits specified in the resolution or resolutions to be exceeded. After the adoption of a budget resolution by the House or the Committee on Ways and Means, an amendment to a bill is out of order in the Committee on Ways and Means or on the House Floor if it would require a change in the limits or amounts specified in the budget resolution. Whether an amendment is out of order under this Rule is a question to be decided on the Floor by the Speaker or other presiding officer and in committee by the person chairing the committee meeting. In making the determination, the Speaker or other presiding officer or the committee chair may consider: (1) the limits in a resolution; (2) the effect of existing laws on revenues and expenditures; (3) the effect of amendments previously adopted to the bill under consideration; (4) the effect of bills previously recommended by a committee or bills previously passed in the legislative session by the House or by the legislature; (5) whether expenditure increases or revenue decreases that would result from the amendment are offset by decreases in other expenditures or increases in other revenue specified by the amendment; and (6) other information reasonably related to expenditure and revenue amounts.

After a resolution is adopted by the House or the Committee on Ways and Means, the Committee must cause to be published a summary of the estimated fiscal effect on the general fund of each bill that has been referred to the Committee on Ways and Means by a finance committee, the Capital Investment Committee, or the Committee on Taxes and of each bill that has been reported by the Committee on Ways and Means.

A roll call was requested and properly seconded.

The question was taken on the Rukavina amendment and the roll was called. There were 66 yeas and 68 nays as follows:

Those who voted in the affirmative were:

- Anderson, I.
- Atkins
- Bernardy
- Carlson
- Clark
- Davnie
- Dill
- Dittrich
- Dorn
- Eken
- Ellison
- Entenza
- Fritz
- Goodwin
- Greiling
- Hansen
- Hausman
- Hilstrom
- Hilty
- Hornstein
- Horstman
- Hosch
- Huntley
- Jaros
- Johnson, R.
- Johnson, S.
- Juhnke
- Kahn
- Kelliher
- Koenen
- Larson
- Lesch
- Liebling
- Lieder
- Lillie
- Loeffler
- Mahoney
- Mariani
- Marquart
- Moe
- Latz
- Lenczewski
- Lesch
- Liebling
- Lieder
- Lillie
- Loeffler
- Mahoney
- Mariani
- Marquart
- Moe
- Latz
- Lenczewski
- Nelson, M.
- Opitz
- Otremba
- Paymar
- Pelowski
- Peterson, A.
- Peterson, S.
- Poppe
- Thissen
- Rukavina
- Wagensius
- Sailer
- Welti
- Scalze
- Sertich
- Sieben
- Simon
- Slawik
- Solberg
- Thao
- Thissen
- Wagensius
- Sailer
- Welti
- Spk. Sviggum

Those who voted in the negative were:

- Abeler
- Abrams
- Anderson, B.
- Beard
- Blaine
- Bradley
- Brod
- Buesgens
- Charbon
- Cornish
- Cox
- Cybart
- Davids
- DeLaForest
- Demmer
- Dempsey
- Dorman
- Eastlund
- Emmer
- Erhardt
- Erickson
- Finsad
- Garofalo
- Gazelka
- Hackbarth
- Hamilton
- Heidgerken
- Holberg
- Hoppe
- Howes
- Johnson, J.
- Klinzing
- Knoblach
- Kohls
- Krinkie
- Lanning
- Magnus
- McNamara
- Meslow
- Nelson, P.
- Newman
- Nornes
- Olson
- Ozment
- Paulsen
- Sykora
- Penas
- Peppin
- Peterson, N.
- Powell
- Ruth
- Samuelson
- Seifert
- Severson
- Simpson
- Smith
- Smith
- Soderstrom
- Sykora
- Tinglestad
- Tinglestad
- Vandeveer
- Wardlow
- Westerberg
- Westrom
- Wilkin
- Zellers
- Spk. Sviggum

The motion did not prevail and the amendment to the proposed Temporary Rules was not adopted.
The question recurred on the adoption of Temporary Rules and the roll was called. There were 68 yeas and 65 nays as follows:

Those who voted in the affirmative were:

<table>
<thead>
<tr>
<th>Abeler</th>
<th>Davids</th>
<th>Gazelka</th>
<th>Krinkie</th>
<th>Peppin</th>
<th>Urdahl</th>
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<tr>
<td>Abrams</td>
<td>DeLaForest</td>
<td>Gunther</td>
<td>Lanning</td>
<td>Peterson, N.</td>
<td>Vandeveer</td>
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<tr>
<td>Anderson, B.</td>
<td>Demmer</td>
<td>Hamilton</td>
<td>McNamara</td>
<td>Ruth</td>
<td>Westerberg</td>
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<tr>
<td>Beard</td>
<td>Dempsey</td>
<td>Heidgerken</td>
<td>Meslow</td>
<td>Samuelson</td>
<td>Westrom</td>
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<tr>
<td>Blaine</td>
<td>Dornman</td>
<td>Holberg</td>
<td>Nelson, P.</td>
<td>Seifert</td>
<td>Wilkin</td>
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<td>Bradley</td>
<td>Eastlund</td>
<td>Hoppe</td>
<td>Newman</td>
<td>Severson</td>
<td>Zellers</td>
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<td>Brod</td>
<td>Emmer</td>
<td>Howes</td>
<td>Nornes</td>
<td>Simpson</td>
<td>Spk. Svigum</td>
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<td>Buesgens</td>
<td>Erhardt</td>
<td>Johnson, J.</td>
<td>Olson</td>
<td>Smith</td>
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<td>Charron</td>
<td>Erickson</td>
<td>Klinzing</td>
<td>Ozment</td>
<td>Soderstrom</td>
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<td>Cornish</td>
<td>Finstad</td>
<td>Knoblach</td>
<td>Paulsen</td>
<td>Sykora</td>
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<tr>
<td>Cox</td>
<td>Garofalo</td>
<td>Kohls</td>
<td>Penas</td>
<td>Tingelstad</td>
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</tbody>
</table>

Those who voted in the negative were:

<table>
<thead>
<tr>
<th>Anderson, I.</th>
<th>Entenza</th>
<th>Huntley</th>
<th>Lesch</th>
<th>Nelson, M.</th>
<th>Sertich</th>
</tr>
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<tbody>
<tr>
<td>Atkins</td>
<td>Fritz</td>
<td>Jaros</td>
<td>Liebling</td>
<td>Opatz</td>
<td>Sieben</td>
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<tr>
<td>Bernardy</td>
<td>Goodwin</td>
<td>Johnson, R.</td>
<td>Lieder</td>
<td>Otremba</td>
<td>Simon</td>
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<tr>
<td>Carlson</td>
<td>Greiling</td>
<td>Johnson, S.</td>
<td>Lillie</td>
<td>Paymar</td>
<td>Slawik</td>
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<td>Clark</td>
<td>Hansen</td>
<td>Juhnke</td>
<td>Loeffler</td>
<td>Pelowski</td>
<td>Solberg</td>
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<tr>
<td>Davnie</td>
<td>Hausman</td>
<td>Kahn</td>
<td>Mahoney</td>
<td>Peterson, A.</td>
<td>Thao</td>
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<tr>
<td>Dill</td>
<td>Hilstrom</td>
<td>Kellher</td>
<td>Mariani</td>
<td>Poppe</td>
<td>Thissen</td>
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<td>Dittrich</td>
<td>Hilty</td>
<td>Koenen</td>
<td>Marquart</td>
<td>Rukavina</td>
<td>Wagenius</td>
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<tr>
<td>Dorn</td>
<td>Hornstein</td>
<td>Larson</td>
<td>Moe</td>
<td>Ruud</td>
<td>Walker</td>
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<tr>
<td>Eken</td>
<td>Hortman</td>
<td>Latz</td>
<td>Mullery</td>
<td>Sailer</td>
<td>Welti</td>
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<tr>
<td>Ellison</td>
<td>Hosch</td>
<td>Lenczewski</td>
<td>Murphy</td>
<td>Scalze</td>
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</table>

The motion prevailed and the resolution relating to the Temporary Rules for the 84th Session, as amended, was adopted.

Paulsen offered the following resolution and moved its adoption:

*Resolved*, that the Chief Clerk be instructed to inform the Senate by message that the House is duly organized pursuant to law.

The motion prevailed and the resolution was adopted.

Paulsen offered the following resolution and moved its adoption:

*Resolved*, that the Speaker appoint a committee of five members of the House to notify the Governor that the House of Representatives is now duly organized pursuant to law.

The motion prevailed and the resolution was adopted.
ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members of the House to the committee to notify the Governor that the House is now organized:

Beard, Lieder, Dill, Soderstrom and Opatz.

Paulsen offered the following resolution and moved its adoption:

Resolved, that necessary employees as directed by the Committee on Rules and Legislative Administration be authorized by the House effective today, Tuesday, January 4, 2005, to better expedite the business of the House.

Entenza moved to amend the Paulsen resolution relating to employees as follows:

Page 1, line 3, after the period, insert "During the 84th Legislature, Republican and Democrat caucus staffs will be identical in number, excluding Committee Administrators and Caucus Leadership Staff."

A roll call was requested and properly seconded.

The question was taken on the Entenza amendment and the roll was called. There were 66 yeas and 68 nays as follows:

Those who voted in the affirmative were:

Anderson, I.  Entenza  Huntley  Lesch  Nelson, M.  Scalze
Atkins  Fritz  Jaros  Liebling  Opatz  Sertich
Bernardy  Goodwin  Johnson, R.  Lieder  Otremba  Sieben
Carlson  Greiling  Johnson, S.  Lillie  Paymar  Simon
Clark  Hansen  Juhnke  Loeffler  Pelowski  Slawik
Davnie  Hausman  Kahn  Mahoney  Peterson, A.  Solberg
Dill  Hilstrom  Kelliher  Mariani  Peterson, S.  Thao
Dittrich  Hilty  Koenen  Marquart  Poppe  Thissen
Dorn  Hornstein  Larson  Moe  Rukavina  Wagenius
Eken  Hortman  Latz  Mullery  Ruud  Walker
Ellison  Hosch  Lenczewski  Murphy  Sailer  Welti

Those who voted in the negative were:

Abeler  Cornish  Eastlund  Hamilton  Krinkie  Ozment
Abrams  Cox  Emmer  Heidgerken  Lanning  Paulsen
Anderson, B.  Cybart  Erhardt  Holberg  Magnus  Penas
Beard  Davids  Erickson  Hoppe  McNamara  Peppin
Blaine  Dean  Finstad  Howes  Meslow  Peterson, N.
Bradley  DeLaForest  Garofalo  Johnson, J.  Nelson, P.  Powell
Brod  Demmer  Gazelka  Klinzing  Newman  Ruth
Buesgens  Dempsey  Gunther  Knoblach  Nornes  Samuelson
Charron  Dorman  Hackbarth  Kohls  Olson  Seifert
The motion did not prevail and the amendment to the Paulsen resolution relating to employees was not adopted.

The question recurred on the adoption of the Paulsen resolution relating to employees and the roll was called. There were 68 yeas and 66 nays as follows:

Those who voted in the affirmative were:

Abeler  Davids  Gazelka  Krinkie  Peppin  Urdahl
Abrams  Dean  Gunther  Lanning  Peterson, N.  Vandevan
Anderson, B.  DeLaForest  Hackbarth  Magnus  Powell  Wardlow
Beard  Demmer  Hamilton  McNamara  Ruth  Westrom
Blaine  Dempsey  Heidgerken  Meslow  Samuelson  Westrom
Bradley  Dorman  Holberg  Nelson, P.  Seifert  Wilkin
Brod  Eastlund  Hoppe  Newman  Severson  Zellers
Buesgens  Emmer  Howes  Nornes  Simpson  Spk. Sviggum
Charron  Erhardt  Johnson, J.  Olson  Smith  Seifert
Cornish  Erickson  Klingsing  Ozment  Soderstrom  Wilkin
Cox  Finstad  Knoblach  Paulsen  Sykora  Urdahl
Cybart  Garofalo  Kohls  Penas  Tingelstad  Westrom

Those who voted in the negative were:

Anderson, I.  Entenza  Huntley  Lesch  Nelson, M.  Scalze
Atkins  Fritz  Jaros  Liebling  Opatz  Sertich
Bernardy  Goodwin  Johnson, R.  Lieder  Otremba  Sieben
Carlson  Greiling  Johnson, S.  Lillie  Paymar  Simon
Clark  Hansen  Juhnke  Loeffler  Pelowski  Siefert
Davnie  Hausman  Kahl  Mahoney  Peterson, A.  Solberg
Dill  Hilstrom  Kelliher  Mariani  Peterson, S.  Thao
Dittrich  Hilty  Koenen  Marquart  Poppe  Thissen
Dorn  Hornstein  Larson  Moe  Rukavina  Wagenius
Eken  Hortman  Latz  Mullery  Ruud  Walker
Ellison  Hosch  Lenczewski  Murphy  Sailer  Welti

The motion prevailed and the resolution relating to employees was adopted.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of Representatives Abrams and Davids as Speakers pro tempore for the 2005-2006 session.

ANNOUNCEMENT BY THE SPEAKER

The Speaker announced the appointment of the following members to the Committee on Rules and Legislative Administration:

Paulsen, Chair; Samuelson, Vice Chair; Abrams; Anderson, B.; Hoppe; Johnson, J.; Kohls; Magnus; Ozment; Seifert; Smith; Sviggum; Tingelstad; Bernardy; Carlson; Hosch; Juhnke; Kelliher; Loeffler; Moe; Poppe; Sailer and Sertich.
Holberg offered the following resolution and moved its adoption:

Resolved, that the selection of permanent desks shall be as directed by the Speaker as follows:

(1) that the majority caucus shall occupy section 1, seats 1 to 19; section 2, seats 22 to 41; section 3, seats 42 to 68; and section 4, seat 91. All members of the majority caucus shall be seated in the manner prescribed by the majority caucus.

(2) that the minority caucus shall occupy section 4, seats 70 to 90 and 92 to 97; section 5, seats 99 to 119; and section 6, seats 120 to 138. All members of the minority caucus shall be seated in the manner prescribed by the minority caucus.

The motion prevailed and the resolution was adopted.

MESSAGES FROM THE SENATE

The following message was received from the Senate:

Mr. Speaker:

I have the honor to announce that the Senate of the State of Minnesota is now duly organized pursuant to law with the election of the following officers:

James P. Metzen, President
Patrick E. Flahaven, Secretary of the Senate
Patrice Dworak, First Assistant Secretary of the Senate
Colleen J. Pacheco, Second Assistant Secretary of the Senate
Catherine Morrison, Engrossing Secretary
Sven Lindquist, Sergeant at Arms
Marilyn H. Hall, Assistant Sergeant at Arms
Robert L. Lubben, Chaplain

PATRICK E. FLAHAVEN, Secretary of the Senate

ADJOURNMENT

Paulsen moved that when the House adjourns today it adjourn until 11:30 a.m., Thursday, January 6, 2005. The motion prevailed.

Paulsen moved that the House adjourn. The motion prevailed, and the Speaker declared the House stands adjourned until 11:30 a.m., Thursday, January 6, 2005.

ALBIN A. MATHIOWETZ, Chief Clerk, House of Representatives