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EIGHTY-FOURTH SESSION
OF THE
LEGISLATURE
STATE OF MINNESOTA
2005

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	43A.....	Jeff Johnson
18B.....	Dean Urdahl	43B.....	Ron Abrams
19A.....	Bruce Anderson	44A.....	Steve Simon
19B.....	Tom Emmer	44B.....	Ron Latz
20A.....	Aaron Peterson	45A.....	Sandra Peterson
20B.....	Lyle Koenen	45B.....	Lyndon R. Carlson
21A.....	Marty Seifert	46A.....	Mike Nelson
21B.....	Brad Finstad	46B.....	Debra Hilstrom
22A.....	Doug Magnus	47A.....	Denise R. Dittrich
22B.....	Rod Hamilton	47B.....	Melissa Hortman
23A.....	Ruth Johnson	48A.....	Tom Hackbarth
23B.....	John Dorn	48B.....	Jim Abeler
24A.....	Bob Gunther	49A.....	Chris DeLaForest
24B.....	Tony Cornish	49B.....	Kathy Tingelstad
25A.....	Laura Brod	50A.....	Barb Goodwin
25B.....	Ray Cox	50B.....	Char Samuelson
26A.....	Connie Ruth	51A.....	Andy Westerberg
26B.....	Patti Fritz	51B.....	Connie Bernardy
27A.....	Dan Dorman	52A.....	Ray Vandever
27B.....	Jeanne Poppe	52B.....	Matt Dean
28A.....	Jerry Dempsey	53A.....	Phil Krinkie
28B.....	Steve Sviggum	53B.....	Doug Meslow
29A.....	Randy Demmer	54A.....	Mindy Greiling
29B.....	Fran Bradley	54B.....	Bev Scalze
30A.....	Tina Liebling	55A.....	Leon M. Lillie
30B.....	Andy Welti	55B.....	Nora Slawik
31A.....	Gene Pelowski, Jr.	56A.....	Mike Charron
31B.....	Gregory M. Davids	56B.....	Karen Klinzing
32A.....	Joyce Peppin	57A.....	Katie Sieben
32B.....	Kurt Zellers	57B.....	Denny McNamara
33A.....	Steve Smith	58A.....	Joe Mullery
33B.....	Barb Sykora	58B.....	Keith Ellison
34A.....	Paul Kohls	59A.....	Diane Loeffler
34B.....	Joe Hoppe	59B.....	Phyllis Kahn
35A.....	Mike Beard	60A.....	Margaret Anderson Kelliher
35B.....	Mark Buesgens	60B.....	Frank Hornstein
36A.....	Mary Liz Holberg	61A.....	Karen Clark
36B.....	Pat Garofalo	61B.....	Neva Walker
37A.....	Lloyd Cybart	62A.....	Jim Davnie
37B.....	Dennis Ozment	62B.....	Jean Wagenius
38A.....	Tim Wilkin	63A.....	Paul Thissen
38B.....	Lynn Wardlow	63B.....	Dan Larson
39A.....	Rick Hansen	64A.....	Matt Entenza
39B.....	Joe Atkins	64B.....	Michael Paymar
40A.....	Duke Powell	65A.....	Cy Thao
40B.....	Ann Lenczewski	65B.....	Carlos Mariani
41A.....	Ron Erhardt	66A.....	John Lesch
41B.....	Neil W. Peterson	66B.....	Alice Hausman
42A.....	Maria Ruud	67A.....	Tim Mahoney
42B.....	Erik Paulsen	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	Vandever
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	Walti
Cox	Goodwin	Kelliher	Murphy	Samuelson	Westerberg
Cybart	Greiling	Klinzing	Nelson, M.	Scalze	Westrom
Davids	Gunther	Knoblach	Nelson, P.	Seifert	Wilkin
Davnie	Hackbarth	Koenen	Newman	Sertich	Zellers
Dean	Hamilton	Kohls	Nornes	Severson	
DeLaForest	Hansen	Krinkie	Olson	Sieben	
Demmer	Hausman	Lanning	Opatz	Simon	
Dempsey	Heidgerken	Larson	Otremba	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:

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

Sviggum received 67 votes.

The following members of the House voted for Entenza:

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

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:

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	Sykora
Beard	Eken	Hortman	Lillie	Peppin	Thao
Bernardy	Ellison	Hosch	Loeffler	Peterson, A.	Thissen
Blaine	Emmer	Howes	Magnus	Peterson, N.	Tingelstad
Bradley	Entenza	Huntley	Mahoney	Peterson, S.	Urdahl
Brod	Erhardt	Jaros	Mariani	Poppe	Vandever
Buesgens	Erickson	Johnson, J.	Marquart	Powell	Wagenius
Carlson	Finstad	Johnson, R.	McNamara	Rukavina	Walker
Charron	Fritz	Johnson, S.	Meslow	Ruth	Wardlow
Clark	Garofalo	Juhnke	Moe	Ruud	Welti
Cornish	Gazelka	Kahn	Mullery	Sailer	Westerberg
Cox	Goodwin	Kelliher	Murphy	Samuelson	Westrom
Cybart	Greiling	Klinzing	Nelson, M.	Scalze	Wilkin
Davids	Gunther	Knoblach	Nelson, P.	Seifert	Zellers
Davnie	Hackbarth	Koenen	Newman	Sertich	Spk. Sviggum
Dean	Hamilton	Kohls	Nornes	Severson	
DeLaForest	Hansen	Krinkie	Olson	Sieben	
Demmer	Hausman	Lanning	Opatz	Simon	
Dempsey	Heidgerken	Larson	Otremba	Simpson	

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

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~~ triplicate 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	Ellison	Goodwin	Hausman
Bernardy	Davnie	Dorn	Entenza	Greiling	Hilstrom

Hilty	Kahn	Lillie	Olson	Ruud	Thissen
Hornstein	Kelliher	Loeffler	Opatz	Sailer	Wagenius
Hortman	Koenen	Mahoney	Otremba	Scalze	Walker
Hosch	Larson	Mariani	Paymar	Sertich	Welti
Huntley	Latz	Marquart	Pelowski	Sieben	
Jaros	Lenczewski	Moe	Peterson, A.	Simon	
Johnson, R.	Lesch	Mullery	Peterson, S.	Slawik	
Johnson, S.	Liebling	Murphy	Poppe	Solberg	
Juhnke	Lieder	Nelson, M.	Rukavina	Thao	

Those who voted in the negative were:

Abeler	Dauids	Gazelka	Krinkie	Peterson, N.	Vandev eer
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	
Charron	Erhardt	Johnson, J.	Ozment	Soderstrom	
Cornish	Erickson	Klinzing	Paulsen	Sykora	
Cox	Finstad	Knoblach	Penas	Tingelstad	
Cybart	Garofalo	Kohls	Peppin	Urdahl	

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~~ require a change in the limits or amounts 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.	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	Davids	Gazelka	Krinkie	Peppin	Urdahl
Abrams	Dean	Gunther	Lanning	Peterson, N.	Vandever
Anderson, B.	DeLaForest	Hackbarth	Magnus	Powell	Wardlow
Beard	Demmer	Hamilton	McNamara	Ruth	Westerberg
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	
Cornish	Erickson	Klinzing	Ozment	Soderstrom	
Cox	Finstad	Knoblach	Paulsen	Sykora	
Cybart	Garofalo	Kohls	Penas	Tingelstad	

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:

Abeler	Davids	Gazelka	Krinkie	Peppin	Urdahl
Abrams	Dean	Gunther	Lanning	Peterson, N.	Vandev eer
Anderson, B.	DeLaForest	Hackbarth	Magnus	Powell	Wardlow
Beard	Demmer	Hamilton	McNamara	Ruth	Westerberg
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	
Cornish	Erickson	Klinzing	Ozment	Soderstrom	
Cox	Finstad	Knoblach	Paulsen	Sykora	
Cybart	Garofalo	Kohls	Penas	Tingelstad	

Those who voted in the negative were:

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

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	Walti

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

Severson	Soderstrom	Urdahl	Westerberg	Zellers
Simpson	Sykora	Vandever	Westrom	Spk. Sviggum
Smith	Tingelstad	Wardlow	Wilkin	

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.	Vandever
Anderson, B.	DeLaForest	Hackbarth	Magnus	Powell	Wardlow
Beard	Demmer	Hamilton	McNamara	Ruth	Westerberg
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	
Cornish	Erickson	Klinzing	Ozment	Soderstrom	
Cox	Finstad	Knoblach	Paulsen	Sykora	
Cybart	Garofalo	Kohls	Penas	Tingelstad	

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	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	Walti

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