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# Minnesota House of Representatives

## New Laws Effective Aug. 1, 2004

*Editor's Note: The following is a listing of selected new laws that take effect Aug. 1, 2004. These are laws passed during the 2004 Legislative Session. A complete summary of all laws passed by the 2004 Legislature will be available online in late August from the House Public Information Services Office (Follow the New Laws 2004 link at <http://www.house.mn>).*

### AGRICULTURE

#### Focusing on farming

A new law aims to make farm loan programs more accessible, protect the state's livestock industry, and boost dairy farmers' abilities to upgrade facilities. The following provisions are effective Aug. 1, 2004.

The new law will expand farmers' access to a number of Rural Finance Authority loan programs, make it more difficult to bring a nuisance lawsuit against a farm owner, and increase trespassing penalties on farms that raise domestic animals for commercial productions. Trespassers on land posted as a "bio-secure area" could be subject to a gross misdemeanor penalty.

The law sets a state livestock production policy "to promote livestock production on family farms under a broad range of management systems that are environmentally sound."

Another provision will exempt sellers of certain home-grown-home-canned pickles, fruits, and vegetables from state licensure requirements, provided they receive less than \$5,000 per year in sales from the products and meet certain labeling and signage requirements.

Other general policy changes include updating the law governing county agricultural societies and guidelines for county fair state aid, modifying certain license and practice requirements for veterinary medicine professors at the University of Minnesota, and requiring mosquito control public notification meetings to be held at a convenient time for city or town residents before a pesticide application takes place.

Rep. Howard Swenson (R-Nicollet) and Sen. Jim Vickerman (DFL-Tracy) sponsored the legislation.  
HF2461/SF2428\*/CH254

### BANKING

#### Business practices

A new law will include credit unions under state law liability exemptions for safe deposit companies.

Credit unions are authorized to offer safe deposit boxes to its members. The new law adds credit unions to a list of financial institutions that can choose to have their safe deposit box activities regulated by the state.

Furthermore, the new law allows a law enforcement agency to recover its expenses if it successfully collects on a dishonored check. The law enforcement agency can recover up to a \$30 service charge per each dishonored check it collects.

Sponsors of the new law, which takes effect Aug. 1, 2004, are Rep. Doug Stang (R-Cold Spring) and Sen. Dan Sparks (DFL-Austin).

HF2551\*/SF2418/CH174

### BUSINESS

#### Real estate licensing

A new law makes a number of changes to real estate licensing sections of state statute, including those dealing with residential mortgage originators, and incorporates rules now in use into statute. The changes are effective Aug. 1, 2004.

For example, the law establishes penalties for a lender that unreasonably delays processing a loan application beyond the expiration date of an interest rate or discount point agreement. Examples of delays include not returning phone calls, the addition of new requirements for processing or approving the loan, and not approving the loan in a reasonable period of time.

Rep. Laura Brod (R-New Prague) and Sen. Linda Scheid (DFL-Brooklyn Park) sponsored the law.  
HF2439/SF2379\*/CH203

### **Towing, selling vehicles**

Effective Aug. 1, 2004, auto repair shops will be allowed to tow privately owned vehicles that have been abandoned on their property.

Under the new law, a vehicle repair or service business can impound a vehicle five business days after notifying the vehicle owner by certified mail that the vehicle will be removed.

Under current law, the sheriff's office in the given county can sell the abandoned vehicle at an auction on the business grounds, but the repair shop must pay for the public notice, and in some cases no one bids on the vehicle.

The new law provides that vehicles towed from repair shop grounds can be sold at auction by the sheriff's office, as are cars abandoned in public roadways and parking lots.

Rep. Thomas Pugh (DFL-South St. Paul) and Sen. Linda Scheid (DFL-Brooklyn Park) are the sponsors.  
HF1972/SF1639\*/CH224

## **CONSUMERS**

### **Updating kosher codes**

A new law will update the way kosher dietary laws are referenced in Minnesota statutes.

Effective Aug. 1, 2004, sections of Minnesota food law related to foods labeled as kosher will state that the item must be prepared "as prescribed by a rabbinic authority, with the name and institutional affiliation and denominational affiliation, if any, of the rabbinic authority identified." Current law indicates it must be prepared "in accordance with orthodox Hebrew religious requirements."

Proponents of the new law said the orthodox Hebrew reference designated one movement out of the orthodox, conservative, and reform movements within the Jewish religion to make kosher process decisions for all.

Rep. Frank Hornstein (DFL-Mpls) and Sen. Richard Cohen (DFL-St. Paul) sponsored the law.  
HF2864\*/SF2756/CH232

### **Foreclosure consultant penalties**

Scam artists convicted of preying on people threatened with home foreclosure could be fined or imprisoned, under a new law.

The law regulates foreclosure consultants and foreclosure purchasers, as well as provides remedies for homeowners. Most provisions are effective Aug. 1, 2004, and expire Dec. 31, 2009.

Under the law, it is a violation for a foreclosure consultant to:

- demand compensation until all services in the foreclosure contract are performed;
- charge more than 8 percent annually on any loan made to the homeowner;
- collect wages from the homeowners for compensation required by the foreclosure contract;
- acquire any interest in a residence in foreclosure;
- take power of attorney from an owner for any purpose, or
- induce or attempt to induce an owner to enter into a contract that does not comply with law.

Any foreclosure consultant or foreclosure purchaser who engages in a fraudulent or deceitful practice may be fined up to \$10,000 and imprisoned for up to one year.

Rep. Andrew Westerberg (R-Blaine) and Sen. Ellen Anderson (DFL-St. Paul) sponsored the law.  
HF2095\*/SF2412/CH263

### **Phone company billing**

A new law aims to promote accurate telephone company billing statements by requiring local carriers to obtain express prior authorization from customers before including charges from third-party service providers on bills.

Examples of third-party billing include charges for Internet service, pagers, voicemail, or club memberships.

Effective Aug. 1, 2004, if the company cannot produce evidence to the contrary, consumers will be eligible for a refund of bogus charges back six months from the date of the claim.

Rep. Michael Beard (R-Shakopee) and Sen. Dallas Sams (DFL-Staples) sponsored the legislation.  
HF979/SF1115\*/CH214

## **CRIME**

### **Paying for help, no porn**

Sex offenders imprisoned in Minnesota will be charged a co-payment for their treatment and will no longer have access to pornography, under a new law.

Effective Aug. 1, 2004, the sex offender treatment fee will be based on a schedule approved by the corrections commissioner. Revenues are to be provided to the treatment provider to pay for the cost of treatment. The fee will be based on an offender's ability to pay.

The law also prohibits those civilly committed as sexual psychopathic personalities or sexually dangerous persons from receiving or possessing pornographic material while receiving treatment in a state-operated facility. Pornography is prohibited in state prisons.

Rep. Judy Soderstrom (R-Mora) and Sen. Wes Skoglund (DFL-Mpls) are the sponsors.  
HF921/SF906\*/CH134

### **Graffiti ramifications**

A new law aims to reduce the amount of graffiti on Minnesota walls, fences, and train cars.

Effective Aug. 1, 2004, the law will allow individuals whose properties are vandalized with graffiti to collect up to three times the actual property damages from the offender in civil court. Courts may order offenders to clean up the graffiti as an alternative to paying damages. If the offender is a minor, the law holds parents liable for up to \$1,000 in damages. The court is further permitted to award attorney fees and costs to a prevailing plaintiff.

Sponsors of the new law are Rep. Jim Davnie (DFL-Mpls) and Sen. Linda Berglin (DFL-Mpls).  
HF339/SF40\*/CH149

### **Service animal protection**

Individuals whose dogs harm service animals, commonly used by people with disabilities, can, under a new law, be charged with a misdemeanor and ordered to pay restitution.

Effective Aug. 1, 2004, the law will protect service animals trained to work or perform tasks for an individual with a disability. Dog owners can be charged with a crime for intentionally or negligently permitting a dog to run uncontrolled off personal property, or failing to keep the dog properly confined and controlled, if that dog injures a service animal.

Sponsors of the new law are Rep. Paul Kohls (R-Victoria) and Sen. Chuck Wiger (DFL-North St. Paul).  
HF1817/SF1614\*/CH159

### **Vehicle forfeitures**

A new law makes several changes to the state's driving while intoxicated (DWI) vehicle forfeiture law.

Effective Aug. 1, 2004, the law makes it easier for the state to take away vehicles from repeat drunken drivers by no longer requiring that the driver themselves own the vehicle subject to forfeiture.

Supporters said the legislation will keep drunken drivers from dodging the law by driving a vehicle registered to a friend or family member. Under the law, family and friends would lose their vehicle unless they could prove that they did not know the person to whom they lent the vehicle was going to break the law.

Additionally, if a driver fails to appear for any of the scheduled court appearances related to DWI and doesn't turn themselves in within 48 hours after having missed the court appearance, they are subject to vehicle forfeiture, under the law.

Minnesota's vehicle forfeiture law applies to people who have committed a drunken driving offense with two or more aggravating factors, such as having a prior drunk driving conviction, having a blood-alcohol content level of 0.20 or greater, or having a child under age 16 in the vehicle.

Rep. Doug Fuller (R-Bemidji) and Sen. Leo Foley (DFL-Coon Rapids) sponsored the law.  
HF392/SF388\*/CH235

## **ELECTIONS**

### **Campaign sign size, numbers**

A new law will allow noncommercial signs of any size and in any number to be posted from Aug. 1 of a state general election year until 10 days after Election Day.

Existing law states that municipalities can enact an ordinance regulating the size of noncommercial signs, but statutes say nothing about the number of signs.

Effective Aug. 1, 2004, the new law designates that in any municipality, regardless of whether the municipality has an ordinance that regulates the size or number of commercial signs, noncommercial signs of any size and in any number can be posted during the designated time period.

Rep. Peter Adolphson (R-Minnetonka) and Sen. David Hann (R-Eden Prairie) sponsored the law.  
HF307\*/SF497/CH142

## **EMPLOYMENT**

### **Reference information disclosure**

A new law will provide disclosure protection to employers that share certain reference information with prospective employers about current and former employees.

Effective Aug. 1, 2004, the law will allow companies, without the employee's consent, to pass along basic employment information such as wages and job description, as well as written disclosures of any instances of theft, harassment, violence, or other illegal conduct documented in the employee's record.

The law will establish a higher burden of proof for employees who legally challenge a current or former employer's information disclosure. Employees bringing suit must show clear and convincing evidence that the information was both knowingly wrong and harmful to them.

Rep. Jim Knobloch (R-St. Cloud) and Sen. David Knutson (R-Burnsville) were the sponsors.  
HF480\*/SF837/CH137

## **ENERGY**

### **Ridding PCBs from equipment**

A new law aims to proactively provide electric utilities with an incentive to voluntarily phase out equipment containing polychlorinated biphenyls (PCBs).

PCBs are a class of man-made compounds that, up until serious health and environmental concerns arose in the 1970s, were commonly used as insulators in electrical equipment.

They are still sometimes found today in the oil that is placed in transformers and other electric utility equipment that has not reached the end of its service life.

Under current law, the industry pays hazardous waste generator fees to the Pollution Control Agency for disposal of equipment that has reached the end of the line.

Effective Aug. 1, 2004, the new law will waive state hazardous waste fees on PCB waste associated with oil-filled electronic equipment voluntarily disposed of or retro-filled prior to the end of its service life.

Waste generators and the agency will have to execute voluntary PCB phase-out agreements containing specific goals and a schedule for implementation.

Rep. Dean Simpson (R-New York Mills) and Sen. John Marty (DFL-Roseville) sponsored the legislation.  
HF2500/SF2422\*/CH176

## **ENVIRONMENT**

### **Soil science**

A new law gives the Pollution Control Agency some direction on the interpretation of soil features as the agency adopts new rules for water table analysis.

Redoximorphic features are formed in saturated soil by iron and manganese oxidation and other chemical processes. The features, often identified by gray mottled soil, indicate the level of the water table or presence of water at one time.

Under current agency rules for individual sewage treatment system design, the presence of such features could eliminate for homeowners the possibility of installing a trench system and require a more expensive mound system.

But there has been some confusion in the field about redoximorphic features that may have been from centuries ago.

Effective Aug. 1, 2004, the new law will require the agency rulemaking process to address a definition of redoximorphic features and other criteria that can be used by system designers and inspectors, direction on the interpretation of observed soil features that may be redoximorphic and their relation to zones of seasonal saturation, and procedures on how to resolve professional disagreements on seasonally saturated soils. The new rules must be in place by March 31, 2006.

Rep. Kathy Tingelstad (R-Andover) and Sen. Michael Jungbauer (R-East Bethel) sponsored the legislation.  
HF2000\*/SF1900/CH249

## **GAME AND FISH**

### **Doves, ducks, and deer**

A new law will reinstate a mourning dove hunting season in Minnesota and get tougher on scofflaws who disregard game and fish regulations.

Effective Aug. 1, 2004, the law will allow for a three-year license revocation for those who fail to pay court-ordered fines for game and fish violations.

Under the new law, on the opening day of duck season the shooting hours for migratory game birds, except woodcock and mourning doves, will begin at 9 a.m. rather than noon, as is current practice.

The department is prescribed to report on the effect of the new season on the state's mourning dove population; the impacts of the change in shooting hours, including the harvest success, on local waterfowl populations; and ways to improve wildlife habitat within the right-of-ways of public roads.

And the law calls for the department to coordinate lead tackle awareness and public education efforts and promote the availability of fishing tackle that does not contain lead, such as lead free jigs and sinkers.

Rep. Joe Hoppe (R-Chaska) and Sen. Tom Saxhaug (DFL-Grand Rapids) sponsored the law.

HF2368\*/SF2203/CH215

## **GOVERNMENT**

### **Fund oversight**

Better management and organization of state funds and accounts is expected to be the result of a new law.

Sponsored by Rep. Jim Knoblach (R-St. Cloud) and Sen. Richard Cohen (DFL-St. Paul), the law requires the finance commissioner to eliminate certain accounts on the basis of several factors, including:

- receipts and transfers into the account average less than \$1,000 per year in the last four years;
- yearend balances in the past four years average less than \$1,000; and
- the account has been in existence for at least four years.

Any balance remaining in an account must be transferred to the state's general fund unless some other disposition is specified in law. The Legislature must be informed of any account eliminations.

The law is effective Aug. 1, 2004.

HF2446\*/SF2558/CH284

## **HEALTH**

### **Adverse event reporting**

The duties of the Department of Health and health facilities in the reporting of adverse health care events are clarified under a new law.

Effective Aug. 1, 2004, the law makes some technical changes to an act passed in 2003 that requires the reporting of 27 events that should never happen in hospitals, such as surgery on the wrong body part or person, patient death or disability related to medical devices or drugs, or patient protection errors such as discharging an infant to the wrong person.

Under the law, medical errors that involve children will be reported; the boards of practice for physicians, nurses, physicians assistants, pharmacists, and podiatrists will be mandated reporters of adverse events; members and employees of the boards of medical practice, chiropractic examiners, pharmacy, and podiatric medicine are exempted from liability for making certain reports or for maintaining certain records; and the protection of the confidentiality of investigative documents held by the Department of Health is addressed.

Rep. Lynda Boudreau (R-Faribault) and Sen. Steve Kelley (DFL-Hopkins) sponsored the law.

HF2537/SF2365\*/CH186

### **Dispensing drugs**

A new law modifies the authority to dispense controlled substances and requires certain health-related licensing boards to work with the University of Minnesota to develop a proposal for education programs in relation to certain drugs.

Under the law, effective Aug. 1, 2004, a "practitioner licensed to prescribe controlled substances by the state in which the prescription is issued" is added to the list of persons permitted to prescribe Schedule II controlled substances. Those already permitted in law are: "a doctor of medicine, a doctor of osteopathy licensed to practice medicine, a doctor of dental surgery, a doctor of dental medicine, a doctor of podiatry, or a doctor of veterinary medicine."

Substances considered to be Schedule II include: amphetamine, coca leaves, codeine, methadone, morphine, and various forms of opium.

The program, under the law, will be “a competency-based education and assessment program for professionals authorized to prescribe, dispense, or administer legend drugs.” The boards are to report their findings to the Legislature by Jan. 30, 2005.

Rep. Fran Bradley (R-Rochester) and Sen. Sheila Kiscaden (IP-Rochester) sponsored the law.  
HF2391\*/SF2192/CH242

## **HOUSING**

### **Proof of a paid mortgage**

A new law will ensure that homeowners who are paying off mortgages receive certificates of satisfaction — despite any multiple refinancing efforts.

The law addresses a problem stemming from today’s climate in which finance companies frequently change names and homeowners refinance mortgages multiple times in search of lower interest rates. As frequently happens, transferring documents are not filed with the county records office. This makes it difficult to clear the mortgage.

Effective Aug. 1, 2004, the law will require that the satisfaction certificate list the name of the broker, the mortgage provider and the property owner, as well as the date of the mortgage, the date of the recording of the document, and the volume and page number or document number of the mortgage in the real property records where the mortgage is recorded.

Rep. Thomas Pugh (DFL-South St. Paul) and Sen. Thomas Neuville (R-Northfield) sponsored the law.  
HF1805/SF1621\*/CH153

## **HUMANITIES**

### **State observance**

A new law declares October 16 as Dr. Norman E. Borlaug World Food Prize Day in honor of his contributions to humanity through work in agriculture.

Borlaug, one of only four living Nobel Peace Prize winners in the United States, is credited with saving millions of lives by averting famine and alleviating hunger and malnutrition through his invention of a high yielding, disease resistant variety of wheat available in more than 20 nations. He won the prize in 1970.

A University of Minnesota graduate, Borlaug continues, at age 90, to fight hunger by helping farmers in several countries increase their production.

Sponsored by Rep. Alice Hausman (DFL-St. Paul) and Sen. Ellen Anderson (DFL-St. Paul), the new law says that public schools may offer instruction and programs in observance of his contributions. It takes effect Aug. 1, 2004.

The celebratory date was chosen because it coincides with the United Nations World Food Day.  
HF2878\*/SF2537/CH148

## **INSURANCE**

### **Reserve calculations**

A new law changes the way real estate title insurance companies calculate their required reserves.

Effective Aug. 1, 2004, reserves will again be based on premiums and fees paid to the company. The 2001 Legislature changed the method of calculating title insurance from the traditional method of basing it on premiums paid to basing it on the risk to which the company was exposed.

Rep. Thomas Pugh (DFL-South St. Paul), who sponsored the law with Sen. Geoff Michel (R-Edina), said the problem with basing reserves on risks covered is that the risk is not known until later, so the reserves may need adjustment. Basing reserves on premiums is easier to compute and simpler to monitor.

The formula was developed with the review of the Department of Commerce.

Title insurance provides protection for people buying property from unforeseen claims on that property. A title company reviews the title history or a property and issues a commitment listing encumbrances and exceptions.

In exchange for a premium, usually a one-time payment, the company assumes the risk that the title is exactly as stated in the policy. If, at a later time, someone comes forward with a prior claim on the property, the title company covers the purchaser’s losses. The reserve assures that funds are available for this.

HF2139\*/SF2257/CH227

## LAW

### Conciliation court collections

A new law aims to speed up the collection process for the winners of small claims court cases.

Minnesota's conciliation court system is designed for relatively smaller cases in which the participants do not need to hire an attorney. The maximum recoverable amount is \$7,500.

Conciliation courts are not responsible to collect the judgment.

Currently, a judgment winner in conciliation court must wait 30 days to obtain the appropriate form on which the debtor — the person on the losing side of the case — lists assets, liabilities, and earnings. The debtor has 10 days to return the form or they will be considered in contempt of court.

Under the new law, effective Aug. 1, 2004, the winner may obtain the form immediately upon the judgment declaration and begin the collection process. The new law does not alter the 20-day "stay period" during which a participant in the trial may appeal or move to vacate the judgment by providing valid evidence for missing the first trial.

Rep. Len Biernat (DFL-Mpls) and Sen. Wes Skoglund (DFL-Mpls) sponsored the legislation.  
HF2288\*/SF2500/CH226

## LOCAL GOVERNMENT

### Annual town audits

A new law will affect annual financial audit requirements for 2004 for cities or towns with populations of more than 2,500.

Effective Aug. 1, 2004, the law increases the minimum annual gross revenue amount that triggers a state required audit for a small city or town from \$500,000 to \$670,500. Threshold amounts tied to the audit requirement will be annually adjusted for inflation after 2004.

Since towns were added in 1992 to the financial reporting law, the threshold amount has been \$500,000.

Rep. William Kuisle (R-Rochester), who sponsored the law with Sen. David Senjem (R-Rochester), said the law would help small local governments cut paperwork and potentially save money.

HF1843/SF2903\*/CH161

### Developer fees

A new law will require a connection between fees a municipality charges a developer and the local government's development-related public costs.

Sponsored by Rep. Carla Nelson (R-Rochester) and Sen. Betsy Wergin (R-Princeton), the law takes effect Aug. 1, 2004.

It will amend state law that allows a municipality to charge development fees and require that land in a proposed commercial or housing development be dedicated for public infrastructure, conservation, or recreation purposes.

Language will be added to existing law that, "there must be an essential nexus between the fees or dedication...and the municipal purpose sought to be achieved by the fee or dedication."

Such fees, under the law, could not be used by a municipality for "ongoing operation or maintenance."

In the event of a fee dispute, the law will allow a developer's application with a municipality to proceed pending a decision on an appeal. The developer must pay the fee, which the municipality must put in an escrow account.

HF2103\*/SF2273/CH178

### Publishing public notices

A new law updates and revises laws that govern publication of political subdivisions' public notices.

Sponsored by Rep. Peter Adolphson (R-Minnetonka) and Sen. Jim Vickerman (DFL-Tracy), the new law is effective Aug. 1, 2004.

State law requires a political subdivision, such as a county, municipality or school district, to contract with a designated qualified newspaper for publication of public notices, meeting minutes, and other legal documents.

Among the changes, the law will require a qualified newspaper that maintains a Web site to post official notices on the site at no additional cost. The Web posting must be maintained for the notice's full publication period. A failure to post a government's official notice on a Web site would not affect the validity of the public notice.

HF2270\*/SF2067/CH182

## **Filling two seats**

Members of a city council could be prohibited from serving on the city's charter commission, under a new law effective Aug. 1, 2004.

Sponsored by Rep. Ray Vandevener (R-Forest Lake) and Sen. Michele Bachmann (R-Stillwater), the new law will change state statute governing charter commissions to allow a commission-drafted charter or charter amendments – subject to approval by voter referendum – to propose that members of a city's governing body cannot serve on the charter commission. Only a person holding a judicial office is disqualified from serving on a charter commission, under existing law.

The new law also removes from statute a restriction that a person cannot be appointed to more than two successive terms on a charter commission. A charter is a governing foundation document for a city, similar to a state constitution.

A city council can also request a district court to appoint a charter commission, or the court can appoint a commission on its own if it determines it is in a city's best interest.

HF1392\*/SF1334/CH197

## **Airport closures**

A new law prohibits the closing of municipal airports unless certain measures are followed.

Effective Aug. 1, 2004, the law lays out several steps that must be taken before a Minnesota county, city, town, or joint powers board can close one of its airports, including notifying the transportation commissioner and holding a public hearing.

Rep. Michael Beard (R-Shakopee) and Sen. Michael Jungbauer (R-East Bethel) sponsored the law.

HF2737\*/SF2178/CH250

## **MILITARY**

### **Selective service registration**

Some Minnesota men will automatically be registered with Selective Service by applying for a driver's license, under a new law.

Effective Aug. 1, 2004, an application for a new or renewed driver's license, learner's permit, or Minnesota identification card by a male under the age of 26 constitutes consent to register with Selective Service. The Department of Public Safety will be required to electronically transmit pertinent information on such applicants to the federal government.

The law will assist men who forget to register, or those who don't have time to do so separately.

Information about those under age 18, whose license will expire after the applicant's 18th birthday, will have their information forwarded to Selective Service when the applicant reaches age 18. Rep. Jim Rhodes (R-St. Louis Park) and Sen. Mee Moua (DFL-St. Paul) sponsored the law.

HF1216/SF1192\*/CH192

## **RECREATION**

### **Snowmobiling both ways**

A new law effective Aug. 1, 2004, will allow two-way snowmobiling along major state highways.

Current law restricts snowmobile travel along highways and roads to the same direction as road traffic.

Sponsored by Rep. Larry Howes (R-Walker) and Sen. Tom Saxhaug (DFL-Grand Rapids), the new law will not allow the practice in an area without approval from the transportation commissioner, who must first consider the safety of motorists and snowmobilers.

Though there are some safety concerns over broadly allowing the two-way riding, proponents said that the practice could actually improve safety under certain conditions, particularly poorly lit roads and in areas that contain steep ditches on one side.

HF532\*/SF522/CH244

## **SAFETY**

### **Personal protection orders**

A new law will allow victims of domestic violence to receive orders for protection and restraining orders more quickly in some cases.

Effective Aug. 1, 2004, the law will make *ex parte* orders for protection and temporary restraining orders effective upon the signature of a court referee. Currently, the process is delayed in some counties where orders must be forwarded for a judge's counter signature following the referee's signature.

Rep. Michael Paymar (DFL-St. Paul) and Sen. Wes Skoglund (DFL-Mpls) sponsored the law.  
HF2491/SF2498\*/CH145

### **Honoring fallen Minnesotans**

Minnesota and American flags in the State Capitol area must be flown at half-staff upon the death of public safety personnel or Minnesota military personnel killed in the line of duty, under a new law.

In each case, the governor will determine the length of time the flags will be flown at half-staff.

Rep. Ray Vandever (R-Forest Lake) and Sen. Mady Reiter (R-Shoreview) sponsored the law, effective Aug. 1, 2004.

HF2930\*/SF2733/CH173

### **Railroad track clearance**

A new law will enhance vehicle safety around railroad crossings, particularly where there may be a tendency for traffic to back up.

Effective Aug. 1, 2004, the law prohibits all vehicles when stopped at railroad tracks from crossing the tracks "until the roadway is clear of traffic so that the vehicle can proceed without stopping until the rear of the vehicle is at least 10 feet past the farthest railroad track." Violators would be subject to misdemeanor penalties.

State law already requires vehicles to stop 10 feet from the nearest track, except in the case of motor vehicles carrying passengers for hire, school buses, Head Start buses, or any other vehicle required to stop at railroad crossings, when the stopping distance is between 15 feet and 50 feet.

Rep. Doug Meslow (R-White Bear Lake) and Sen. Mady Reiter (R-Shoreview) sponsored the law.  
HF2217\*/SF1852/CH229

## **TRANSPORTATION**

### **Preservation designation**

A new law streamlines the designation of natural preservation routes on county state-aid highways.

Effective Aug. 1, 2004, a section of law is removed that required all requests by counties for the designation of natural preservation routes to be reviewed by an advisory committee.

The repeal leaves intact the portion of the statute that regulates the designation of natural preservation routes. It states that in order for the state to designate the route, the county board with jurisdiction over the road must receive a petition requesting the road's designation. The county board must act on the petition request within 60 days.

According to the nonpartisan House Research Department, natural preservation routes are highways within the county state-aid highway system that may be built to different standards because they are located in scenic or historically or environmentally sensitive areas.

Rep. Ron Erhardt (R-Edina) and Sen. Ann Rest (DFL-New Hope) sponsored the law.  
HF1898\*/SF1953/CH181