

An excavator shall:

(1) plan the excavation to avoid damage to and minimize interference with underground facilities in and near the construction area, ~~using~~;

(2) use white markings for proposed excavations except where it can be shown that it is not practical;

~~(2)~~ (3) maintain a clearance between an underground facility and the cutting edge or point of any mechanized equipment, considering the known limit of control of the cutting edge or point to avoid damage to the facility;

~~(3)~~ (4) provide support for underground facilities in and near the construction area, including during backfill operations, to protect the facilities; and

(4) (5) conduct the excavation in a careful and prudent manner.

Presented to the governor April 22, 2004

Signed by the governor April 26, 2004, 3:00 p.m.

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#### CHAPTER 164—H.F.No. 1944

*An act relating to domestic abuse; providing another ground for extending an order for protection; amending Minnesota Statutes 2002, section 518B.01.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2002, section 518B.01, subdivision 6a, is amended to read:

Subd. 6a. **SUBSEQUENT ORDERS AND EXTENSIONS.** Upon application, notice to all parties, and hearing, the court may extend the relief granted in an existing order for protection or, if a petitioner's order for protection is no longer in effect when an application for subsequent relief is made, grant a new order. The court may extend the terms of an existing order or, if an order is no longer in effect, grant a new order upon a showing that:

(1) the respondent has violated a prior or existing order for protection;

(2) the petitioner is reasonably in fear of physical harm from the respondent; ~~or~~

(3) the respondent has engaged in acts of harassment or stalking within the meaning of section 609.749, subdivision 2; ~~or~~

(4) the respondent is incarcerated and about to be released, or has recently been released from incarceration.

A petitioner does not need to show that physical harm is imminent to obtain an extension or a subsequent order under this subdivision.

New language is indicated by underline, deletions by ~~strikeout~~.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor April 22, 2004

Signed by the governor April 26, 2004, 3:05 p.m.

**CHAPTER 165—H.F.No. 2906**

*An act relating to local government; increasing the efficiency of payroll processing; authorizing the use of electronic time recording systems; amending Minnesota Statutes 2002, section 412.271, subdivision 2.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2002, section 412.271, subdivision 2, is amended to read:

Subd. 2. **CLAIMS, PAYMENT.** (a) Except for wages paid on an hourly or daily basis, where a claim for money due on goods or services furnished can be itemized in the ordinary course of business the person claiming payment, or the claimant's agent, shall prepare the claim in written items and sign a declaration that the claim is just and correct and that no part of it has been paid; but the council may in its discretion allow a claim prepared by the clerk prior to such declaration by the claimant, if the declaration is made by an endorsement on the order-check by which the claim is paid as provided below.

(b) Whenever work for which wages are to be paid on an hourly or daily basis is done by employees of the city, the clerk shall keep a payroll giving the name of each employee and the number of hours or days worked by each and the timekeeper, supervisor, or other officers or employee having knowledge of the facts shall sign a declaration that the facts recited on the payroll are correct to the best of the declarant's information and belief; and when any claim for wages listed on a payroll is paid, the employee shall sign a declaration, which may be a part of the payroll, to the effect that the employee has received the wages and done the work for which wages have been paid. The declarations relating to claims or payrolls shall be in substantially the following form: "I declare under the penalties of perjury (here insert, if claimant: that this claim is just and correct and no part of it has been paid; if timekeeper, supervisor, officer or employee having knowledge of the facts; that to the best of my information and belief the items of this payroll are correct; if employee who has been paid: that I have received the wages stated on this payroll opposite my name and have done the work for which the wages were paid.)"

.....  
Date

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Signed"

New language is indicated by underline, deletions by ~~strikeout~~.