

Subd. 2. **NOTICE REQUIREMENT.** An owner or lessee of any real property or a person acting with his authority who installs or repairs agricultural drainage tile on that property shall be relieved of liability as provided in subdivision 1 only if that owner, lessee or other person acting with his authority notifies the designated agent of the owner or operator of the pipeline of the intention to install or repair drainage tile on the property at least seven days before that work commences. An owner or operator of a pipeline shall provide to the county auditor of each county in which that pipeline is located the name, address and phone number of the individual to whom notice shall be given as provided in this subdivision. Notice is effective if made in writing by certified mail to this designated agent of the owner or operator of the pipeline.

Sec. 8. **[1161.08] REVERSION OF EASEMENTS.** Notwithstanding any law to the contrary, all easement interests acquired after the effective date of this section for the purpose of constructing and operating a pipeline shall revert to the then fee owner if the pipeline ceases operation for a period of five years.

Sec. 9. **[1161.09] RECORDING OF SURVEY POINTS.** The permanent location of monuments or markers found or placed in a survey of right-of-way for a pipeline route shall be placed on record in the office of the county recorder or registrar of titles by the owner of the pipeline. No fee shall be charged for recording this information.

Sec. 10. **[1161.10] SEVERABILITY.** If any provision of sections 1 to 11 is found to be unconstitutional and void with respect to pipelines transporting one or more of the substances enumerated in section 1, subdivision 3, the provision shall remain effective with respect to pipelines transporting any of the other enumerated substances. This provision shall supplement any general law on the subject of severability.

Sec. 11. **[1161.11] SAVINGS PROVISION.** Sections 2 to 4 shall not apply to a pipeline if, on or before the effective date of this act:

(a) An application for a certificate of need has been filed for the pipeline pursuant to section 116H.13 and easements have been acquired for at least 85 percent of the length of the proposed pipeline right-of-way; or

(b) An environmental impact statement has been prepared, pursuant to chapter 116D concerning the construction of the pipeline and the environmental quality board has determined that the statement is adequate under that chapter.

Sec. 12. **EFFECTIVE DATE.** This act is effective the day after final enactment.

Approved May 25, 1979.

CHAPTER 195—S.F.No.333

An act relating to education; providing for nonpublic school administrative unit representation at organizational meetings of educational cooperative service units, for

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participation in their programs, the composition of their governing boards and advisory councils and for their annual reports; changing the name of the advisory task force on nonpublic schools and extending its term; amending Minnesota Statutes 1978, Section 123.58, Subdivisions 2, 4, 5, 6, 7, and 8; and Laws 1976, Chapter 271, Section 8, Subdivision 1, as amended.

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

Section 1. Minnesota Statutes 1978, Section 123.58, Subdivision 2, is amended to read:

Subd. 2. **ESTABLISHMENT OF EDUCATIONAL COOPERATIVE SERVICE UNITS.** (a) In furtherance of this policy, ten educational cooperative service units are designated. Each unit, should it become operational, shall be termed an educational cooperative service unit, hereafter designated as an ECSU. Geographical boundaries for each ECSU shall coincide with those identified in governor's executive orders 8, dated September 1, 1971, and 59, dated May 29, 1973, issued pursuant to the regional development act of 1969, Minnesota Statutes, Sections 462.381 to 462.397, with the following exceptions:

(i) Development regions one and two shall be combined to form a single ECSU;

(ii) Development regions six east and six west shall be combined to form a single ECSU;

(iii) Development regions seven east and seven west shall be combined to form a single ECSU.

The ECSU shall cooperate with the regional development commission for the region with which its boundaries coincide but shall not be responsible to nor governed by that regional development commission.

(b) The geographic location of the central administrative office of a school district shall determine the membership of the total school district in a particular ECSU. Existing school district boundaries shall not be altered as a result of this section.

(c) Two or more identified ECSU units may, upon approval by a majority of school boards of participating school districts in each affected ECSU, be combined and administered as a single ECSU unit but state assistance shall be allocated on the basis of two or more ECSU units.

(d) The initial organization of each ECSU may occur only upon petition to the state board of education by a majority of all school districts in an ECSU. The state board of education shall, upon receipt of this petition, invite representation from all public school districts and shall encourage the participation of nonpublic school administrative units to the extent allowed by law in an ECSU at a regional meeting. The state board of education shall then assist in the necessary organizational activities for establishment of an ECSU pursuant to the requirements of this section.

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Sec. 2. Minnesota Statutes 1978, Section 123.58, Subdivision 4, is amended to read:

Subd. 4. **MEMBERSHIP AND PARTICIPATION.** Full membership in an ECSU shall be limited to public school districts of the state but non-voting associate memberships shall be available to non-public school administrative units within the ECSU. Participation in programs and services provided by the ECSU shall be discretionary and no school district shall be compelled to participate in these services under authority of this section, except that all school districts whose central administrative offices are within that ECSU whose boundaries coincide with those of development region 11 shall participate in the planning and planning research functions of that ECSU. No planning or planning research decision of that ECSU shall be binding on these region 11 districts. Non-public school students and personnel may are encouraged to participate in programs and services to the extent allowed by law.

Sec. 3. Minnesota Statutes 1978, Section 123.58, Subdivision 5, is amended to read:

Subd. 5. **GOVERNING BOARD.** (a) The care, management, and control of an ECSU shall be vested in a board of directors composed of not less than six nor more than 15 members. Members of the ECSU board of directors shall be current members of school boards of participating public school districts. Election to the ECSU board of directors shall be by vote of all current school board members of participating public school districts with each school board member having one vote.

(b) At the initial election, not less than six nor more than 15 members shall be elected at large from the ECSU, one-third of the members for a one year term from July 1 next following the election, one-third of the members for a two year term, and one-third of the members for a three year term, to serve until a successor is elected and qualifies; provided that if the number of members is not evenly divisible by three, the membership will be as evenly distributed as possible among one, two, and three year terms with the remaining members serving the three year term. Elections shall occur after the third Tuesday in May but not later than June 15, or within 90 days following the filing of the initial petition with the state board of education. Thereafter, members shall be elected to serve a term of three years beginning on July 1 next following the election.

(c) Notwithstanding any contrary provisions in (a) and (b), the school boards of districts within that ECSU whose boundaries coincide with those of development region 11 may form a representative assembly composed of one current school board member from each district. The care, management, and control of that ECSU shall be vested in the representative assembly if one is formed. The representative assembly shall elect an executive committee of not less than six nor more than 15 members to terms as provided in clause (b) to have those powers and to carry out those duties delegated to it by the representative assembly. In the election of its executive committee, the representative assembly shall establish such electoral districts as necessary to ensure proportional representation based on school enrollments within the ECSU. The provisions of clauses (d), (e), (f) and (g) of this subdivision shall apply to the executive committee of this ECSU.

(d) A vacancy on the board which results in an unexpired term shall be filled by

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appointment by the board of directors until such vacancy can be filled at the next annual election.

(e) The first meeting of the ECSU board shall be at a time mutually agreed upon by board members. At this meeting, the ECSU board shall choose its officers and conduct any other necessary organizational business. The ECSU board may, in its discretion, appoint up to three superintendents of school districts within the ECSU as ex officio, non-voting members of the board and shall encourage the advisory participation of administrators of nonpublic school administrative units within the ECSU to the extent allowed by law.

(f) The officers of the ECSU board shall be a chairman, vice chairman, clerk and treasurer, no two of whom when possible shall be from the same school district.

(g) A member of the ECSU board shall have the same liability applicable to a member of an independent school board.

Sec. 4. Minnesota Statutes 1978, Section 123.58, Subdivision 6, is amended to read:

Subd. 6. **DUTIES AND POWERS OF ECSU BOARD OF DIRECTORS.** The board of directors shall have authority to maintain and operate an ECSU. Subject to the availability of necessary resources, the powers and duties of this board shall include the following:

(a) The board of directors shall submit within 90 days after the filing of the initial petition with the state board of education and by June 1 of each year thereafter to the state board of education and to each participating school district an annual plan which describes the objectives and procedures to be implemented in assisting in resolution of the educational needs of the ECSU.

(b) The ECSU board of directors may provide adequate office, service center, and administrative facilities by lease, purchase, gift, or otherwise, subject to the review of the state board of education as to the adequacy of the facilities proposed.

(c) The ECSU board of directors may employ a central administrative staff and other personnel as necessary to provide and support the agreed upon programs and services. The board may discharge staff and personnel pursuant to provisions of law applicable to independent school districts. ECSU staff and personnel may participate in retirement programs and any other programs available to public school staff and personnel.

(d) The ECSU board of directors may appoint special advisory committees composed of superintendents, central office personnel, building principals, teachers, parents and lay persons.

(e) The ECSU board of directors may employ service area personnel pursuant to licensure standards developed by the state board of education and the board of teaching.

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(f) The ECSU board of directors may enter into contracts with school boards of local districts including school districts outside the ECSU area.

(g) The ECSU board of directors may enter into contracts with other public and private agencies and institutions which may include, but are not limited to, contracts with Minnesota institutions of higher education to provide administrative staff and other personnel as necessary to furnish and support the agreed upon programs and services.

(h) The ECSU board of directors shall exercise all powers and carry out all duties delegated to it by participating local school districts under provisions of the ECSU bylaws. The ECSU board of directors shall be governed, when not otherwise provided, by the provisions of law applicable to independent school districts of the state.

(i) The ECSU board of directors shall submit an annual evaluation report of the effectiveness of programs and services to the school districts and nonpublic school administrative units within the ECSU and the state board of education by September 1 of each year following the school year in which the program and services were provided.

(j) The ECSU board is encouraged to establish cooperative, working relationships with post-secondary educational institutions in the state.

Sec. 5. Minnesota Statutes 1978, Section 123.58, Subdivision 7, is amended to read:

Subd. 7. **APPOINTMENT OF AN ADVISORY COUNCIL.** There shall be an advisory council selected to give advice and counsel to the ECSU board of directors. This council shall be composed of superintendents, central office personnel, principals, teachers, parents, and lay persons. Nonpublic school administrative units are encouraged to participate on the council to the extent allowed by law. A plan detailing procedures for selection of membership in this council shall be submitted by the ECSU board of directors to the state board of education.

Sec. 6. Minnesota Statutes 1978, Section 123.58, Subdivision 8, is amended to read:

Subd. 8. **EDUCATIONAL PROGRAMS AND SERVICES.** Pursuant to subdivision 6, and rules and regulations of the state board of education, the board of directors of each operational ECSU shall submit annually a plan to the public school districts within the ECSU, the nonpublic school administrative units, and the state board of education. The plan shall identify the programs and services which are suggested for implementation by the ECSU during the following school year and shall contain components of long range planning determined by the ECSU in cooperation with the state board of education and other appropriate agencies. The state board of education may review and recommend modification of the proposed plan and conduct ongoing program reviews. These programs and services may include, but are not limited to, the following areas:

(a) Administrative services and purchasing

(b) Curriculum development

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- (c) Data processing
- (d) Educational television
- (e) Evaluation and research
- (f) In-service training
- (g) Media centers
- (h) Publication and dissemination of materials
- (i) Pupil personnel services
- (j) Regional planning, joint use of facilities, and flexible and year-round school scheduling
- (k) Secondary, post-secondary, community, adult, and adult vocational education
- (l) Individualized instruction and services, including services for students with special talents and special needs
- (m) Teacher personnel services
- (n) Vocational rehabilitation
- (o) Health, diagnostic, and child development services and centers
- (p) Leadership or direction in early childhood and family education
- (q) Community services
- (r) Shared time programs.

Sec. 7. Laws 1976, Chapter 271, Section 8, Subdivision 1, as amended by Laws 1977, Chapter 447, Article 7, Section 31, is amended to read:

Sec. 8. **[123.939] COMMITTEE ON NONPUBLIC SCHOOLS.** Subdivision 1. The governor shall appoint a five member ~~advisory task force~~ committee on nonpublic schools within 30 days of the effective date of this section. The five members shall be representative of the various areas of the state and shall be knowledgeable about nonpublic schools. ~~The task force shall expire May 15, 1978, and~~ The compensation, removal of members ~~and~~, filling of vacancies and expiration date shall be as provided in Minnesota Statutes, Section 15.059.

Sec. 8. If a part of this act is invalid, all valid parts of this act that are severable from the invalid part remain in effect.

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Sec. 9. Section 7 is effective May 15, 1979.

Approved May 25, 1979.

CHAPTER 196—S.F.No.363

An act relating to crimes; requiring reporting of firearm discharges by security guards.

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

Section 1. ~~[299C.22]~~ **SECURITY GUARD; DISCHARGE OF FIREARMS; REPORT**, Subdivision 1. **DEFINITIONS**. (a) For purposes of this section, "security guard" means any person who is paid a fee, wage or salary to perform one or more of the following functions:

(a) Prevention or detection of intrusion, unauthorized entry or activity, vandalism, or trespass on private property;

(b) Prevention or detection of theft, loss, embezzlement, misappropriation, or concealment of merchandise, money, bonds, stocks, notes, or other valuable documents or papers;

(c) *Control, regulation, or direction of the flow or movements of the public, whether by vehicle or otherwise, to assure protection of private property;*

(d) Protection of individuals from bodily harm; or

(e) Enforcement of policies and rules of his employer related to crime reduction insofar as such enforcement falls within the scope of his duties.

The provisions of this subdivision are not intended to include within the definition of "security guard" auditors, accountants, and accounting personnel whether or not they are employees of a private firm, corporation or independent accounting firm.

Subd. 2. **REPORTS**. Each discharge of a firearm by a security guard in the course of his employment, other than for training purposes, shall be reported to the chief of police of an organized full time police department of the municipality in which the discharge occurred or to the county sheriff if there is no local chief of police. Reports required to be made under this subdivision shall be forwarded to the bureau of criminal apprehension upon forms as may be prescribed and furnished by the bureau. The superintendent shall cause a summary of the reports to be compiled and published annually.

Approved May 25, 1979.

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