

Sec. 8. [325F.6658] **LIMITATION ON ACTIONS.**

Any action brought under sections 1 to 8 shall be commenced within six months following (1) expiration of the express written warranty term, or (2) one year following the date of the original delivery of the farm tractor to the customer, whichever is later.

Sec. 9. [325F.6659] **REMEDY NONEXCLUSIVE.**

Nothing in this section limits the rights or remedies which are otherwise available to a consumer under any other law.

Sec. 10. **EFFECTIVE DATE.**

Sections 1 to 9 apply to farm tractors sold after the first day of January following the effective date of sections 1 to 9.

Approved March 24, 1986

CHAPTER 423—H.F.No. 450

An act relating to children; establishing a state children's trust fund for the prevention of child abuse and neglect; establishing an advisory council to assist the commissioner of public safety in administering the fund; creating a surcharge on certified copies of birth certificates to fund the trust fund; appropriating money; amending Minnesota Statutes 1984, section 144.226, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 116K.

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

Section 1. [299A.20] **CITATION.**

Sections 2 to 7 may be cited as the "children's trust fund for the prevention of child abuse act."

Sec. 2. [299A.21] **DEFINITIONS.**

Subdivision 1. APPLICABILITY. The definitions in this section apply to sections 1 to 9.

Subd. 2. ACT. "Act" means the children's trust fund for the prevention of child abuse act.

Subd. 3. ADVISORY COUNCIL. "Advisory council" means the advisory council established under section 4.

Subd. 4. CHILD. "Child" means a person under 18 years of age.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 5. CHILD ABUSE. "Child abuse" means sexual abuse, neglect, or physical abuse as defined in section 626.556, subdivision 2, paragraphs (a), (c), and (d).

Subd. 6. COMMISSIONER. "Commissioner" means the commissioner of public safety.

Subd. 7. LOCAL COUNCIL. "Local council" means a child abuse prevention council established under section 5.

Subd. 8. PREVENTION PROGRAM. "Prevention program" means a system that directly provides primary or secondary child abuse prevention services to a child, parent or prospective parent, guardian, or professional who works regularly with children, and may also include a research program related to the prevention of child abuse.

Subd. 9. PRIMARY PREVENTION. "Primary prevention" means a program or service designed to promote the general welfare of children and families.

Subd. 10. SECONDARY PREVENTION. "Secondary prevention" means a program or service designed to prevent abuse of children who are in circumstances where there is a high risk that abuse will occur.

Subd. 11. TERTIARY PREVENTION. "Tertiary prevention" means a program or service provided after child abuse has occurred that is designed to prevent its recurrence.

Subd. 12. TRUST FUND. "Trust fund" means the children's trust fund for the prevention of child abuse established under section 3.

Sec. 3. [299A.22] TRUST FUND.

Subdivision 1. CREATION OF TRUST FUND. A children's trust fund for the prevention of child abuse is established as an account in the state treasury. The commissioner of finance shall credit to the trust fund all amounts received under sections 7 and 8 and shall ensure that trust fund money is invested under section 11A.25. All money earned by the trust fund must be credited to the trust fund. The trust fund earns its proportionate share of the total annual state investment income.

Subd. 2. AVAILABILITY OF FUNDS FOR DISBURSEMENT. Until the total amount of assets in the trust fund exceeds \$20,000,000, not more than 60 percent of the gross amount contributed to the trust fund each year under section 8, plus 100 percent of all earnings credited to the trust fund the previous fiscal year, are available for disbursement. When the commissioner of finance certifies that the assets in the trust fund exceed \$20,000,000, only the annual earnings and the funds received under section 7 that are credited to the trust fund are available for disbursement.

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Subd. 3. EXCEPTION. Notwithstanding subdivision 2, money received under section 7 may be disbursed in its entirety. This money must not be taken into account when calculating the annual contributions to the trust fund under this section.

Sec. 4. [299A.23] DISBURSEMENT OF FUNDS FOR CHILD ABUSE PREVENTION.

Subdivision 1. AUTHORITY TO DISBURSE FUNDS. The commissioner, with the advice and consent of the advisory council established under this section, may disburse trust fund money to any public or private nonprofit agency to fund a child abuse prevention program.

Subd. 2. ADVISORY COUNCIL. An advisory council of 15 members is established under section 15.059. The commissioners of human services, health, education, and corrections shall each appoint one member. The subcommittee on committees of the senate and the speaker of the house of representatives shall each appoint two members of their respective bodies, one from each caucus. The governor shall appoint an additional seven members who shall demonstrate knowledge in the area of child abuse and shall represent the demographic and geographic composition of the state, and to the extent possible, represent the following groups: local government, parents, racial and ethnic minority communities, the religious community, professional providers of child abuse prevention and treatment services, and volunteers in child abuse prevention and treatment services. The council shall advise and assist the commissioner in carrying out this act.

Subd. 3. PLAN FOR DISBURSEMENT OF FUNDS. By June 1, 1987, and biennially thereafter, the commissioner, assisted by the advisory council, shall develop a plan to disburse money from the trust fund. In developing the plan, the commissioner shall review prevention programs. The plan must ensure that all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money. The commissioner shall send the plan to the legislature and the governor by June 1 of each odd-numbered year.

Subd. 4. RESPONSIBILITIES OF THE COMMISSIONER. (a) The commissioner shall:

(1) provide for the coordination and exchange of information on the establishment and maintenance of prevention programs;

(2) develop and publish criteria for receiving trust fund money by prevention programs;

(3) review, approve, and monitor the spending of trust fund money by prevention programs;

(4) provide statewide educational and public informational seminars to devel-

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op public awareness on preventing child abuse; to encourage professional persons and groups to recognize instances of child abuse and work to prevent them; to make information on child abuse prevention available to the public and to organizations and agencies; and to encourage the development of prevention programs;

(5) establish a procedure for an annual, internal evaluation of the functions, responsibilities, and performance of the commissioner in carrying out this act. In a year in which the state plan is prepared, the evaluation must be coordinated with the preparation of the state plan;

(6) provide technical assistance to local councils and agencies working in the area of child abuse prevention; and

(7) accept and review grant applications beginning June 1, 1987.

(b) The commissioner shall recommend to the governor and the legislature changes in state programs, statutes, policies, budgets, and standards that will reduce the problems of child abuse, improve coordination among state agencies that provide prevention services, and improve the condition of children, parents, or guardians in need of prevention program services.

Sec. 5. [299A.24] LOCAL CHILD ABUSE PREVENTION COUNCILS.

Subdivision 1. ESTABLISHMENT OF COUNCIL. A child abuse prevention council may be established in any county or group of counties that was eligible to receive funds under section 145.917 as of January 1, 1986. A council organized in such a county or group of counties shall be authorized by the commissioner to review programs seeking trust fund money on finding that the council meets the criteria in this subdivision:

(a) The council has submitted a plan for the prevention of child abuse that includes a survey of programs and services, assesses the need for additional programs or services, and demonstrates that standards and procedures have been established to ensure that funds will be distributed and used according to this act.

(b) A single-county council shall consist of:

(1) members of a multidisciplinary child protection team which must be established under section 626.558; and

(2) if necessary, enough additional members appointed by the county with knowledge in the area of child abuse so that a majority of the council is composed of members who do not represent public agencies.

(c) A multi-county council shall be selected by the combined membership of those multidisciplinary teams which have been established in the counties under section 626.558 and shall consist of:

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(1) one representative each from local human services agencies, county attorney offices, county sheriff offices, and health and education agencies, chosen from among the membership of all the teams;

(2) one representative from any other public agency group represented among the combined teams; and

(3) enough additional members from the public who have knowledge in the area of child abuse so that a majority of the council is composed of members who do not represent public agencies.

(d) In any multi-county group eligible to establish a council under this subdivision, at least 50 percent of the counties must have established a multidisciplinary team under section 626.558 before a council may be established.

Subd. 2. REVIEW BY COUNCIL. To be eligible to receive a grant from the trust fund, an applicant must have had its program reviewed by a child abuse prevention council from the applicant's geographic area found by the commissioner to meet the criteria in this section. In reviewing all such programs, the council shall consider the extent to which the applicant meets the criteria and standards in this act and the degree to which the program meets the needs of the geographic area. The council shall provide to the advisory council its comments and recommendations concerning each program reviewed and shall provide the advisory council with its prioritization by rank ordering of all programs reviewed.

Sec. 6. [299A.25] PROCEDURES AND CRITERIA FOR DISBURSEMENT.

Subdivision 1. ESTABLISHMENT. The commissioner shall establish in the plan for prevention of child abuse the criteria for distribution of trust fund money. All money shall be distributed for programs and services involving primary or secondary prevention, and no money shall be distributed for programs and services involving tertiary prevention.

Subd. 2. MATCHING AND OTHER REQUIREMENTS. Trust fund money shall only be distributed to applicants that demonstrate an ability to match 40 percent of the amount of trust fund money requested and whose proposals meet the other criteria. The matching requirement may be met through in-kind donations. In awarding grants, the commissioner shall consider the extent to which the applicant has demonstrated a willingness and ability to:

(1) continue the prevention program or service if trust fund money is eliminated or reduced; and

(2) provide prevention program models and consultation to other organizations and communities.

Subd. 3. USE OF FUNDS. Matching funds must not consist, in whole or in part, of state or federal funds. Any trust fund money received must not be used to compensate for a decrease in previously existing funding levels unless

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that decrease is attributable to a decision made by state, federal, or other entities not controlled by the applicant and the applicant demonstrates that it has made reasonable efforts to retain all previously existing funding.

Subd. 4. STATEWIDE OR REGIONAL PROGRAMS. The commissioner may fund programs that intend to serve the entire state or a region larger than the area served by any local council even if the program has not been reviewed by any local council. The commissioner may, however, solicit comments or recommendations about the applicant or the program from a local council covering any area to be served by the applicant's proposed program.

Subd. 5. LOCAL COUNCIL AS RECIPIENT OF FUNDS. The commissioner may disburse funds to a local council on the same basis as to any other applicant, or as administrative costs in carrying out this act, if all criteria and standards are met. Funds disbursed as administrative costs to a local council must not exceed five percent of total funds disbursed to the area served by the local council.

Subd. 6. ADMINISTRATIVE EXPENSES. The commissioner may keep up to five percent of trust fund money collected in any year under sections 7 and 8 for administering and otherwise carrying out responsibilities under this act, except that during fiscal year 1987 the commissioner may keep up to \$75,000 of trust fund money collected for these purposes. The approved complement of the department of public safety is increased by one unclassified and one classified position in the civil service of the state.

Subd. 7. CONTRACTS. The commissioner shall use state or local resources and staff if practicable, but may enter into contracts with public or nonprofit private agencies to fulfill the requirements of this act.

Subd. 8. RULES. The commissioner may adopt rules to carry out this act.

Sec. 7. [299A.26] ACCEPTANCE OF FEDERAL FUNDS AND OTHER DONATIONS.

The commissioner may accept federal money and gifts, donations, and bequests for the purposes of this act. Money so received must be deposited in the trust fund and must be made available annually to the commissioner for disbursement.

Sec. 8. Minnesota Statutes 1984, section 144.226, is amended by adding a subdivision to read:

Subd. 3. BIRTH CERTIFICATE COPY SURCHARGE. In addition to any fee prescribed under subdivision 1, there shall be a surcharge of \$2 for each certified copy of a birth certificate. The local or state registrar shall forward this amount to the commissioner of finance for deposit into the account for the children's trust fund for the prevention of child abuse established under section 3. This surcharge shall not be charged under those circumstances in

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which no fee for a certified copy of a birth certificate is permitted under subdivision 1, paragraph (a). Upon certification by the commissioner of finance that the assets in that fund exceed \$20,000,000, this surcharge shall be discontinued.

Sec. 9. [299A.27] ANNUAL APPROPRIATION.

All earnings from trust fund assets, all sums received under section 7, and 60 percent of the amount collected under section 8 are appropriated annually from the children's trust fund for the prevention of child abuse to the commissioner of public safety to carry out sections 1 to 7. In fiscal year 1987 only, the first \$75,000 collected under section 8 is appropriated from the children's trust fund for the prevention of child abuse to the commissioner of public safety to carry out sections 1 to 7.

Sec. 10. EFFECTIVE DATE.

Sections 1 to 9 are effective July 1, 1986.

Approved March 24, 1986

CHAPTER 424—H.F.No. 1793

An act relating to natural resources; authorizing stocking of fish in certain streams where public access is granted; regulating certain repairs to drainage systems in Anoka county; amending Minnesota Statutes 1984, section 97.485; and S.F. No. 1526, if enacted.

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

Section 1. Minnesota Statutes 1984, section 97.485, is amended to read:

97.485 FISH STOCKING PROHIBITED WHERE PUBLIC DOES NOT HAVE ACCESS.

The department of natural resources or any other state agency shall not stock, restock or plant fish in any waters to which the public is denied free access and use. The commissioner may stock fish in any stream within privately owned lands where the public is granted free access to and use of the stream for fishing purposes.

Sec. 2. **PASSAGE OF S.F. No. 1526.**

If S.F. No. 1526 is enacted in the 1986 legislative session, Minnesota Statutes 1984, section 97.485, as amended by section 1, is repealed and article 3, section 18 of S.F. No. 1526 is amended to read:

Sec. 18. [97C.201] STATE FISH STOCKING PROHIBITED WITHOUT PUBLIC ACCESS.

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