

Sec. 63. POWERS AND DUTIES.**Subdivision 1. STUDY ISSUES. The task force shall study:**

(1) existing United States; international, including Canada, Germany, and Japan; other state and Minnesota laws and regulations governing the release of genetically engineered organisms to determine their adequacy in governing the release of genetically engineered organisms;

(2) whether additional state laws or local government regulations are necessary to govern the release of genetically engineered organisms; and

(3) any additional issues surrounding the release of genetically engineered organisms that the task force believes are necessary to address.

Subd. 2. REPORT. The task force shall issue a report with recommendations, including any recommendations for legislation, to the governor and the legislature by January 1, 1989. Copies of the report must be available to the general public.

Sec. 64. REPEALERS.

Minnesota Statutes 1986, sections 116J.04; 160.80, subdivision 6; 177.28, subdivision 2; and 326.66 are repealed. Minnesota Statutes 1987 Supplement, section 115A.12, subdivision 2, is repealed. Sections 62 and 63 are repealed July 1, 1989.

Sec. 65. EFFECTIVE DATE.

Sections 1 to 61 and 64 are effective June 30, 1988. Sections 62 and 63 are effective the day following final enactment.

Approved April 24, 1988

CHAPTER 630—S.F.No. 2266

An act relating to child abuse; providing for the development of a training program for child protection workers; authorizing counties to establish pilot programs; allowing the appointment of a child intermediary in certain criminal child abuse proceedings; prescribing powers and duties of the intermediary; amending Minnesota Statutes 1986, section 626.559, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapter 626.

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

Section 1. Minnesota Statutes 1986, section 626.559, is amended by adding a subdivision to read:

Subd. 1a. CHILD PROTECTION WORKER PRESERVICE EDUCA-

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TION. Any individual who seeks employment as a child protection worker after the commissioner of human services has implemented the preservice training program developed under section 2, subdivision 2, must complete preservice training in order to be eligible for employment as a child protection worker.

Sec. 2. [626.5591] CHILD PROTECTION WORKERS; TRAINING; ADVISORY COMMITTEE.

Subdivision 1. DEFINITIONS. As used in this section, the following terms have the meaning given unless the specific context indicates otherwise:

(a) "Child protection agency" means an agency authorized to receive reports, conduct assessments and investigations, and make determinations pursuant to section 626.556, subdivision 10.

(b) "Child protection services" means the receipt and assessment of reports of child maltreatment and the provision of services to families and children when maltreatment has occurred or when there is risk of maltreatment. These services include: (1) the assessment of risk to a child alleged to have been abused or neglected; (2) interviews of any person alleged to have abused or neglected a child and the child or children involved in the report, and interviews with persons having facts or knowledge necessary to assess the level of risk to a child and the need for protective intervention; (3) the gathering of written or evidentiary materials; (4) the recording of case findings and determinations; and (5) other actions required by section 626.556, administrative rule, or agency policy, but excluding administrative practices necessary solely for the collection of data.

(c) "Competency-based training" means a course of instruction that provides both information and skills practice, which is based upon clearly stated and measurable instructional objectives, and which requires demonstration of the achievement of a particular standard of skills and knowledge for satisfactory completion.

(d) "Preservice training" means training provided to local child protection workers before they perform official job duties in a local child protection agency.

(e) "Probationary training" means training provided to a local child protection worker after the person has begun to perform child protection duties, but before the expiration of six months of employment as a child protection worker. This probationary training must occur during the performance of job duties and must include an evaluation of the employee's application of skills and knowledge.

(f) "In-service training" means training provided to a local child protection worker after the person has performed an initial six months of employment as a child protection worker.

Subd. 2. TRAINING PROGRAM; DEVELOPMENT. The commissioner of human services shall develop a program of competency-based preservice and probationary training for child protection workers if funds are appropriated to the commissioner for this purpose.

New language is indicated by underline, deletions by strikeout.

Sec. 3. [626.5592] STEERING COMMITTEE.

Subdivision 1. APPOINTMENT. The commissioner of human services shall appoint a steering committee to assist in the development of the training program under section 2.

Subd. 2. MEMBERSHIP. The steering committee consists of the following members:

(1) two individuals who are in a supervisory capacity in a local child protection agency;

(2) two individuals who are child protection workers with significant experience;

(3) one individual who has expertise in training and development;

(4) one law enforcement officer;

(5) three individuals who have particular expertise in any aspect of child protection services described in section 2; and

(6) three individuals from among the general public.

Subd. 3. DUTIES. The steering committee shall advise the commissioner regarding the format and content of the training program developed under section 2. The steering committee shall also:

(1) review and approve a two-year plan for the implementation of section 2;

(2) make recommendations as to the staffing and operation of section 2;

(3) make recommendations to the legislature on the implementation of section 2; and

(4) review implementation steps on a regular basis, and recommend necessary changes in department or public policy.

Subd. 4. COMPENSATION. The steering committee shall serve without compensation.

Sec. 4. [626.563] APPOINTMENT OF CHILD INTERMEDIARY IN CERTAIN CHILD ABUSE CASES; PILOT PROGRAM.

Subdivision 1. DEFINITIONS. The definitions in this subdivision apply to this section.

(a) "Child abuse" means any act which involves a minor victim and which constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.255, 609.342, 609.343, 609.344, 609.345, 609.377, or 609.378.

(b) "Significant relationship" means a relationship as defined by Minnesota Statutes, section 609.341, subdivision 15.

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(c) "Child" means a person under the age of 18 who is the alleged victim of child abuse perpetrated by an adult who has a significant relationship with the child victim.

Subd. 2. ESTABLISHMENT OF PILOT PROGRAM. Until July 1, 1989, a county board may establish a three-year pilot project authorizing the appointment of a child intermediary under this section and setting forth criteria for selecting and training the intermediary and monitoring the program. The intermediaries may be paid or may be volunteers, but shall function independently of the county human services agency, the county attorney's office, local law enforcement agencies, and the public defender's office.

By January 1, 1991, a county participating in the program must report to the legislature the interim results of its pilot program. The county must submit a final report of the results of the program to the legislature by January 1, 1993.

Subd. 3. APPOINTMENT BY COURT. In a county with a pilot program established under subdivision 2, a child intermediary may be appointed by the district court at the time a criminal charge is filed alleging child abuse against a child by an adult who has a significant relationship with that child. In making the appointment, the court shall consider the person's background in and familiarity with the judicial process, social service programs, and child abuse. If a guardian ad litem or other representative has been appointed to represent the child in concurrent judicial proceedings, the district court shall appoint the same individual to be the child intermediary if possible and if qualifications are met. The court must not appoint as a child intermediary a person who is likely to be a witness in any proceeding associated with the alleged child abuse.

Subd. 4. DUTIES. A child intermediary's duties include the following:

(1) protecting the child from unnecessary further trauma by marshaling and coordinating the delivery of available resources and special services to the child and the child's family;

(2) advising the court as to the child's special needs with regard to pretrial interviews, deposition or trial testimony, and the expediting of proceedings, and with respect to the child's ability to understand the process;

(3) advising the prosecuting attorney as to a child's ability to cooperate with the prosecution, and the potential effects of the proceedings on the child; and

(4) guaranteeing that the rights established for victims in Minnesota Statutes, section 611A.037 are extended to the child or to the child intermediary on the child's behalf.

Subd. 5. POWERS. A child intermediary has the power to:

(1) gain access to all reports, evaluations, and records necessary to perform the intermediary's functions, but not including attorneys' work product; and

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(2) make motions or objections to motions and petition the court for the appointment of an attorney for the intermediary if necessary to adequately protect the best interests of the child.

The intermediary may not introduce evidence or examine or cross-examine witnesses in the presence of the jury.

Subd. 6. WITNESS PRIVILEGE. Notwithstanding Minnesota Statutes, section 595.02, subdivision 1, child intermediaries appointed in child abuse cases under this section may not be compelled to testify in any court action or proceeding about any opinion or information received from or about the child victim in the course of serving as an intermediary.

Approved April 24, 1988

CHAPTER 631—S.F.No. 2323

An act relating to financial institutions; authorizing certain investments for banks; amending Minnesota Statutes 1986, sections 48.152, subdivision 10; 48.24, subdivisions 5 and 6; and 48.61, by adding a subdivision.

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

Section 1. Minnesota Statutes 1986, section 48.152, subdivision 10, is amended to read:

Subd. 10. The acquisition of personal property for leasing to customers under this section not in conformity with subdivision 4 is authorized if the total amount of unpaid rental obligations to be paid to the bank on investment in this personal property; shall does not exceed 200 percent of the sum of the bank's capital actually paid in cash and its actual surplus fund.

Sec. 2. Minnesota Statutes 1986, section 48.24, subdivision 5, is amended to read:

Subd. 5. Loans or obligations shall not be subject under this section to any limitation based upon such capital and surplus to the extent that they are secured or covered by guarantees, or by commitments or agreements to take over or to purchase the same, made by:

- (1) the commissioner of agriculture on the purchase of agricultural land;
- (2) any Federal Reserve bank;
- (3) the United States or any department, bureau, board, commission, or establishment of the United States, including any corporation wholly owned directly or indirectly by the United States; or

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