



Legislative Commission on the Economic Status of Women

Newsletter #163

85 State Office Building, St. Paul, MN 55155

June 1991

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Terry Johnston, Prior Lake
Pat Piper, Austin
Judy Traub, Minnetonka

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Alice Hausman, St. Paul
Becky Lourey, Kerrick
Connie Morrison, Burnsville
Katy Olson, Sherburne

Staff:

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IN THIS ISSUE

Legislative Summary for the 1991 legislative session which ended May 20. Featured is all legislation relating to the Commission's agenda for this session, as well as other legislation of interest to women. Legislation that was not passed and that which was passed but vetoed by the governor is also included.

COMMISSION OFFICERS

Representative Katy Olson was elected chair of the Commission and Senator Janet Johnson was elected vice chair at a May 29 meeting of the Commission.

INTERIM HEARINGS

This fall the Commission will hold hearings around the state to gather information to be used to prepare for the 1992 legislative session. The Commission is especially interested in visiting communities where it has not held hearings in the past. The Commission wants to hear about all issues of concern to women and specifically how state government can affect these issues. If interested in exploring the possibility of a hearing in your community, please call the Commission office.

COMMISSION AGENDA LEGISLATION PASSED

WOMEN'S PROGRAMS

Commission on the Economic Status of Women

(CHAP. 345) Funding for the Commission was continued.

Battered Women

(CHAP. 292) The biennial appropriation for battered women's shelters and advocacy services remained the same.

Sexual Assault Programs

(CHAP. 292) The biennial appropriation for sexual assault services remained the same.

Displaced Homemaker Programs

(CHAP. 292) Requires the Department of Jobs and Training to maintain the same level of funding to any displaced homemaker program which would lose funding under a new funding formula. Increased allocations could be made on the basis of a new formula. The biennial appropriation of \$2.7 million was not increased. Also expands the definition of "additional dislocated worker" to include displaced homemakers so that they may be eligible to receive services from the dislocated worker program.

CHILD CARE

(CHAP. 292) Appropriates \$60,000 for an independent state council, the Early Childhood Care and Education Council, which will review and coordinate state agency policies regarding early childhood care and education programs. Appropriates \$120,000 of federal child care funds for the operation of the council. The governor will appoint 19 members plus 4 ex officio legislative members to the council. Requires the Department of Human Services (DHS) to work with the new council in determining how to spend federal child care funds.

Creates a \$100,000 grant program to assist child care centers and family providers in obtaining accreditation and/or certification and to achieve improved pay for child care workers.

Child Care Subsidy Programs

Requires DHS to develop a plan for getting federal child care reimbursements for AFDC caretakers who

are not eligible for STRIDE but are participating in education, training or job search. When the plan is approved by the federal agency, DHS will make a proposal to the legislature for funding administrative costs. The state's share of funds will then be transferred from the state's Basic Sliding Fee child care subsidy program.

Gives second priority for Basic Sliding Fee child care assistance to former AFDC recipients who have completed their one year of transition assistance for child care. (First priority is applicants without a high school degree.)

Changes the way child care funding is allocated to the counties to better ensure that all funds are spent.

Ensures that child care providers will not lose funding when the state moves to the federal reimbursement rate for families participating in the Basic Sliding Fee or AFDC child care programs.

Resource and Referral Agencies

Requires state-funded child care resource and referral agencies to establish new or collaborate with existing community-based committees to advocate for child care needs in the community.

Tax Credit for Family Child Care Providers

(CHAP. 291) Gives family child care providers a tax credit if they are caring for their own children under age 6 at home. If they are income eligible, providers can take the maximum credit allowable for a child under 16 months. For children older than 16 months, the credit is based on what the provider charges for other children in the program. The credit is available to families earning less than \$27,000 annually.

Child Care for Post-Secondary Students

(CHAP. 356) Provides \$300,000 for a grant program to create innovative ways of providing child care for post-secondary students. Grants of \$25,000 can be awarded to the schools, a school organization or to any private, non-profit organization.

Appropriates an additional \$1 million for the biennium to the post-secondary child care fund which provides subsidies to low-income students who have child care expenses.

DIVORCE

(CHAP. 266) Provides that each spouse has a fiduciary duty (responsibility) for any profit or loss from the use of marital assets or a transaction that occurs without the consent of the other spouse while a divorce is pending. Allows a court to order compensation to the other spouse if marital property is transferred, concealed or disposed of while the divorce is pending.

Changes the month to file maintenance and child support cost-of-living adjustment petitions from May to any month if payments are not being made to county child support offices.

(CHAP. 271) Requires a marriage dissolution summons to contain a notice that prohibits either spouse from harassing the other or from discontinuing insurance coverage and from disposing of any assets except for necessities or to generate income.

Allows a divorce to become final without a final court hearing if the couple has no minor children and have agreed in writing to the terms of the divorce. Attorneys would not be needed. For couples with minor children, the final hearing may be waived only if they were represented by attorneys and they have signed a written agreement. A final hearing may still be scheduled by the court if it appears the agreement will not be in the best interests of the children or in the interest of justice.

Creates a pilot project for a streamlined procedure for divorces in marriages where there has been no domestic abuse, no minor children, no real estate, pension or retirement plan, no unpaid debts over \$5,000 and total marital assets do not exceed \$10,000, including an automobile. The marriage must have lasted less than 5 years. This streamlined process, called the summary dissolution process, will be evaluated by the state court administrator, who will make a report to the legislature by Oct. 1, 1995. The project will end June 30, 1996 unless the legislature authorizes its extension.

Appropriates \$30,000 to develop an educational video for the courts to use with all clients going through a divorce proceeding.

CHILD SUPPORT

Child Support Awards

(CHAP. 292) Requires that the child support guidelines be used in all cases when establishing or modifying child support. If there is no deviation from

the guidelines, the court must indicate the amount of income used to determine the child support amount and any other factors affecting determination of support. If the guidelines are not followed, the court must give the reasons for the deviation, the specific criteria used to determine support and explain how the deviation is in the best interests of the child. The court is also required to review any stipulations made between the two parties.

Requires the parties in a child support proceeding to provide the court with documentation of their income in a timely manner. The court is allowed to base child support on the estimated earning ability of the non-custodial parent if the court finds that the non-custodial parent is voluntarily unemployed or under-employed. It is not considered voluntary unemployment or under-employment if the parent is making a bona fide career change.

Allows for a modification of a child support order if applying the guidelines would result in a monthly payment that is 20 percent and at least \$50 per month higher or lower than the current payment.

Child Support Enforcement

Allows a person receiving child support or the county child support office to petition a court to suspend an occupational license of the person paying child support if payments are past due. The court may then order the licensing board to conduct a hearing on the suspension. If a licensing board receives an order from the court, it can only determine whether the past due amounts have been paid and whether suspension or probation is appropriate. If the suspension would create extreme hardship, the licensing board may order probation instead, but only for two years. During probation, the license can be suspended if monthly proof of payment is not provided to the board.

Prevents child support obligors who are more than 30 days past due in paying child support that is being collected by the county enforcement office from being eligible for a higher education grant from the state of Minnesota.

AFDC

Family Investment Plan

(CHAP. 292) Continues the Family Investment Plan (FIP), a welfare reform initiative within the Department of Human Services. DHS will continue to seek federal approval for the plan. Counties will be

selected to test the new program, which will combine AFDC, Food Stamps and General Assistance programs into one cash grant for participating families. Participating families are required to pursue employment and training. Families who do will receive higher benefits and be allowed to keep a greater share of their earnings without losing benefits when they become employed. Field trials of FIP cannot begin until authorized by the legislature in the next biennium.

Rent Assistance for Family Stabilization

(CHAP. 292) Appropriates \$3 million for rental assistance to families who are receiving public assistance, have a caretaker parent participating in a self-sufficiency program and have at least one minor child. The program will be a demonstration project in counties with high housing costs. The family will pay 30 percent of its gross income for rent. The rental assistance would be no more than \$200 and would be received for up to 36 months.

DOMESTIC VIOLENCE

Battered Women's Advisory Council

(CHAP. 272) Continues the Battered Women's Advisory Council with 12 members serving no more than two 2-year terms. No more than six members may represent community or government organizations that provide battered women's services. Membership must represent both metropolitan and non-metropolitan areas. The council's duties include advising the Commissioner of Corrections on planning, development, data collection, funding and evaluation of programs and services, and rules governing the awarding of grants.

Orders for Protection

A person seeking an order for protection (OFP) is not required to pay a filing fee or the cost of serving the order. The court can require the offender to pay the costs.

Increases the penalty for a second violation of an OFP within two years to a gross misdemeanor and requires the court to state its reasons when jail time is not imposed. Increases the period of probation for a domestic assault from one to two years. If a person arrested for a domestic assault is released, the court can issue an OFP at the request of the prosecutor, the victim or on its own. The OFP is in force until the offender is convicted or acquitted or until charges are dismissed.

ECONOMIC DEVELOPMENT

(CHAP. 354) Appropriates \$400,000 for the biennium to WomenVenture (formerly Chart/WEDCO), a non-profit corporation providing assistance and loans to low-income women interested in starting businesses.

(House Advisory 38) The House Committee on Economic Development will monitor hiring and contracting practices by businesses benefitting from state assistance.

FAMILY PLANNING

(CHAP. 292) Allocates \$3.9 million for family planning grants to fund the statewide family planning hotline and special projects. The special project grants are to be distributed to eight regions in the state according to a needs-based formula. This represents an increase of \$1.9 million over the current funding level.

CAREGIVER SUPPORT SERVICES

(CHAP. 292) Allocates \$1.2 million to establish a statewide resource center for caregiver support and respite care and to fund up to 36 projects to expand the respite care network in the state and to support caregivers.

WIC (WOMEN, INFANT, CHILDREN) PROGRAM

(CHAP. 292) Allocates \$1.45 million to the WIC program. This is an increase of \$700,000 over the previous funding level.

OTHER LEGISLATION PASSED

Minnesota Working Family Credit

(CHAP. 291) Creates a refundable credit for working families with children and an income of less than \$21,134 annually.

Female Juvenile Offenders

(CHAP. 135) Provides that juvenile females charged with status offenses be offered programming equivalent to male juvenile offenders.

Commission on Children, Youth & Their Families (CHAP. 265) Creates a Legislative Commission on Children, Youth and Their Families. The Commission's priority task is to determine the feasibility of creating a state agency for children and their families and to determine how to improve legislative consideration of children's issues (see vetos on this page).

Learning Readiness

(CHAP. 265) Creates a "learning readiness" program for 4-year-olds, providing school districts with state aid to develop a plan and operate a program targeted to children who are developmentally disadvantaged or experiencing risk factors that may impede their learning readiness. The program must include: coordination of social services; collaboration with community-based agencies; a development and learning component; health referral services; a nutrition component; and parental involvement. Districts may contract with community-based agencies for providing any of the program components (see vetos on this page).

School-age Child Care

(CHAP. 265) Requires school districts operating a school-age child care program to adopt standards for the program by Oct. 1, 1991 if the program had been in operation before July 1, 1990. All other programs must adopt standards one year after beginning operation.

Child Care Licensing

(CHAP. 143) Requires ongoing training in cultural dynamics for group family and family child care providers to continue being licensed.

LEGISLATION NOT PASSED

Health and Wellness

(S.F. 322) Would have provided grants to schools to develop K-12 health and wellness programs.

Gender Balanced Boards

(S.F. 768) Would have required the membership of a multi-member state agency (such as an executive branch council, board or commission) to be gender balanced by July 1, 1991.

VETOED BY GOVERNOR

HEALTH CARE ACCESS

(CHAP. 335) Would have established a program to begin to provide access to health insurance for all Minnesotans. The plan was to begin Oct. 1, 1992 and be phased in over the next five years.

The state would have subsidized health care for Minnesotans with incomes less than 275 percent of the poverty level and who had been without health insurance for a least four months. Coverage would have included outpatient and childbirth services, with an option to purchase inpatient coverage. Inpatient care would have been included by 1997. Uninsured Minnesotans not eligible for the subsidized health care would have been able to purchase coverage through the state plan. The premium would depend on the family's income.

The legislation also provided for reforms of the health care and health insurance systems. Included were provisions that prohibited denial of coverage based on age, gender and marital status and that phased out gender- and age-based insurance rates.

Commission on Children, Youth and Their Families

(CHAP. 265) An appropriation of \$20,000 for this new Commission was vetoed by the governor.

Learning Readiness

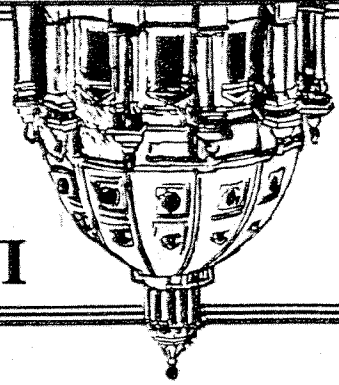
(CHAP. 265) A \$28 million appropriation for this new program was cut to \$8 million by the governor's veto.

Women's Athletics

(CHAP. 345) Appropriated \$51,000 to the state's Amateur Sports Commission for a full-time women's sports director.

(CHAP. 356) Appropriated \$19.6 million to the University of Minnesota for a variety of special programs, including improving the programs available to women and to ensure that campuses are in compliance with Title IX of the Civil Rights Act. Also included a provision that the women's athletic programs be funded by an already established formula allowance or a minimum of \$65,000 per campus, per year.

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ADDRESS CORRECTION REQUESTED

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Legislative Summary: 1991

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