

# Legislative Commission on the Economic Status of Women

Newsletter #173

85 State Office Building, St. Paul, MN 55155

May 1992

(612) 296-8590 or 1-800-652-9747

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### Staff

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Chris Halvorson, Asst. Director  
Cheryl Hoium, Asst. Director

## ANNOUNCEMENTS

The Commission will hold public hearings in the next few months. If you are interested in the Commission visiting your community, please contact the Commission office.

## LEGISLATIVE SUMMARY 1992

This issue summarizes the legislation passed related to women during the 1992 legislative session that ended April 17.

### VIOLENCE AGAINST WOMEN

The Commission's agenda focused on the prevention of violence against women, including educational programs, funding for existing victim programs and treatment of juvenile offenders. The following provisions are contained in Chapter 571, the omnibus crime bill.

#### Violence prevention and education

Requires that public and private post-secondary institutions and requests that the University of Minnesota, adopt sexual harassment and anti-violence policies which inform victims of their rights and include provisions relating to sexual assault cases.

Appropriates \$1.5 million to the Dept. of Education to help school districts develop and implement violence prevention programs which can be integrated into the curricula of grades K-12 and for violence prevention in-service training for school staff and board members.

Appropriates \$250,000 to the Dept. of Education for grants for cities, counties and school boards to establish community violence prevention councils to identify community needs and resources.

Violence, continued on next page

### **Violence, continued from front page**

Appropriates \$500,000 to the Dept. of Education Early Childhood Family Education program to train parent educators and to expand home visiting services to include prevention of child abuse and neglect.

Expands the duties of the Office of Drug Policy to include violence prevention education, training and developing a statewide strategy.

Requires Supreme Court education programs for district court judges to focus on domestic abuse laws and related civil and criminal court issues.

### **Battered women's programs**

Appropriates an additional \$500,000 to the Dept. of Corrections for battered women's shelters and services.

Allocates \$300,000 to the Dept. of Corrections for domestic abuse advocacy programs in every judicial assignment district by July 1, 1995.

### **Sexual assault programs**

Appropriates \$400,000 to the Dept. of Corrections for programs for sexual assault victim services.

### **Domestic abuse law enforcement and prosecution**

Requires domestic abuse prosecution plans in each city and county by June 1, 1994. The plans must include written policies for arrest procedures in domestic abuse incidents and procedures which encourage prosecution of all domestic abuse cases if a crime can be proven.

Requires law enforcement agencies to develop, adopt and implement written policies regarding arrest procedures in domestic abuse incidents. The policies must be developed in consultation with domestic abuse advocates, community organizations and other law enforcement agencies with expertise in domestic abuse incidents. Requires the development of a model policy.

Expands the rights of petitioners for Orders For Protection (OFP) and clarifies that advance notice to the alleged abuser is not required. Strengthens penalties for violating an OFP to include a mandatory three-day sentence for the first offense and ten days for the second. Requires treatment of domestic abusers if the court stays imposition or execution of the three-day sentence. Allows a petitioner for an OFP to seek restitution.

### **Sex offender treatment**

Requires the Dept. of Corrections to establish statewide standards for adult and juvenile sex offender treatment programs by July 1, 1994, and assess the need for sex offender treatment of persons convicted of criminal sexual conduct. Also requires the Dept. of Corrections to provide for a range of sex offender treatment programs, including intensive sex offender programs.

Gives priority in funding to juvenile sex offender treatment programs.

Expands mandatory assessment of juvenile sex offenders to those convicted of fifth degree criminal sexual conduct involving interferences with privacy such as obscene or harassing telephone calls or indecent exposure.

Establishes a sex offender treatment fund for community-based treatment for adult and juvenile sex offenders to be administered by the Dept. of Human Services. Grants will be given to develop new treatment services and methods, educate courts and correctional personnel, address special treatment needs in a county and for programs.

### ***The following crime legislation is contained in various other bills.***

(Chap. 452) Establishes a state policy of "zero tolerance for violence," stating that every person in Minnesota has the right to live free of violence. Requires the legislature and all state agencies to adopt a similar statement. Agencies are encouraged to develop plans that eliminate the potential for violence in the workplace. The workplace plans may include eliminating sexual harassment and making sure the physical environment is safe.

(Chap. 499--education bill) Requires public schools to conspicuously post their sexual harassment and sexual violence policies throughout the school and to develop a process for discussing the policies with students and school employees.

(Chap. 558--bonding bill) Authorizes \$1 million in bonding to the Housing Finance Agency for grants up to \$200,000 for the construction or rehabilitation of shelters for battered women or other facilities serving crime victims.

**Other crime provisions are listed in the box on the next page.**

## **OTHER LEGISLATION RELATING TO VIOLENCE**

In addition to prevention efforts and additional funding for existing services, the following provisions were passed in response to recent cases of domestic abuse, sexual assault and murder of women in Minnesota. All provisions are contained in Chap. 571 (the omnibus crime bill) unless otherwise noted.

(Chap. 537) Increases the penalty for repeat misdemeanor assault and fifth degree assault.

Requires law enforcement to take possession of a firearm if it was used during a domestic assault. The firearm is returned if no conviction for family or household violence occurs within three years.

Prohibits the possession of a pistol after a second fifth degree assault conviction within three years.

(Chap. 571) Establishes a testing program for an electronic monitoring system of offenders to determine if it can protect the safety of domestic abuse victims with OFPs.

Strengthens penalties for the crime of repeated following or pursuit of another (stalking).

Increases prison terms for serious crimes involving forcible criminal sexual conduct and repeat criminal sex offenders.

Institutes a minimum supervised release period of five years for all sex offenders, with ten years for repeat offenders.

### **Definitions**

Expands the definition of a "heinous crime" to include third degree criminal sexual conduct committed with force or violence.

Expands the definition of "domestic abuse" under the first degree murder statute to include fifth degree assault, felony-level criminal sexual conduct crimes and terroristic threats.

### **Prostitution crimes**

Increases criminal penalties for promoting or receiving profit from the prostitution of a minor under the age of 16.

### **Crime victims**

Expands the court's responsibility to provide separate waiting rooms and courthouse security for crime victims and the alleged criminal, requiring vic-

tim escorts and increased bailiff surveillance.

Appropriates \$30,000 to the Dept. of Public Safety to establish a 24-hour statewide toll-free telephone line to provide referrals for crime victim services.

Allocates \$200,000 to the Dept. of Corrections for crime victim center grants, with priority for regions of the state with no or insufficient programs and services.

### **Sex offender sentencing**

Makes all sex offenders ineligible for intensive community supervision, an alternative to prison or supervised release.

Extends probation from one to two years for persons convicted of certain misdemeanor sexual misconduct violations.

Removes eligibility for conditional release from prison for patterned sex offenders based on their progress in sexual offender treatment. The court is now required to double the sentence for patterned sex offenders, resulting in more total prison time than under current law. (A patterned sex offender is defined as a person who commits a sexual crime as part of a predatory pattern of behavior, who is a danger to

## **CHILD CARE**

(Chap. 513) Creates a \$6 million fund to help AFDC recipients who are not participating in the STRIDE jobs and training program pay for child care to look for work or participate in education and training. The child care costs will be subsidized by state and federal dollars.

## **CHILD SUPPORT**

(Chap. 513) Raises the fee for using county child support collection services from \$5 to \$25.

Establishes various fees for filing motions or answers to motions for modifications of child support.

## **HEALTH CARE ACCESS**

"HealthRight", a health care access and insurance reform bill, contains many provisions directly affecting the economic status of women, including the elimination of sexual discrimination practices in

health insurance. These highlights are noted below. All provisions are contained in Chap. 549.

### **Small employer health insurance policies**

Prohibits rating based on gender as of July 1, 1993.

Limits discrimination based on age as of July 1, 1993.

Requires a report by Dec 1, 1994 on the possibility of ending all rating practices based on risk by July 1, 1997.

### **Individual health insurance policies**

Prohibits rating based on gender in policies as of July 1, 1993.

Requires community rating for all Medicare-related coverage by January 1, 1993.

Requires a report by December 15, 1992 on the individual health insurance policy market, including the elimination of rating practices based on risk.

Provides that gender cannot be used to deny coverage as of July 1, 1993.

Requires that Medicare supplemental plans be issued without an exclusion for pre-existing conditions during a person's first six months of eligibility for Medicare as of July 30, 1992.

#### **Nurses**

Establishes a loan forgiveness program for nurses who agree to practice in a nursing home.

Authorizes the establishment of a competitive grant program to develop continuing education programs for nurses working in rural areas.

#### **Obstetrical Access**

Requires a study of access to obstetrical services in Minnesota by January 1, 1993.

**Other health care provisions are listed in the box below.**

### **PARENTAL LEAVE**

(Chap. 438) Allows employees to take unpaid leave up to 16 hours in a calendar year to attend their child's child care, pre-school or special education program. The leave may be used to attend a conference or activity related to the employee's child or to observe the program when these activities can not be scheduled

during non-work hours. This provision applies to all employers. Parents of children in K-12 education are already covered by this provision.

Gives the Dept. of Labor and Industry the responsibility to receive complaints against employers regarding the parental leave law. The department can investigate informally whether the employer is in violation, attempt to resolve complaints by informing employees and employers of the law and direct employers to comply. The department must make an annual report to the legislature including the type and number of complaints, resolutions and the rate of repeat complaints. The department must also develop a poster featuring employees rights under the parental leave law and make the poster available for posting in the workplace.

### **OTHER**

#### **Learning Readiness**

(Chap. 499) Directs the Dept. of Education to determine a formula for Learning Readiness aid and make a report to the legislature in 1993.

#### **Ice sports for girls**

Requires school districts operating ice arenas to prove to the Dept. of Education that they will offer equal opportunities for male and female students using the ice arena, particularly in prime practice time, team support, junior varsity and programs for younger girls.

### **HealthRight**

The following provisions of the HealthRight bill will affect access to health care and what is paid for health care services and insurance. A major provision is to create a new insurance program designed to serve currently uninsured Minnesotans.

#### **Insurance programs**

The HealthRight insurance plan will build on the existing Children's Health Plan to provide a subsidized insurance plan for the uninsured, with premiums based on income. Coverage will initially include primary and preventive care, but will expand to hospital services July 1, 1993. Low income families with children whose family incomes are 185 percent of poverty will be eligible as of October 1, 1992. The program will expand to other families with children with incomes up to 275 percent of poverty as of January 1, 1993 then to

single adults and households without children with incomes up to 275 percent of poverty as of January 1, 1995.

The state will establish a new Private Employer's Insurance Program (PEIP) to provide small employers with access to cheaper rates through the purchasing power of a large pool. Coverage begins July 1, 1993.

#### **Cost containment**

A major goal of the legislation is to control rising health care costs.

Data on health care spending will be collected. Statewide and regional limits on growth in spending will be developed. Guidelines will be established for treatment of certain medical conditions. Centers will be established for high-cost and specialized procedures, with minimum standards for those procedures. Consumer and health education programs will be imple-

mented. Uniform billing forms and procedures will be developed.

A 25-member health care commission will be appointed to make recommendations on controlling growth in health care costs. Gender balance is required in the appointments to the commission.

#### **Rural health**

The legislation includes provisions designed to improve the delivery of health care in rural areas. There are incentives for the education financing of health professionals who agree to practice in rural areas as well as assistance with their recruitment and retention. Grants will be provided to assist community hospitals. Financial assistance will be available to hospitals that would close as a result of the new hospital tax financing the HealthRight legislation. Health care clinics will be developed in medically under-served parts of the state.

**Parental involvement in curriculum**

Requires the Dept. of Education to develop guidelines and model plans for parental involvement programs at will encourage parents to actively participate in their districts' curriculum advisory committee. The model program must be multicultural, gender fair and disability sensitive.

**Headstart**

(Chap. 558) Authorizes \$2 million in bonding to the Dept. of Jobs and Training for constructing or rehabilitating Headstart or other early education facilities. Grants will not exceed \$200,000 and must be distributed according to need.

(Chap. 499) Appropriates \$2 million to the Dept. of Jobs and Training to serve 650 more children in Headstart programs.

**Women, Infants and Children Program**

(Chap. 513) Appropriates \$40,000 to the Women, Infant and Children (WIC) food program in the Dept. of Health, to purchase food for women and children who are homeless or living in temporary or emergency shelters.

**Video display terminals**

(Chap. 546) Requires the Dept. of Labor and Industry to study occupational health problems associated with use of video display terminals. The study must include recommendations and identify any savings to employers if they reduce the health risks.

**Child care**

(Chap. 513) Requires the Dept. of Human Services to study whether or not family or group family child care can be prohibited in certain property use agreements.

(Chap. 499) Allows school districts with extended day programs to levy for any additional costs of providing that service to children with disabilities.

**Higher education**

(Chap. 513) Allows students enrolled for 6 to 7 credits to be eligible for full-time state grants while the full- and part-time grant programs are being combined.

Requires that financial aid be prorated on a credit basis for students attending less than full-time.

**Welfare reform**

(Chap. 513) Appropriates \$800,000 to the Dept. of Human Service to complete planning for the Minnesota Family Investment Program (MFIP). It will begin as a

pilot project in 1994 and allow employed AFDC families to keep more of their income before AFDC is reduced.

**Chemical abuse**

(Chap. 571) Authorizes the Dept. of Human Services to begin chemical dependency treatment programs for pregnant women and women with children.

**Children's Safety Centers**

Appropriates \$200,000 to the Dept. Human Services for grants up to \$50,000 for local non-profit organizations to establish pilot children's safety centers in existing facilities. The centers will provide security for children during visitation when the parents are separated or divorced or the children are in foster care and there is a history of domestic violence or abuse.

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**BILLS NOT PASSED**


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**SF 2000/HF 1687 Child Support**

Would have made changes in child support guidelines, provided for sharing of work-related child care expenses and extraordinary medical expenses, made employers liable for failure to comply with income withholding orders, expanded the court's contempt powers and provided more funds for county child support collections.

**SF 2229/HF 2193 Paternity**

Would have simplified the process for establishing paternity by creating a document called Recognition of Parenthood which, when signed by both parents, notarized, acknowledged under oath and filed with the Registrar of Vital Statistics, would establish paternity without the need for court action. Required the Dept. of Human Services to prepare educational materials for new and prospective parents to be distributed by hospitals which provide obstetrical services.

**SF 450/HF 607 Adolescent health care centers**

Would have required junior and senior high schools to establish adolescent health care centers to provide comprehensive primary health care services.

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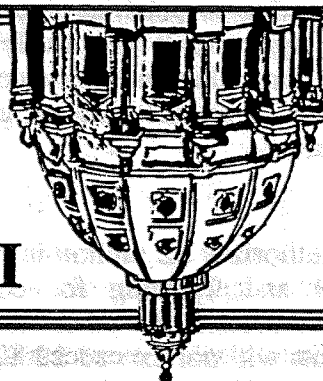
**BILLS VETOED BY THE GOVERNOR**


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**SF 768 /HF 1114 Gender balance in appointments**

Provided for gender balance on state boards and councils. If one sex is under-represented as members, new members must be of the other sex until balance is achieved. Exceptions would be made for boards concerned with gender-defined populations or qualified or willing appointees are not available.

**Legislative  
Commission on the  
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85 State Office Building  
St. Paul, MN 55155**

**ADDRESS CORRECTION REQUESTED**

**NEWSLETTER #173**

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**1992 Legislative Program**

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