



Legislative Commission on the Economic Status of Women

Newsletter #195
85 State Office Building, St. Paul, MN 55155

May 1994
(612) 296-8590 or 1-800-657-3949

COMMISSION MEMBERS

Senators

Linda Berglin, Minneapolis
Kevin Chandler, White Bear Lake
Janet Johnson, North Branch,
Chair
Sheila Kiscaden, Rochester
Pat Piper, Austin

Representatives

Karen Clark, Minneapolis
Tim Commers, Mendota Heights
Betty McCollum, S. St. Paul,
Vice Chair
Steve Kelley, Hopkins
Becky Lourey, Kerrick

Staff

Aviva Breen, director
Chris Halvorson, asst. director
Cheryl Hoiium, asst. director

IN THIS ISSUE

This issue summarizes the actions of the 1994 legislative session which ended May 9. Listed are bills that the Commission worked on, as well as other legislation affecting the economic status of women. Bills that did not pass the legislative process or were vetoed by the governor are listed at the end of the summary.

ANNOUNCEMENTS

Working Women's Survey

The Commission is helping with a national survey of working women being conducted this summer by the Women's Bureau of the U.S. Department of Labor. The survey, "Working Women Count" includes 19 questions regarding women's attitudes about their current jobs and workplace issues. A copy of the survey is included at the back of this newsletter. Individuals and organizations are free to make copies of this survey and distribute it as well.

Please return all questionnaires to the Commission office by August 1. The Commission will send all responses to the Women's Bureau.

Commission Hearings

The Commission intends to hold several public hearings around the state during the legislative interim. Please contact the Commission office if you would like to have a hearing in your community or if you have suggestions regarding a specific hearing topic. Hearings in the outstate areas are usually kept open-ended.

Pay Equity Publication

A revised edition of the commission's publication, "Pay Equity: The Minnesota Experience," is now available. Please call the Commission office to order.

LEGISLATIVE SUMMARY 1994

K-12 EDUCATION

Staff Development: Requires district plans for staff development to include activities to promote: equal educational opportunities for all students consistent with desegregation/integration and inclusive education policies; conflict resolution; and violence prevention, including sexual harassment. (Chap. 647)

Sexual, Religious and Racial Harassment and Violence Policy: Expands the coverage of the harassment and violence policy required in each district to require that the policy be given to new employees and independent contractors. (Chap. 647)

FAMILY LIFE AND SEXUALITY

Male Responsibility and Fathering: Allocates \$500,00 to establish a grant program focusing on male responsibility and fathering to reduce teenage pregnancy and prevent crime. (Chap. 647) (see also vetoes in Omnibus Crime bill)

Sexuality and Family Life Education Survey: Requires the Department of Education to survey the extent and status of family life education in Minnesota's schools. The results are to be used to develop effective programs to prevent teen pregnancy. (Chap. 647)

Teen pregnancy reduction: Appropriates \$80,000 for ENABL program, a teen pregnancy reduction program for eight and ninth graders. (Chap. 636)

CHILD CARE AND EARLY CHILDHOOD PROGRAMS

Child Care: Changes eligibility requirements for the post-secondary child care program and bases the grant on household income rather than a student's financial need. Limits the grant amount to \$1,500 per child per academic year. Provides for an additional grant for students enrolled other than during the regular academic year. Limits the number of child care hours to 40 per week. **An amendment to this bill that would have delayed this change from July 1994 to July 1995 was omitted in the final version of the bill. A subsequent bill to correct this error failed to pass in the House and it is unknown when this change will take effect.* (Chap. 532)

Dependent Care Tax Credit: Extends the Dependent Care Tax Credit to married couples who do not have out-of-pocket child care expenses. The maximum allowable credit is \$720 and can only be taken for a child who is age 1 or less at the end of the tax year. The credit is less as family income increases. The married

couple must file taxes jointly and not be participating in a dependent care assistance program. (Chap. 587)

Learning Readiness, Headstart, etc

Appropriates \$1.5 million for learning readiness programs. (Chap. 576)

Early Childhood Facilities

Appropriates \$2 million to construct or rehabilitate HeadStart or other early childhood facilities. (Chap. 643)

FAMILY LAW AND CHILD SUPPORT (CHAP. 630)

This law replaces the uniform reciprocal enforcement of support act (known as URESA) which is used when child support is enforced in another state. The law expands jurisdiction over someone who no longer resides in a state but who owes child support to a child living in the state. The law should make establishment, modification and enforcement of out of state awards easier.

Administrative process

Establishes an administrative process for the establishment, modification and enforcement of child and medical support orders, and maintenance if it is combined with a child support order. The administrative process will apply to uncontested and default cases and will be used instead of a court hearing, unless there are other issues being decided. The law establishes the administrative process procedures and clarifies the powers, duties and responsibilities of administrative law judges and the non-attorney employees (child support officers.)

Child Support Administration and Enforcement

Authorizes the attorney general's office to establish a public service campaign designed to educate the public about child support.

Improves the process for suspending occupational licenses of persons owing past due child support.

Allows private collection agencies to assess fees against an obligor when collecting child support. The fees are in addition to the child support collected and do not reduce the amount of child support received by the obligee.

Clarifies how child care expenses are allocated between the parties. Creates a presumption of substantial unfairness if after

Expands the definition of sexual contact with a person under 13. Expands the definition of sexual penetration to include acts committed without the victim's consent, except in cases where consent is not a defense.

Eliminates consent as a defense when a victim of fourth degree criminal sexual conduct is at least age 13 but less than 16, and the perpetrator is more than 48 months older or in a position of authority.

Expands the definition of criminal sexual conduct in the fourth degree when the victim is at least 16 but less than 18 to include inducing the complainant to submit.

Makes it a misdemeanor to install any device for observing, photographing, recording or broadcasting sounds or events with the intent of intruding on the privacy of a household member.

Appropriates \$30,000 for training judicial district coordinating councils on the dynamics of sexual assault and model programs for handling cases. (Chap. 636)

VIOLENCE PREVENTION

Appropriates \$1 million for violence prevention education grants. Appropriates \$2.2 million for high risk youth violence prevention grants. (Chap. 576)

Appropriates \$50,000 for interdisciplinary training of criminal justice officials dealing with victims and perpetrators of violence (Chap. 576)

LEGISLATION WHICH DID NOT PASS

WELFARE REFORM

Required the commissioners of human services and jobs and training (now economic security) to develop a plan for first time applicants for AFDC and GA which would provide job search or subsidized employment instead of a grant, help in establishing child support, child care assistance, medical care and would vendor pay items usually covered in an AFDC grant.

Required recommendations for restructuring STRIDE to focus on employment (rather than education) as the program outcome and to use training and education primarily for enhancing job skills. Would have allowed further education with a reasonable schedule and expectation for completion and a market for employees with this education.

required a study of retrospective budgeting and of the state standard of need and payment levels in AFDC.

Expanded the Family Investment Plan to include Ramsey County.

Required parenting or pregnant minors to reside with a parent or in an adult supervised living arrangement with certain exceptions and would allow the family of the minor to receive a grant.

Eliminated the restriction on working under 100 hours a week for families eligible for AFDC under the unemployment parent program.

Allowed a recipient to receive a grant during the first month of employment without incurring an overpayment in order to avoid the possibility of being without funds during the initial days of work.

Required recommendations for a statewide employment and training program for unemployed noncustodial parents. Expanded the Parents Fair Share program now operating in Anoka and Dakota counties.

Created a package of waiver requests from the federal government to remove barriers to employment for AFDC recipients including waiving the "100 hour" rule, the motor vehicle resource limit, the limit on earned income for students in AFDC families and others.

Appropriated 225,000 for displaced homemakers programs.

Appropriated 125,000 for a food stamp outreach program

VETOED IN OMNIBUS HUMAN SERVICES (Chap. 606)

CHILD CARE

Basic Sliding Fee

Appropriated \$8 million to the Basic Sliding Fee child care program which subsidizes the child care costs for low-income parents in work or school.

Non-STRIDE AFDC Child Care Subsidies

Allowed the redistribution of child care funds to serve AFDC recipients who are not enrolled in STRIDE. Counties that have

child support, spousal maintenance and child care costs are subtracted from the noncustodial parent's income the remaining income is below 100 percent of the poverty level.

Clarifies that child care costs are the amount paid to the provider by the obligee and any public agency.

Authorizes the state department of human services to publish a list of those who owe more than \$3,000 in child support and have not made any payments for the previous 12 months. A name may be removed from the list by paying the arrearages or entering into an agreement to pay.

Re-establishes a felony charge if child support is more than 180 days past due, but allows dismissal of the charges if the obligee consents to an automatic income withholding order or other payment arrangements. The charge is dismissed after 6 months if all requirements are met.

Authorizes the commissioner of human services to design a child support assurance program, unless federal demonstration projects are not available. A child support assurance program uses state funds to pay a minimum level of support to a family and collects the support from the obligor. As part of the study the state will determine the actual cost of adequately meeting a child's basic needs.

Post-nuptial contracts

allows spouses who are married to enter into a post-nuptial contract which is fair and equitable and complies with the law. Each spouse must be represented by an attorney and have marital property valued over \$1.2 million in their own name. No separation or dissolution process can begin within two years of the agreement. The contract determines each party's rights in non-marital property when divided at divorce, legal separation or death. An ante-nuptial agreement can only be amended after marriage if the provisions of this law are met. (Chap. 545)

PROSTITUTION

Creates a civil cause of action for persons coerced into prostitution. Defines coercion as "having the reasonably foreseeable effect of causing an individual to engage or remain in prostitution or to relinquish earnings from prostitution." A person can be sued for coercion if he or she: 1) solicited an individual to practice prostitution, 2) promoted the prostitution of the individual, 3) collected or received the individual's earnings from prostitution or 4) hired, offered to hire or agreed to hire the individual to engage in prostitution. Mistake as to age is not a defense. Victims of coercion can recover for economic loss, destruction or loss of use of personal property, loss of earning capacity, damages for death, personal injury, disease and mental and emotional harm. It does not matter if the victim

consented, was paid, initiated the involvement or made no attempt to escape. The suit must begin within six years after the coercion begins, but the period does not run during the time the coercion continues. (Chap. 624)

BATTERED WOMEN AND DOMESTIC ABUSE Advocacy services

Appropriates \$200,000 for domestic abuse advocacy services in areas not currently receiving grants. (Chap. 636)

Battered Women's Shelter

Provides \$1 million to acquire and improve five battered women's shelters in the state. Two must be in the metro area and three in greater Minnesota. Each facility will receive no more than \$200,000. The youth employment program, Youthbuild, must be used for at least 25 percent of the cost of these projects. (Chap. 643)

Appropriates \$180,000 for crime victims reparations and the crime victim ombudsman. Provides \$10,000 for training judges to handle child and adolescent sexual abuse cases. (Chap. 636)

Amends the domestic abuse act to allow the order to exclude an abusing party from a reasonable area surrounding the dwelling or residence. Allows a court referee to sign an order for protection. (Chap. 636)

Makes a violation of the protection order a gross misdemeanor for protection and expands several kinds of assault to gross misdemeanors. (Chap. 636)

FEMALE GENITAL MUTILATION

Makes it a felony to perform female genital mutilation. Consent by a minor is not a defense. Allows the procedure if necessary for the health of the person and if performed by a licensed physician; or if performed on a person in labor, for medical purposes. (Chap. 636)

Vetoed: Would have required the Department of Health to conduct education, prevention and outreach activities regarding the practice of female genital mutilation. (Chap. 606) (see crime bill for penalties)

SEXUAL ASSAULT

Changes the definition of consent to mean "words or actions indicating a freely given present agreement" and does not mean a prior or current social relationship. A person who is mentally incapacitated or physically helpless cannot consent to a sexual act. Corroboration is not required to show lack of consent.

used all their funds may receive additional funding transferred from counties that have not used their funds.

HEALTH

Women's Health Center

Created a partnership between the Department of Health and the University of Minnesota and other researchers to work on women's health issues.

Teen Pregnancy Prevention

Appropriated \$20,000 to develop and plan an education program to reduce teen pregnancy. The curriculum is called Education Now and Babies Later (ENABL).

Cancer Screening

Appropriated \$70,000 for breast and cervical cancer screening for low-income women.

Breast Cancer

Provided for a study on the need for a breast cancer patient's bill of rights and a report and recommendation to the legislature by January 1995.

CHILD SUPPORT

Health coverage for children

Disallowed insurance companies from denying dependent health insurance to a child support obligor's child on the basis that the child was born out of wedlock, is not a dependent on the obligor's federal income tax, does not live with the obligor or does not live within the insurance company's service area as long as there is a qualified court or administrative child support order. (see also Chap. 630)

BATTERED WOMEN

Use of shelters

Expanded the definition of battered women for the purposes of eligibility to use a shelter. A woman could use the shelter if she had been battered by any person with whom she has had an ongoing relationship.

JUVENILE CRIME

Appropriated \$100,000 in mini-grants for programs for juvenile female offenders.

Appropriated \$50,000 for male responsibility and fathering program grants. (see also Chap. 647)

Appropriated \$10,000 for a violence prevention study and report from the chemical abuse and violence prevention council. (Chap. 576)

Supplemental Appropriations

Study of Women-Owned Businesses

Would have allocated \$25,000 for a study of women-owned businesses in Minnesota and their access to credit. (Chap. 632)

Displaced Homemaker Program

Would have allocated an additional \$165,000 for the displaced homemaker program. (Chap. 632)

OTHER LEGISLATION OF INTEREST

Ice Arenas

Ice arenas used by the public must provide prime ice time to women and girls. By the 1996-97 season they must be allowed up to half of prime ice time. Excludes groups when tickets to an event generate revenue. (Chap. 632)

Restroom Facilities

Buildings used for public events for 200 or more people must have a ratio of at least three women's for every two men's restroom facilities. Applies to new buildings and major renovations of old buildings. (Chap. 632)

Gambling

Requires that charitable gambling organizations, which give most of their funding to benefit programs serving mostly one sex, to consider funding requests from the under-represented group. The organizations cannot deny a reasonable request for funding for a facility or activity for the under-represented gender. An applicant who has funding denied can file a complaint and the organization can be directed to take corrective action. The organizations must file monthly reports that show if their expenditures are to programs serving mostly male or female participants. (Chap. 633)

Commission office.

If you no longer wish to receive this
newsletter, please write
or call the

Legislative Summary

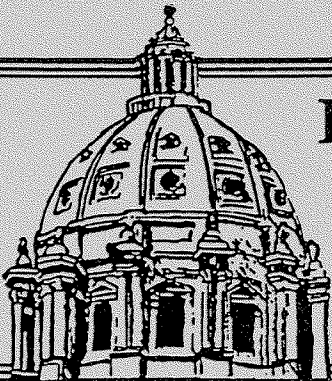
May 1994

NEWSLETTER #195

ADDRESS CORRECTION REQUESTED

Commission on the Economic Status of Women
Room 85, State Office Building
St. Paul, MN 55155

Bulk Rate
U.S. Postage Paid
Permit #4698
St. Paul, MN



Legislative Commission on the Economic Status of Women