

BIENNIAL REPORT: 2001-2002

LEGISLATIVE COMMISSION
ON THE
ECONOMIC STATUS OF WOMEN



DECEMBER 15, 2002

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The duties of the Commission are outlined in Minnesota Statutes 3.9222, subdivision 3.

The commission shall study all matters relating to the economic status of women in Minnesota, including:

- (1) economic security of homemakers and women in the labor force,*
- (2) opportunities for education and vocational training,*
- (3) employment opportunities,*
- (4) the contributions of women to the economy,*
- (5) women's access to benefits and services provided to citizens of this state, and*
- (6) laws and business practices constituting barriers to the full participation by women in the economy.*

The commission shall study also the adequacy of programs and services relating to families in Minnesota, including single-parent families and members beyond the nuclear or immediate family.

Legislative Commission on the Economic Status of Women

Biennial Report

December 2002

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LEGISLATIVE COMMISSION ON THE ECONOMIC STATUS OF WOMEN

The Commission gathers and disseminates information and advises the legislature through the following activities:

- Public hearings are conducted at the State Capitol and throughout the state. Hearings may include numerous topics or may be focused on one topic.
- Task forces are established from time to time when more intensive study is needed on a particular topic.
- Research is conducted by compiling and analyzing data from a variety of sources, including surveys, state agencies, the U.S. Bureau of the Census and the U.S. Department of Labor.
- Reports are provided to the legislature and the governor, including recommendations for legislative and administrative actions to improve the economic status of women.
- Information and assistance are provided to the legislature as it considers proposals affecting women.
- Public information is provided through the Commission's publications and by responding to requests for information from a variety of individuals and organizations. Commission staff provide basic information about women's legal and economic rights as well as statistical data about women in Minnesota. The Commission also has a website that includes electronic versions of Commission brochures, newsletters, fact sheets, Minnesota census data, data on women in the Minnesota Legislature and *A Guide to Child Support and Spousal Maintenance Cost of Living Adjustments*.

MEMBERSHIP OF THE COMMISSION 2001-2002

Representatives

Karen Clark
Betty Folliard
Eric Lipman
Connie Ruth
Barb Sykora, *Chair*

Senators

Linda Berglin
Leo Foley
Becky Lourey
Claire Robling
Julie Sabo, *Vice Chair*

Staff

Diane Cushman, Director
Cheryl Hoium, Assistant Director
Michelle Pryce, Communications and Policy Specialist

LEGISLATIVE PRINCIPLES

Each session the Commission works on legislative issues designed to improve the economic status of women in the state. The Commission's legislative principles are listed below. Summaries of related legislation that passed during the 2001 and 2002 legislative sessions are included in the appendices of this report.

COMMISSION ON THE ECONOMIC STATUS OF WOMEN

- Support adequate funding to enable the Commission to fulfill its statutory mandate.

PUBLIC ASSISTANCE

- Support public assistance programs that provide for the basic needs of women and their children.
- Support education and training programs that allow women to achieve self-sufficiency.

CHILD SUPPORT

- Ensure that all children with absent parents are economically supported by those parents.
- Promote child support levels that are adequate and appropriate.
- Assure that child support orders are enforced.

HOUSING

- Promote the availability of safe, affordable housing.

CHILD CARE

- Promote programs to help families pay for child care costs while parents are working or in training or educational programs.
- Support the development of quality child care programs throughout the state.
- Support the development of other early childhood care and education programs that nurture children and help parents with parenting.

EDUCATION

- Promote sex equity at all levels of education and in all educational programs.
- Promote access to higher education for low income women.

ECONOMIC DEVELOPMENT

- Promote the development of women-owned businesses in the state.

DISPLACED HOMEMAKER PROGRAMS

- Encourage funding programs that enable displaced homemakers to re-enter the workforce with adequate job training and to obtain employment that can be self-supporting.

WOMEN'S HEALTH

- Support programs promoting the prevention and cure of health conditions specific to women. Support access to health insurance for all women and families, regardless of income.
- Support health and wellness programs such as sex education, adolescent health care, family planning, teenage pregnancy prevention, caregiver support services and nutrition counseling.

VIOLENCE

- Promote the development of shelters, counseling programs, transitional housing and other support services that assist victims of domestic violence or sexual assault.
- Assist with the enactment and enforcement of laws regarding domestic abuse, sexual assault, sexual harassment, stalking and other crimes that disproportionately affect women.
- Support programs that seek to prevent crime and violence.
- Support adequate programming for female offenders.

CHILDREN'S ISSUES

- Promote programs that improve the health and wellness of Minnesota's children and their families.
- Support services for children who live in poverty.

ONGOING ACTIVITIES

Assistance to legislators and legislative staff. The Commission provides statistical information about women, background information and analysis of legislative issues, and information about women's resources and organizations to legislators and legislative staff.

Interaction with executive branch agencies. The Commission provides information to state agencies and works with agencies to identify and analyze policies that impact the economic status of women and provides assistance in the implementation of legislation and programs that serve women's needs.

Public hearings. Public hearings, in conjunction with statistical research, form the basis for Commission reports and recommendations. Hearings may be on a particular topic or open to any concern participants wish to express about the economic status of women. Each year the Commission holds hearings in various locations throughout the state.

Public information. The Commission receives many requests for information from the press, private corporations and foundations, women's organizations and the general public. Information is provided through:

- Newsletters, brochures, fact sheets, reports and other publications;
- Participation in seminars, panels, workshops and advisory committees;
- Review of grant proposals related to the economic status of women;
- The Commission's website at www.lcesw.leg.mn
- Resource and referral information on a variety of subjects relating to the economic status of women. A Commission e-mail address is available to those using the web and a toll-free telephone number is available to callers outside the metro-area. Requests break down into the following categories:
 - ~ Marriage dissolution, child support, spousal maintenance, domestic violence;
 - ~ Welfare, housing, education;
 - ~ Credit, insurance, starting a business and other financial matters;
 - ~ Employment discrimination, parental leave and rights of pregnant and parenting employees, labor laws and other employment related questions; and
 - ~ Data, including poverty and labor force statistics, demographics and requests for other statistical information.

MEETINGS AND HEARINGS

2001-2002

April 6, 2001	Business Meeting State Office Building St. Paul
July 18, 2001	Legislative Review and Interim Planning State Capitol St. Paul
September 6, 2001	Health Care Worker Shortage Augustana Chapel View Care Center Hopkins
October 3, 2001	Immigrant and Refugee Women Performing Arts Hall Owatonna
December 6, 2001	Programs that Promote Economic Success State Office Building St. Paul
May 13, 2002	Interim Planning State Capitol St. Paul
August 8, 2002	Economic Status of Older Women Edgerton Hi-Rise St. Paul
November 18, 2002	Women, Work and Wages State Office Building St. Paul

PUBLICATIONS

The Commission published the materials listed below in 2001 and 2002. Many of these publications are also available on the Commission's website (see listing on page 8).

Newsletters

The newsletter provides announcements of Commission meetings and publications as well as summaries of legislative issues, report summaries, statistical information and other information on the economic status of women. The newsletter, which is published approximately eight times per year, is mailed to a list of approximately 1,200 readers including every member of the Legislature. The newsletter is also available on the Commission's website. Newsletter topics for 2001 and 2002 are listed below.

Issue Number	Date	Topic
250	1,2/01	TANF and MFIP
251	3/01	Child Care in Minnesota
252	4,5/01	Women-Owned Businesses in Minnesota and the U.S.
253	6/01	Legislative Summary, 2001
254	8,9/01	Minnesota Populations and Households: 2000 Census
255	10,11/01	Earnings and Earnings Gap Data, U.S. 2000
256	12/01	Fertility and Birth Rates in Minnesota and the U.S.
257	1,2/02	Fact Sheets: Women in the Minnesota Legislature Educational Attainment of Women in Minnesota and the U.S. Persons in Poverty in Minnesota and the U.S. Marital Status in the U.S.
258	4,5/02	Marriages, Divorces and Live Births in Minnesota
259	6/02	Legislative Summary, 2002
260	7,8/02	Expenditures on Children by Families, U.S. 2001
261	9,10/02	Education and Earnings
262	11/02	Economic Status of Older Women in Minnesota and the U.S.
263	12/02, 1/03	Women in Public Office, 2002 Election Results

PUBLICATIONS, *continued*

Fact Sheets

The fact sheets provide one-page summaries of recent Minnesota and U.S. data on topics related to the economic status of women. Fact sheets are updated as new data become available. Recent fact sheets are listed below.

Earnings in Minnesota

Earnings of U.S. Women

Earnings Gap in the U.S.

Educational Attainment of Women, Minnesota and U.S.

Labor Force Participation of Mothers, Minnesota and U.S.

Labor Force Participation of Women, Minnesota and U.S.

Marital Status of U.S. Women

Persons in Poverty, Minnesota and U.S.

Vital Statistics of Women, Minnesota and U.S.

Women in the Minnesota Legislature

Women in the Minnesota Legislature, 1922-present

Historical information on the number of women in the Minnesota Legislature including:

Women in the Minnesota Legislature by Session

Women in the Minnesota Legislature by Name

Number of Women in the Minnesota Legislature

A Guide to Child Support Cost-of-Living Adjustments

A guide to assist individuals in determining their biennial child support and spousal maintenance adjustments, including the necessary forms.

WEBSITE

The Commission maintains and continues to add new information to an Internet website (www.lcesw.leg.mn). The Commission also participates in the Legislative Networking Group (LNET) that works to develop and implement improved website design for the Minnesota Legislature. The following documents have been published on the Commission website in 2001 and 2002.

Minnesota Census Data

Minnesota census data compiled as 2000 decennial census data become available. Information is often compiled by the geographical areas of Metro and Greater Minnesota. Some of the information is available for each county. Data is compiled on population characteristics, households and family types, educational attainment, marital status, employment, income and poverty.

Newsletters

All of the recent newsletters published by the Commission are posted on the website. A complete listing of newsletter topics is available on page six in the publications section of this report.

Legal Rights Brochures

Electronic versions of Commission brochures on the following topics are available:

Finances

Parental Leave, Family and Medical Leave, and Pregnancy Discrimination

Marriage

Marriage Dissolution

Employment Rights

Child Support

Fact Sheets

All of the fact sheets published by the Commission are posted on the website. A complete listing of fact sheets is available on page seven in the publications section of this report.

Women in Public Office

Historical information on the number of women in the Minnesota Legislature including:

Women in the Minnesota Legislature by Session

Women in the Minnesota Legislature by Name

Number of Women Elected to the Minnesota Legislature

A Guide to Child Support and Cost-of-Living Adjustments

A guide to assist individuals in determining their biennial child support and spousal maintenance adjustments, including the necessary forms.

BIENNIAL BUDGET

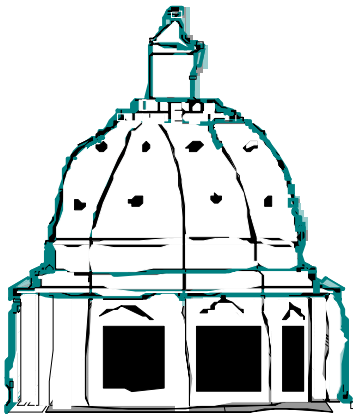
FY 2002-2003

	FY 2002	FY 2003	TOTAL
Payroll	188.2	192.3	380.5
Fringe	41.4	48.4	89.8
Repair & maintenance	1.5	0.2	1.7
Printing	3.0	3.0	6.0
Postage	4.5	2.0	6.5
Telephone	2.5	1.4	3.9
Member per diem	2.5	2.0	4.5
Member travel	1.0	0.8	1.8
Staff travel	1.0	0.7	1.7
Fees/memberships	0.5	0.5	1.0
Supplies	1.0	0.4	1.4
Publications	0.8	0.2	1.0
Equipment	0.7	0.1	0.8
TOTAL	\$ 248.6	\$ 252.0	\$ 500.6
<i>Note: Budget numbers are in thousands</i>			

APPENDICES

Appendix I: Legislative Summary 2001

Appendix II: Legislative Summary 2002



Minnesota Legislative Commission on the Economic Status of Women

COMMISSION MEMBERS

Senate

Linda Berglin, Minneapolis
Leo Foley, Anoka
Becky Lourey, Kerrick
Claire Robling, Prior Lake
Julie Sabo, Minneapolis, *vice-chair*

House

Karen Clark, Minneapolis
Betty Folliard, Hopkins
Eric Lipman, Lake Elmo
Connie Ruth, Owatonna
Barb Sykora, Excelsior, *chair*

Staff

Aviva Breen, *Director*
Cheryl Hoium, *Assistant Director*
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TTY/TTD communication:

contact us through the Minnesota Relay
Service at 1-800-627-3529

MINNESOTA LEGISLATIVE SESSION 2001

This issue highlights and summarizes selected legislative changes related to the economic status of women.

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Notes:

Legislation is ordered by chapter number beginning with the regular session chapters followed by the first special session chapters.

FY = state fiscal year (July 1st to June 30th)

Biennium = July 1, 2001 - June 30th, 2003

Appropriations are indicated with “•” symbol

ANNOUNCEMENTS

- Aviva Breen is retiring at the end of July after nearly 18 years as director of the Commission. We thank her for her leadership and many contributions to improve the economic status of women and wish her well in her retirement.
- The Commission celebrates its 25th anniversary this year. The Advisory Council on the Economic Status of Women (the forerunner to the Commission) was established May 1, 1976. A Council/Commission leadership history is included on the last page of this newsletter.
- The Commission is currently planning its interim hearing schedule. If you are interested in having a hearing in your area, or if there is a particular issue which you believe should be addressed, please contact us with your ideas.
- 2000 Census data has been recently added to our website. We will continue to compile and post data as it becomes available.

2001 LEGISLATIVE SESSION

FAMILY LAW

CHAPTER 51, H.F. 1260

Makes no substantive changes, but eliminates the terms “custodial” and “noncustodial” from the family law statutes and replaces these terms with more descriptive language, depending on the situation to which it refers.

CHILD SUPPORT/MAINTENANCE

CHAPTER 134, S.F. 2022

- Requires that child support payments not made under income withholding be credited as of the date payment is received by the central collections unit and that automated enforcement remedies take into account the time periods required for crediting payments before enforcement remedies begin.
- Does not allow the public authority to submit debts for revenue recapture until the arrears for child support or maintenance or both is greater than the total monthly support or if the debt has been docketed as a judgment.

CHAPTER 158, S.F. 1944

- Adds language to the mandatory notice that failure to pay court ordered child support or maintenance may result in misdemeanor, gross misdemeanor or felony charges.
- Clarifies when failure to pay support to a spouse or child is a gross misdemeanor and when it is a felony.
- Requires that a person may not be criminally charged with failure to pay support unless there has been an attempt to obtain a contempt order.
- Allows an affirmative defense that a person had a lawful excuse for failure to provide care and support.
- Provides procedures for dismissal of the charges of failure to pay child support.

MARRIAGE

CHAPTER 158, S.F. 1944

Clarifies that spouses are jointly liable for all necessary medical services furnished to either spouse.

UNEMPLOYMENT COMPENSATION: DOMESTIC VIOLENCE EXCEPTION

CHAPTER 175, H.F. 655

Creates an exception from disqualification from unemployment compensation for a person whose quitting is necessitated because of domestic abuse of the applicant or the applicant’s minor child. Domestic abuse must be shown by a court order for protection or other documentation of relief issued by a court, a police record, documentation that the abuser was convicted of domestic abuse, medical documentation or certification by a social worker, clergy, shelter worker or other professional who has assisted the applicant. Domestic abuse is defined as in the domestic abuse act.

HUMAN RIGHTS

CHAPTER 186, H.F. 1892

Prohibits credit discrimination based on receipt of public assistance, including medical assistance, and prohibits discrimination in the extension of personal or commercial credit against a person who is a tenant receiving a housing or rent subsidy.

CHAPTER 194, S.F. 1215

Allows the commissioner of human rights to make investigative data in an open case file accessible to others if access will aid in the investigative and enforcement process.

HEALTH

CHAPTER 211, H.F. 1406

Authorizes the commissioner of health to conduct maternal death studies to reduce the numbers of preventable maternal deaths in Minnesota. Provides criteria for access to medical data and health records, management of the records and classification of data.

HIGHER EDUCATION

FIRST SPECIAL SESSION - CHAPTER 1, S.F. 11

Child Care Grants

- Appropriates \$4.74 million each year in FY2002 and FY2003 for higher education child care grants. Increases the maximum grant for child care to \$2,600 for each eligible child per academic year. Grants may be increased by up to ten percent for infant care. Increases eligibility for a child care grant of a full-time undergraduate student to a maximum of ten semesters.

FAMILY AND EARLY CHILDHOOD EDUCATION

FIRST SPECIAL SESSION - CHAPTER 3, H.F. 4

Child Care

Basic Sliding Fee Child Care Assistance

- Appropriates \$71.28 million in FY2002 and \$70.68 million in FY2003 for basic sliding fee child care assistance.

MFIP Child Care Assistance

- Appropriates \$83.97 million in FY2002 and \$80.40 million in FY2003 for MFIP and transition year (the first 12 months after a family leaves MFIP) child care assistance.

Transition Year (TY) Families

- Appropriates \$3.62 million in FY2002 and \$4.04 million in FY2003 to provide uninterrupted child care assistance for families completing transition year child care assistance.

MFIP Social Services Child Care

- Appropriates \$3.30 million in FY2002 and \$2.87 million in FY2003 for social services child care costs of eligible MFIP participants.

At-Home Infant Care (AHIC)

Increases the maximum rate of assistance to families from 75 to 90 percent of the rate established for infants in licensed family child care in the applicant's county of residence. Changes the criteria by which the assistance is calculated to the family's actual income level and family size while the family is participating in the AHIC program.

Child Care Report

Directs the commissioner of children, families and learning (CFL) to report information on the number of families served and the cost of direct services per family for each child care assistance program administered by the commissioner by November and February of each year. The report must include the number of families that would be served at income entrance and exit eligibility levels based on both the federal poverty guidelines (FPG) and state median income (SMI).

Child Care Development Fund (CCDF): Plan Development and Review

Directs the commissioner of CFL to present a draft copy of the Minnesota child care development fund plan to the legislative committees that oversee child care assistance funding no less than 30 days prior to the required federal deadline. Allows the Legislature to submit adjustments to the plan. Requires the commissioner to present a copy of the final federal plan to the committee chairs prior to the deadline for submission of the plan to the federal government.

Early Childhood and Family Support Programs

Early Childhood Family Education (ECFE)

- Appropriates \$20.76 million in FY2002 and \$20.66 million in FY2003 for ECFE programs.

Health and Development Screening Aid

- Appropriates \$2.66 million each year in FY2002 and FY2003 for health and development screening aid.

School Readiness Program

- Appropriates \$10.40 million each year in FY2002 and FY2003 for school readiness programs.
Establishes a reserve account for school readiness revenue (which includes aids, fees, grants, and all other revenues received by the district for school readiness programs) within the community service fund.

Head Start

- Appropriates \$18.38 million each year in FY2002 and FY2003 for Head Start Programs.
\$1 million each year must be used for grants to local Head Start agencies for full-year programming for children ages zero to three.

Way to Grow

- Appropriates \$475,000 each year in FY2002 and FY2003 for grants for existing Way to Grow programs.

Prevention Programs

Family Services Collaboratives

- Appropriates \$1.48 million in FY2002 and \$863,000 in FY2003 for existing family services collaboratives.
No new family services collaboratives will be funded with this appropriation.

Violence Prevention Education Grants

- Appropriates \$1.31 million in FY2002 and \$1.45 million in FY2003 for violence prevention education grants.

Family Visitation Centers

- Appropriates \$296,000 each year in FY2002 and FY2003 for family visitation centers.

After-School Enrichment Grants

- Appropriates \$5.51 million each year in FY2002 and FY2003 for after-school enrichment grants.

Children's Trust Fund

- Appropriates \$875,000 each year in FY2002 and FY2003 for the children's trust fund.
The commissioner of CFL shall develop a plan to disburse money from the trust fund ensuring all geographic areas of the state have an equal opportunity to establish prevention programs and receive trust fund money.
The commissioner shall also encourage the development of prevention programs, including programs that provide support for adolescent parents, fathering education programs and other prevention activities designed to prevent teen pregnancy.

Educational Programs for Pregnant Minors and Minor Parents (Adolescent Parenting Grants)

Repealed. See Children's Trust Fund.

Male Responsibility and Fathering Grants

Repealed. See Children's Trust Fund.

Trade and Economic Development

- Appropriates \$300,000 for one-time grants to nonprofit agencies to provide technical assistance to individuals to support the start-up and growth of self-employment and microenterprise businesses. Eligible businesses employ fewer than 5 people plus the owner and require under \$35,000 or no capital to start or expand. Only organizations that have appropriate expertise may receive grants and preference will be given to organizations that target nontraditional entrepreneurs such as women, members of a minority, low income individuals or persons seeking work who are currently on or recently left public assistance or have been recently laid off.

WomenVenture

- Appropriates \$530,000 for the FY2002-2003 biennium to WomenVenture for women's business development programs.

Economic Security

- Appropriates \$3.65 million for the FY2002-2003 biennium for state displaced homemaker programs. The commissioner is required to report to the legislature by February 15, 2003 on outcomes of these programs. Displaced homemaker is now defined as an individual who has spent a substantial number of years in the home providing homemaking service and (1) has been dependent upon the financial support of another and now, due to divorce, separation, death or disability of that person, must find employment for self support, or (2) an individual who derived the substantial share of support from public assistance on account of dependents in the home and now no longer receives that support.

Parental Leave Study

- Appropriates \$35,000 for a report by February 1, 2002 to the legislature on the costs and benefits of providing paid or insured wage replacement during parental leave.

Labor and Industry

- Appropriates \$5,000 for a study and report by January 15, 2002 on the extent of wage disparities in the public and private sector between men and women, minorities and non minorities, factors causing the disparities, consequences of the disparities on the economy and the family and actions that would eliminate and prevent such disparities.

Family Homelessness Prevention

- Appropriates \$3.75 million each year in FY2002 and FY2003 for the family homeless prevention and assistance program.

Supreme Court

- Appropriates \$7.73 million each year in FY2002 and FY2003 for legal services to low-income clients and for family farm legal assistance. Of this appropriation, \$877,000 each year is to improve access of low-income clients to legal representation in family law matters.

District Courts

- Allows up to \$99,000 each year to be used to implement two pilot programs in the 9th Judicial District.
- The six month review pilot establishes a review date six months after a child support, custody or parenting order is entered and requires a hearing if either party requests one in writing. The hearing reviews whether child support is current and whether both parties are complying with the parenting time provisions.
- The second pilot allows a court to order an accounting of the use or disposition of child support funds received if a motion is made asserting specific allegations of misuse or misapplication of child support and that the child's needs are not being met.

Domestic Violence Provisions

- Adds interference with an emergency call to the definition of domestic abuse.
- Creates the term "Qualified domestic violence-related offense" to include all categories of domestic violence offenses in the criminal statutes.
- Clarifies that there are no residency requirements for an order for protection.
- Clarifies the notice provisions to the person who is being restrained under an order for protection.
- Sets out criteria for court ordered domestic abuse counseling or educational programs.
- The center for crime victims services is to make recommendations for accountability measures and outcome studies for domestic abuse counseling and educational programs.
- Enhances some penalties for domestic abuse violations.
- Requires the director of the center for crime victims services to study domestic violence as it pertains to both men and women and to make recommendations.
- Requires the interagency task force on domestic violence and sexual assault prevention to study gender and domestic violence and to assess the needs of male victims of domestic violence, including false assault accusations and to report findings and recommendations to the legislature.

Crime Victims Services Center

- Appropriates \$1.00 million each year for an increase in per diem funding for shelters for battered women. This money cannot be used for the construction of new shelters or safe homes.

Law Enforcement and Community Grants

- Appropriates \$197,000 (one-time) to the Ramsey County attorney's office for the joint domestic abuse prosecution unit to provide for continued operation and a meaningful evaluation that will benefit other jurisdictions. The goals of the project are to recognize children as victims and witnesses in domestic abuse situation, respect the interests of children and reduce the exposure of children and adults to domestic violence.

Changes in the Minnesota Family Investment Program (MFIP)

- Indexes the Minnesota Family Investment Program (MFIP) exit level so that it remains at 120% of the poverty level.
- Requires a notice to each assistance unit when there are 12 months of TANF assistance remaining and each month thereafter. The notice must include information about the limits, the number of months remaining, the hardship extension policy and any other information deemed pertinent.
- Requires a case review within 180 days but not less than 60 days before the end of the 60th month of assistance. A face-to-face meeting must be attempted.
- Does not count cash assistance received by a victim of family violence toward the 60 month limit in a month when the caregiver has complied with a safety plan or an alternative employment plan. An alternative employment plan is one that is based on an individual assessment of need and is developed with a person trained in domestic violence. It must address safety, legal or emotional issues and other demands on the family as a result of the family violence. The goal of the alternative employment plan is to ensure the safety of the caregiver and the children.

Hardship Extensions for Persons who are Ill, Incapacitated or Hard to Employ

- Allows a hardship extension to be given only when a participant has received 60 months of assistance and is in compliance in the month the participant is applying for the extension.
- A participant is in compliance any month when the participant has not been sanctioned.
- Counties must review cases granted a hardship extension under these provisions every 6 or 12 months as appropriate.

Hardship extensions may be granted to:

- ◆ a participant who has a professionally certified illness, injury or incapacity expected to continue for more than 30 days;
 - ◆ a participant whose presence in the home is required as a caregiver because of the illness or incapacity of another member of the assistance unit;
 - ◆ caregivers with a disabled child or adult in the household;
 - ◆ a participant who is diagnosed as mentally retarded or mentally ill and that condition prevents them from obtaining or retaining unsubsidized employment,
 - ◆ a participant who is assessed by a vocational specialist or the county to be unemployable because of an IQ below 80 or who is employable but cannot perform work activities for at least 30 hours per week; or
 - ◆ a participant who is determined to be learning disabled. Learning disabled has a specific definition in this statute and the criteria differ for persons who are non-English-speaking.
- Persons receiving assistance under a hardship extension in these categories may continue to receive assistance as long as the criteria are met.

Hardship Extensions for Persons who are Employed

An employed participant is eligible for a hardship extension if:

- ◆ in a one-parent assistance unit, the person is participating in work activities at least 30 hours per week, of which at least 25 hours per week each month are in employment; or
- ◆ in a two-person assistance unit, the participants are in work activities at least 55 hours per week, of which 45 hours per week each month are in employment.

Employment means: unsubsidized employment; subsidized employment; on-the-job training; apprenticeship; supported work; a combination of these; or child care if it is in combination with paid employment.

Changes in the Minnesota Family Investment Program *continued***Hardship Extensions for Persons who are Employed *continued***

- To qualify for the hardship extension for employed participants the participant must be in compliance for at least ten of the twelve months immediately preceding the 61st month on assistance.
- If one parent in a two-parent assistance unit is out of compliance the remaining unit may be treated as a one-parent assistance unit for purposes of meeting the work requirements and the grant will be recalculated.

- Extensions for employed participants end on June 30, 2004

Sanctions for Extended Cases

- Sanctions for extended cases can result in permanent disqualification if noncompliance is repeated.
- Sanctions for the first occurrence of noncompliance result in a 10 percent decrease in the assistance grant.
- Sanctions for the second or third occurrence result in vendor payment of shelter costs and a 30 percent decrease in the remaining grant, if there is any.
- For a fourth occurrence of noncompliance, the assistance unit is disqualified from MFIP.
- A participant who is disqualified may be approved for MFIP if the participant complies with the program for one month. No assistance is paid during that period. If the participant is sanctioned again and there is a subsequent occurrence of noncompliance the participant is permanently disqualified.
- Prior to disqualification the county must review the case to determine if the employment plan is still appropriate and attempt a face-to-face meeting with the participant. In a face-to-face meeting the county must:
 - ♦ determine whether the continued noncompliance can be explained and mitigated;
 - ♦ determine whether the participant qualifies for a good cause exception;
 - ♦ inform the participant of the sanction status and explain the consequences of continued noncompliance;
 - ♦ identify other resources that may be available; and
 - ♦ inform the participant of the right to appeal.
- County agencies have the option to modify sanctions for noncompliance for a sixth or subsequent occurrence of noncompliance. The agency must include the sanction policy as part of its local service unit plan.
 - ♦ The options may include vendor payment of shelter and/or utility costs up to the amount of the cash grant with no additional payment or disqualification from MFIP.

Education

Expands the education provision to allow a job counselor to approve an education or training plan which can be completed within 24 months.

Family Violence

- Requires claims of family violence to be documented by a sworn statement supported by collateral documentation such as police or court reports, a statement from a battered women's shelter staff, a sexual assault or domestic violence advocate or professionals from whom the applicant or recipient has sought assistance for the abuse.
- Sets out criteria for reviewing alternative employment plans (formerly referred to as safety plans).
- Provides that the commissioner of human services provide training for county agency staff to receive specialized domestic violence training in order to carry out the responsibilities under these provisions.

Assistance for Low Income Participants Ineligible for MFIP

Funds are set aside for grants to counties or tribes to assist participants who are no longer eligible for MFIP but whose income is below 120% of the federal poverty guidelines.

Child Support

- Establishes a fee structure to be paid to financial institutions for providing account information to the public authority in order to collect unpaid child support.
- Makes clear that child support payments made directly to recipients of TANF or MFIP are counted as unearned income.
- Establishes financial sanctions which may be assessed against an employer who fails to comply with income withholding requirements.
- Allows a court to order retroactive modification of a child support order if the party seeking modification was institutionalized or incarcerated for an offense other than nonsupport of a child during the period when modification was sought and the person did not have the ability to pay the support ordered during that time period.
- Clarifies the procedures for contesting a cost of living adjustment in child support or maintenance and requires the court administrator to make pro-se motion forms available.

Health

Medical Assistance for Persons Breast or Cervical Cancer Treatment

Allows medical assistance to be paid for persons who have been screened for breast or cervical cancer under the Minnesota breast and cervical cancer control program, have been determined to need treatment, meet the eligibility guidelines for the program, are under 65 and are not otherwise eligible for medical assistance or otherwise covered. Medical assistance will be provided during the period that the person receives treatment for breast or cervical cancer.

Medical Assistance Demonstration Project for Family Planning Services

A medical assistance demonstration project for family planning services is established to determine whether improved access to coverage of pre-pregnancy family planning services reduces medical assistance and MFIP costs.

Health Disparities

- Appropriates \$2.20 million each year in FY2002 and FY2003 for competitive grants to eligible applicants to reduce health disparities in breast and cervical cancer screening rates, HIV/AIDS and sexually transmitted infection rates, cardiovascular disease rates, diabetes rates, and rates of accidental injuries and violence.

MN ENABL (Minnesota Education Now and Babies Later)

- Appropriates \$1.00 million each year in FY2002 and FY2003 for the MN ENABL program.

Home Visiting Program

- Appropriates \$4.00 million each year in FY2002 and FY2003 for the home visiting program.

Commission on the Economic Status of Women

Continues funding for the commission.

Marriage: Premarital Education

Establishes a reduced marriage license fee of \$20 for a couple who has completed at least 12 hours of premarital education. Specifies who may provide the education and the minimum course contents.

Pay Equity

Requires the commissioner of employee relations to study the practices and progress of the local government pay equity act and report to the legislature by January 15, 2002.

Pension Service Credit Purchase for Parental/Family Leave

Allows employees of public pension plans with at least three years of allowable service to purchase up to five years time spent on authorized family or parental leave.

COUNCIL/COMMISSION LEADERSHIP HISTORY

Council on the Economic Status of Women

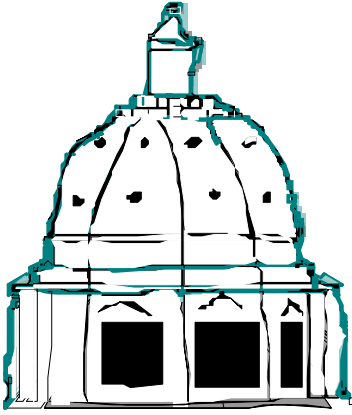
	Chair	Vice-Chair
1976-1981	Rep. Linda Berglin	Sandra Melberg (Public Member)
1981-1983	Rep. Linda Berglin	Elsa Carpenter (Public Member)
	Director	
1976-1983	Nina Rothchild	

Commission on the Economic Status of Women

	Chair	Vice-Chair
1983-1985	Rep. Carolyn Rodriguez	Sen. Marilyn Lantry
1985-1987	Sen. Ember Reichgott	Rep. Sidney Pauly
1987-1989	Rep. Gloria Segal	Sen. Gary Decramer
1989-1991	Sen. Pat Piper	Rep. Katy Olson
1991-1993	Rep. Katy Olson	Sen. Janet Johnson
1993-1995	Sen. Janet Johnson	Rep. Betty McCollum
1995-1997	Rep. Betty McCollum	Sen. Pat Piper
1997-2001	Sen. Becky Lourey	Rep. Barb Sykora
2001-2003	Rep. Barb Sykora	Sen. Julie Sabo
	Director	
1983-2001	Aviva Breen	

**Three former members of the Commission are now serving in the
U.S. House of Representatives**

Rep. Jim Ramstad
Rep. Betty McCollum
Rep. Bill Luther



Minnesota Legislative Commission on the Economic Status of Women

COMMISSION MEMBERS

SENATE

Linda Berglin, Minneapolis
Leo Foley, Anoka
Becky Lourey, Kerrick
Claire Robling, Prior Lake
Julie Sabo, Minneapolis, *Vice-chair*

HOUSE

Karen Clark, Minneapolis
Betty Folliard, Hopkins
Eric Lipman, Lake Elmo
Connie Ruth, Owatonna
Barb Sykora, Excelsior, *Chair*

STAFF

Diane Cushman, *Director*
Cheryl Hoium, *Assistant Director*
Michelle Adamiak, *Communications and
Policy Specialist*

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TTY/TTD COMMUNICATION:
contact us through the Minnesota Relay
Service at 1-800-627-3529

MINNESOTA LEGISLATIVE SESSION 2002

This issue highlights and summarizes selected legislative changes related to the economic status of women.

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NOTES

FY = state fiscal year (July 1st to June 30th)

Appropriations and reductions are indicated with “•” symbol

ANNOUNCEMENTS

Interim Hearings. The Commission is currently planning its interim hearing schedule. If you are interested in having a hearing in your area, or if there is a particular issue which you believe should be addressed, please contact us with your ideas.

Updated Fact Sheet. The fact sheet *Vital Statistics of Women, Minnesota and U.S.*, has been updated and is available on our website at <http://lcesw.leg.mn>

EMPLOYMENT AND ECONOMIC DEVELOPMENT

School Conference and Activities Leave for Parents of Foster Children

Chapter 380, S.F. 3431

Expands eligibility for school conference and activities leave to parents of foster children.

Payment of Special State Temporary Extended Unemployment Benefits

Chapter 380, S.F. 3431

Allows for payment of special state temporary extended unemployment benefits to an applicant who does not qualify for extended unemployment benefits under the federal Temporary Extended Unemployment Compensation Act of 2002 because the applicant does not meet the specified requirement. Specifies an applicant may not receive more than a combined total of 13 times the applicant's weekly benefit available under the federal Temporary Extended Unemployment Compensation Act. The extra unemployment program is retroactive to March 10, 2002 and expires December 28, 2002.

Unemployment Insurance for Food Service Workers

Chapter 380, S.F. 3431

Allows wage credits earned by a contract employee of a private employer performing food service work for an elementary or secondary school to be used for unemployment benefit purposes. This section expires December 31, 2004.

Regulating Nurses' Overtime

Chapter 272, S.F. 2463

Prohibits hospitals and other specified health care facilities from taking action against a nurse solely on the grounds that the nurse fails to accept an assignment of additional consecutive hours in excess of a normal work period, if the nurse declines to work additional hours because doing so in the nurse's judgement may jeopardize patient safety. Permits a nurse to be scheduled for duty or required to continue on duty for more than one normal work period in an emergency (a period when replacement staff is not able to report for duty for the next shift or increased patient need, because of unusual, unpredictable, or unforeseen circumstances).

Recognition of Nurses' License Reciprocity

Chapter 272, S.F. 2463

Allows for the recognition of border states' (Iowa, North Dakota, South Dakota, or Wisconsin) professional and practical nursing licenses by the Minnesota Board of Nursing if specified criteria are met. Requires an employer of a nurse who practices professional or practical nursing in Minnesota under the authority of this provision to report the employment to the Board on a form provided by the board within 10 days of employment. Specifies a nurse who practices under this subdivision is subject to the laws and rules of Minnesota and the regulatory authority of the Board. Directs the Board to seek reciprocity of nurse licensure with border states.

ECONOMIC SECURITY

Displaced Homemaker Funding

Chapter 220, H.F. 351

Specifies base funding for the Displaced Homemakers Program may not be reduced.

PUBLIC SAFETY AND CRIME PREVENTION

Funding for Shelters for Battered Women

Chapter 220, H.F. 351

- Reduces funding by \$600,000 in FY 2003 for per diem payments for shelters for battered women.
- Reduces funding by \$600,000 each year in FY 2004 and FY 2005 for shelters for battered women.

Payments for Shelters for Battered Women

Chapter 220, H.F. 351

Changes language regarding payments to shelter facilities from "per diem" payments to "grants". Changes basis for the criteria for which shelter facilities may submit requests for payment from number of persons housed to their expenses. Allows the director of the Center for Crime Victim Services to establish the process for submission of payments and requests. Requires shelter facilities to comply with reporting requirements and any other measures imposed by the Minnesota Center for Crime Victim Services to improve accountability and programs outcomes including information on all restricted or unrestricted fund balances.

Crime Victim Services Staff and Grants

Chapter 220, H.F. 351

- Reduces funding by \$384,000 in FY 2002 and \$768,000 in FY 2003 for crime victims services staff and grants.
- Reduces base funding by \$2,000,000 in FY 2004 and FY 2005 for crime victims services staff and grants.

Crime Victim Ombudsman

Chapter 220, H.F. 351

Transfers authority, duties and powers of the Crime Victim Ombudsman and the Office of the Crime Victim Ombudsman to the Commissioner of Public Safety.

Domestic Fatality Review Team Pilot Project

Chapter 266, S.F. 3045

Allows the fourth judicial district (Hennepin County) to extend the duration of the domestic fatality review team pilot project until December 31, 2004. Requires a report on the project to the Legislature by January 15, 2005 if the pilot project is extended.

Knowledge of the Existence of an Order for Protection

Chapter 282, S.F. 3073

Clarifies the standard for a misdemeanor violation of an order for protection or no contact order (relating to domestic abuse). Requires that the violator know only of the "existence of the order" rather than knowingly violate the order. Requires that if the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision includes the short form order. Allows the person, who when first being served is at a location in violation of the order, to be given a reasonable opportunity to leave the location in the presence of a peace officer.

Providing for Payment of Criminal Sexual Conduct Examinations

Chapter 381, S.F. 2433

Clarifies that the cost of sexual assault exams shall be paid by the county in which the alleged offense was committed. Specifies reasonable costs include the full cost of the rape kit examination and associated pregnancy or sexually transmitted disease (STD) testing. Effective May 22, 2002.

PUBLIC SAFETY AND CRIME PREVENTION (CONTINUED)

Level III Sex Offenders

Chapter 385, S.F. 3172

Prohibits the accommodation of both victims of domestic abuse and level III sex offenders in the same property at the same time and allows the owner or property manager to evict the level III sex offender. Allows city councils to adopt a policy that addresses when level III sex offender notices would have to be translated into languages other than English. Requires those in charge of supervision of sex offenders to take into account the proximity to schools and concentration of other level III sex offenders upon release. Defines period of incarceration and fines for certain crimes involving sexual or aggressive intent. Requires Commissioner of Corrections to report to the Legislature (by January 1, 2003) on specified issues related to level III sex offenders.

FAMILY LAW

Postnuptial Contracts

Chapter 338, S.F. 3380

Eliminates the property value threshold (\$1.2 million) required of each spouse entering into a postnuptial contract or settlement.

Child Support Provisions

Chapter 344, S.F. 3114

Issuance of Limited Driver's License

Allows for a one-time, temporary (90 day) limited driver's license to be issued under certain circumstances to a person whose driver's license is suspended for nonpayment of child support. Requires a person to pay a reinstatement fee of \$20 for a limited license. Directs the Commissioner of Human Services to report to the Legislature the number of limited licenses issued and number of cases in which payment agreements are executed and cases are paid in full following issuance of a limited license.

Child Support Payment Agreements

Allows the court, child support magistrate, or public authority to consider a graduated payment plan tailored to the individual financial circumstances of each obligor.

Medical Insurance Coverage

Clarifies by whom and when an employer or union is notified regarding an obligor's responsibility to provide medical insurance coverage in cases in which the public authority provides child support enforcement services. Specifies the time frames and requirements the employer and health plan must follow in enrolling a minor child in a health plan.

Address of Obligee

Removes the requirement that the post office address of an obligee be included on an affidavit of default and notice of intent to an obligor in spousal maintenance and child support cases in arrears.

HUMAN SERVICES

Changes in the Minnesota Family Investment Program (MFIP)

Chapter 374, H.F. 3270

Hardship Extensions for Victims of Family Violence

Adds a person who is a victim of family violence to the list of participants who may be eligible for a hardship extension for hard-to-employ participants from the 60-month time limit for assistance. Specifies person must be participating in an alternative employment plan as specified in statute.

Hardship Extensions for Persons Participating in Employment*

Expands eligibility for a hardship extension from the 60-month time limit for assistance for employed participants who meet specified requirements and are participating in employment for fewer hours than required if the participant:

- ▶ submits verification from a healthcare provider stating that the number of hours the participant may work is limited due to illness or disability;
- ▶ is participating in employment for at least the number of hours specified by the health care provider; and
- ▶ is following the treatment recommendations of the health care provider providing the verification.

Directs the Commissioner to develop a form to be completed and signed by the health care provider documenting the diagnosis and any additional information necessary to document the functional limitations of the participant that limit work hours. If the participant is part of a two-parent assistance unit, the other parent must be treated as a one-parent assistance unit for purposes of meeting the specified work requirements.

**Employment means: unsubsidized employment; subsidized employment; on-the-job training; an apprenticeship; supported work; a combination of these; or child care if it is in combination with paid employment.*

Hardship Extensions Pending Documentation

Allows the county to extend assistance payments to an MFIP participant pending receipt of documentation if the documentation needed to determine eligibility is not available by the 60th month and the county believes the participant is likely to qualify for a hardship extension under the "ill or incapacitated" or "hard-to-employ" categories. Specifies the participant must be cooperating with efforts to obtain the documentation. If the participant is found to be not eligible for an extension, the participant may be responsible for an overpayment.

Accrual of Certain Exempt Months

Allows a participant who was placed in the employment and training exemption category for ill and incapacitated to receive an extension for the number of months they were eligible for assistance under a hardship extension of the special medical category. Requires the county agency to explain to the participant the basis for receiving hardship extension at the time of case review. Requires a participant to provide documentation necessary to make a determination or to authorize the county agency to determine whether the participant is eligible to receive a hardship extension.

HEALTH

Health Disparities Grants

Chapter 220, H.F. 351

- Reduces funding by \$300,000 in FY 2002 from competitive grants to reduce health disparities in breast and cervical screening rates, HIV/AIDS and sexually transmitted infection rates, and other specified areas of health disparities.

INSURANCE

Health Insurance Coverage for Breast Reconstruction Surgery

Chapter 330, H.F. 2988

Clarifies Minnesota law requiring health coverage for breast reconstructive surgery. Clarifies that insurance must cover breast reconstructive surgery if the mastectomy is medically necessary as determined by the attending physician. Describes the stages of breast reconstructive surgery and stipulates that the insurer may not deny patient eligibility or continued eligibility to enroll or to renew coverage solely for the purpose of avoiding the reconstructive coverage requirements.

Maternity Coverage in Joint Self-Insurance Plans

Chapter 330, H.F. 2988

Changes mandated benefits requirements on joint self-insurance plans, allowing them to comply with federal law, with exceptions that include maternity coverage. Where federal law requires joint self-insurance plans to provide maternity coverage for employers with 15 or more employees, this section requires a joint self-insurance plan to provide the same maternity coverage required by federal law for employers with 15 or more employees to employers with 2 or more employees .

FAMILY AND EARLY CHILDHOOD EDUCATION

Child Care Providers Required to Develop

Policies for Reporting Suspected Child Maltreatment

Chapter 248, H.F. 2813

Requires all licensed child care providers to develop policies and procedures for reporting suspected child maltreatment. Requires development of policies and procedures for reporting complaints about the operation of a child care program. Specifies information to be included in the policy and procedures. Requires policies and procedures to be provided to the parents of all children at the time of enrollment in the child care program and to be made available on request. Specifies that after July 1, 2002, a new or renewed child care license must include the telephone number of the licensing agency and a statement informing parents who have concerns about their child's care that they may call the licensing agency.

Child Care Services Grants

Chapter 220, H.F. 351

- Reduces funding by \$500,000 (general fund dollars) in FY 2003 for child care development activities under child care services grants.
- Reduces base funding by \$500,000 (general fund dollars) each year in FY 2004 and FY 2005 for child care development activities under child care services grants.

At-Home Infant Child Care Program

Chapter 279, S.F. 2419

Changes the way annual family income is calculated to determine program eligibility. Clarifies annual family income be calculated by annualizing the income received only during the period in which the family is participating in the At-Home Infant Care Program.

Reduction of the Risk of Sudden Infant Death Syndrome in Child Care Programs *Chapter 375, S.F. 3099*

Specifies the minimum length (one hour) of training to reduce the risk of sudden infant death syndrome required of license holders for staff persons, caregivers, and helpers who assist in the care of infants. Provides detail of the minimum content of the training. Specifies that training for family and group family child care providers be approved by the county licensing agency.

FAMILY AND EARLY CHILDHOOD EDUCATION (CONTINUED)

Fire Marshal Inspections Required for Licensure of Day Care Homes

Chapter 375, S.F. 3099

Allows a local fire code inspector approved by the state fire marshal to conduct the inspection of day care homes to determine compliance with the Minnesota Uniform Fire Code required for licensure under the Human Services Licensing Act. Requires the state fire marshal to conduct the inspection if a community does not have a local fire code inspector or if the local fire code inspector does not perform the inspection. Allows a local fire code inspector or the state fire marshal to recover the cost of these inspections through a fee of no more than \$50 dollars per inspection charged to the applicant or license holder.

Use of Portable Wading Pools at Family Day Care Settings

Chapter 279, S.F. 2419

Defines a portable wading pool that meets specified criteria as a private residential pool and not as a public pool for purposes of public swimming pool regulations. Requires the written consent of a child's parent or legal guardian before the child may use a portable pool at a family day care, group day care home, or at a home at which child care services are provided. Specifies content to be included in the parental consent.

Use of Swimming Pools at Family Day Care or Group Day Care Homes

Chapter 333, H.F. 1517

Establishes and specifies requirements for swimming pools at family day care or group day care homes for a provider to be eligible to allow a child cared for in the home to use the swimming pool. Requires consent from a child's parent or legal guardian and annual renewal of consent. Specifies content to be included in the written consent from a child's parent or legal guardian. Provides information on violations and sanctions associated with a provider's failure to comply with specified requirements. Specifies the circumstances under which a municipality shall be immune from liability for a claim arising out of a provider's use of a swimming pool located at a family day care or group family day care home.

HIGHER EDUCATION

Full State Grant Awards, Work Study and Child Care Grants

Chapter 374, H.F. 3270

Requires the Higher Education Services Office (HESO) to make a determination by July 1, 2002, of the projected sufficiency or deficiency in state money available for the state grant program to make full state grant awards through FY 2003. If a deficiency is projected, HESO shall immediately transfer the amount necessary to make full state grant awards in FY 2003 from the work study appropriation and the child care grant appropriation. Requires subsequent transfers from the work study and child care appropriations before any reduction in full state grant awards is made if state money available for the state grant program continues to be insufficient.