



LEGISLATIVE PROGRAM

1981

COUNCIL ON THE ECONOMIC STATUS OF WOMEN

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Saint Paul, Minnesota 55155

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Council on the Economic Status of Women	1
Battered Women	
Battered Women's Programs	2
Marriage License Fee	2
Zoning for Shelters	3
Probable Cause Arrest, Spouse Abuse	4
Displaced Homemakers	
Displaced Homemaker Programs	5
Marriage License Fee	5
Sexual Assault Services	6
Higher Education	
Higher Education Women's Programs	7
Part-Time Students	8
University of Minnesota Women's Athletics	9
Family Planning	10
Volunteer Services	11
Child Care	
Child Care Sliding Fee	12
Homemaker Tax Credit (Child Care Providers)	13
Insurance	
Insurance Discrimination	14
Divorced and Widowed Spouses Conversion	15
Homemaker Services, Automobile Insurance	16
Pensions	
Pension Notification	17
Surviving Spouse Pension Benefits	18
Women Offenders	
Women in Correctional Facilities	19
Programming for Women Offenders	19
Divorce Statistics Reporting	20
Child Support and Maintenance	
Court Rules	21
Withholding Support	22
Cost of Collection	23
Maintenance Awards	24
State Government Employment	
State Government Employment Job Sharing	25
State Employees Training	26
Human Rights Department	
Human Rights Enforcement Process	27
Human Rights Contract Compliance	28
Driver's License Name	29
Public School Employment	30
Apprenticeship	
Women's Coordinator	31
Age Discrimination	32
Elimination of Discriminatory Language	33

SUMMARY

COUNCIL ON THE ECONOMIC STATUS OF WOMEN. Appropriates \$191,000 for the biennium to continue the existence of the Council.

BATTERED WOMEN'S PROGRAMS. Provides continued funding for shelters and related services; raises the marriage license fee to help fund battered women and displaced homemaker programs.

ZONING FOR SHELTERS. Includes shelters for battered women as permitted single-family or multiple-family residential use for zoning purposes.

PROBABLE CAUSE ARREST, SPOUSE ABUSE. Amends the probable cause arrest law for cases of domestic violence by removing requirements that victim have visible signs of injury, that arrest take place within four hours of assault, and that arrest take place in the offender's residence.

DISPLACED HOMEMAKER'S PROGRAMS. Provides continued funding for programs and related services; raises the marriage license fee to help fund battered women and displaced homemaker programs.

SEXUAL ASSAULT SERVICES. Provides continued funding for statewide coordination and administration and for grants to local communities.

HIGHER EDUCATION WOMEN'S PROGRAMS. Provides continued funding to public post-secondary schools for supportive services such as women's centers, career clinics, women's studies, and continuing education.

PART-TIME STUDENTS. Provides continued funding of student financial aid for financially needy students enrolled part-time in post-secondary institutions.

UNIVERSITY OF MINNESOTA WOMEN'S ATHLETICS. Continues funding for women's intercollegiate athletics at the University of Minnesota, in order to provide equal educational opportunity to female students.

FAMILY PLANNING. Continues funding for Family Planning Special Projects under the Community Health Services Act.

VOLUNTEER SERVICES. Continues funding to the Department of Administration for the Governor's Office of Volunteer Services.

CHILD CARE SLIDING FEE. Continues provision of a sliding scale subsidy for child care services to low-income parents; continues the program on an experimental basis for an additional two years, rather than incorporating funds into the Community Social Services Act.

HOMEMAKER TAX CREDIT, CHILD CARE PROVIDERS. Amends the current law providing a tax credit for unemployed homemakers caring for children to include providers of licensed family day care services.

INSURANCE DISCRIMINATION. Prohibits unfair discriminatory practices in the sale, underwriting, and rating of insurance policies on the basis of sex, marital status, or occupation as a homemaker.

(SUMMARY, continued)

DIVORCED AND WIDOWED SPOUSES CONVERSION. Extends the "grace period" for divorced spouses to claim conversion privileges from 30 to 90 days after divorce; establishes conversion privileges for widowed spouses; establishes a procedure for notification to divorced spouses when coverage is terminated.

HOMEMAKER SERVICES, AUTOMOBILE INSURANCE. Increases the maximum insurance benefits payable to a nonfatally injured homemaker to \$200 per week, the same maximum benefit now allowable to the survivors of a deceased homemaker.

PENSION NOTIFICATION. Requires notification to the spouse of a Minnesota public employee of the employee's election not to provide survivor benefits at the time a pension option is chosen.

SURVIVING SPOUSE PENSION BENEFITS. Amends the Public Employees Retirement Association law to allow the surviving spouse of an employee who dies before reaching retirement age to claim a 50 percent optional annuity based on the deceased member's projected unreduced retirement annuity at age 65 under the salary on the date of death; removes a provision that benefits to surviving spouses terminate upon remarriage.

WOMEN IN CORRECTIONS. Provides continued funding to the Department of Corrections for planning renovation and/or construction of a new women's prison; requires counties to provide programming for women offenders comparable to that provided for male offenders.

DIVORCE STATISTICS REPORTING. Appropriates funds to the Minnesota Center for Health Statistics to participate in the national divorce registry system; adds items about economic provisions of dissolution to the form currently used.

COURT RULES. Establishes a committee of judges and other interested persons to establish guidelines for awarding maintenance, child support, and disposition of property in dissolution, legal separation, and maintenance proceedings.

WITHHOLDING SUPPORT. Adds maintenance of the parent to provisions for withholding support from the income of a non-paying person; allows for a more speedy court procedure for withholding; and expands the definition of income from which support may be withheld to include total money income of the non-paying person.

COST OF COLLECTION. Authorizes the Child Support Enforcement Program to add administrative costs to the amount of court-ordered support collected on behalf of families not currently receiving public assistance.

MAINTENANCE AWARDS. Amends the dissolution law to include provision for permanent maintenance and specifies consideration of the extent to which a spouse's earning capacity is permanently diminished because education or employment was subordinated to homemaking or childrearing duties.

STATE GOVERNMENT EMPLOYMENT JOB-SHARING. Appropriates \$15,000 to the Department of Employee Relations to administer and evaluate a pilot job-sharing project.

STATE EMPLOYEES TRAINING. Continues a requirement that state agencies allocate training funds to Schedule C employees proportional to their numbers in each agency, but not to exceed 50 percent of training funds expended.

(SUMMARY, continued)

HUMAN RIGHTS ENFORCEMENT PROCESS. Provides procedures to speed up the investigation and settlement of discrimination charges; removes the present \$1,000 ceiling on punitive damages and provides for a general tort damage remedy; provides a definition of reprisal and grants the department authority to pursue injunctive relief in cases of reprisal.

HUMAN RIGHTS CONTRACT COMPLIANCE. Provides the Human Rights Department with the authority to review state contracts for compliance with anti-discrimination laws, and to deny or negotiate contracts not approvable on these grounds.

DRIVER'S LICENSE NAME. Enables a license applicant to use a family name prior to marriage as a middle name on a driver's license (at option of applicant).

PUBLIC SCHOOL EMPLOYMENT. Requires school districts to establish affirmative action plans; establishes an internship program for administrative positions.

WOMEN'S COORDINATOR. Requires the Apprenticeship Division of the Department of Labor and Industry to designate one full-time equivalent staff position as a Women's Coordinator, to provide information, resources, and referral services to apprenticeship programs and to women interested in apprenticeship careers.

AGE DISCRIMINATION. Requires the Department of Labor and Industry and/or the Department of Human Rights to establish methods of enforcing the law prohibiting age discrimination in apprenticeship.

ELIMINATION OF DISCRIMINATORY LANGUAGE. Eliminates statutory language referring to members of one sex only and substitutes inclusive language, except where it is necessary to make a distinction about biological differences.

COUNCIL ON THE ECONOMIC STATUS OF WOMEN

Background

In 1976, the Minnesota State Legislature established the Council on the Economic Status of Women to study all matters related to the economic status of women in the state and to make recommendations to the governor and the legislature. The Council was originally funded for two years; in 1978, an appropriation was made to continue the Council until June 30, 1981.

Specific areas of study outlined in the original enabling legislation (Laws 1976, Chapter 337) include: credit, family support, inheritance laws, economic security of the homemaker, educational opportunities, career counseling, contribution of women to Minnesota's per capita and family income and state revenues, job and promotion opportunities, and laws and business practices constituting barriers to the full participation of women in the economy.

Twenty-two members serve on the Council: five State Senators, five State Representatives, and twelve public members appointed by the governor. Council members meet about once a month to conduct public hearings on the status of women. Since the Council's establishment, 34 hearings have been held on various topics -- 20 in the Twin Cities and 14 in outstate areas.

The Council has published a series of reports with recommendations based on information gained from hearings in addition to staff research. About 15 reports on topics such as women and poverty, women and education, and women as employees of state government, city and county governments, and in the skilled trades, are currently available. A statistical reference book with the most recent demographic and labor force information available about women in the state has also been prepared by Council staff.

Other projects have included an ongoing evaluation of sex bias and stereotyping in vocational education; a Task Force on Families; a Task Force on Housing; and a conference on women and Social Security. Future plans include co-sponsorship of a "Working Women's Dialogue" to examine the status of women in traditional jobs; a study of women's access to legal services; and analysis of information gathered in the 1980 Census, which will be available beginning in the fall of 1981.

The Council also endorses a legislative program each biennium. To date, 33 of the 48 proposals approved by the Council have become law.

The Council was funded for \$69,800 in fiscal year 1980 and \$79,300 in fiscal year 1981, with a staff complement of two employees.

Purpose of Legislation

To provide for collection of current and accurate information about the economic status of women and the contributions of women to the state's economy by supporting the continued existence and funding of the Council on the Economic Status of Women.

Summary of Legislation

Appropriates \$191,000 for the FY82-FY83 biennium to continue the existence of the Council on the Economic Status of Women.

BATTERED WOMEN'S PROGRAMS

Background

It is estimated that more than 31,000 cases of assaults on women by their partners are reported to law enforcement, medical and human service professionals each year in Minnesota -- a figure which does not take into account those who were abused but did not seek assistance.

Women who have been battered are from 15 to 96 years of age. They are from every region of Minnesota, from every race, and their family incomes may be low, medium, or high. More than two-thirds of battered women report being assaulted more than once, and more than two-thirds are exposed to abuse for more than a year.

The battered woman is the victim of a violent crime. She has been assaulted in the privacy of her own home, often within view of her children, by the man she lives with and upon whom she depends for emotional support and economic security. She is often unable to defend herself, unaware of her rights, and isolated from help.

Family violence is perpetuated over the generations, since over half of assaultive spouses observed violence between their own parents as children, and since 81 percent of women in Minnesota shelters have children. Battering is clearly a pervasive societal pattern, and not merely a private problem.

In the 1977 session, the state legislature appropriated funds to establish pilot shelters and support services, community education and statewide data collection. In 1978, additional funds were appropriated for additional shelters, for evaluation, and for public information programs.

For the FY80-FY81 biennium, a total of \$2,995,700 was appropriated, of which 74 percent was spent for emergency shelters, while the remaining 26 percent was spent on community education, programs to treat the assaultive man, and for administrative support in the Department of Corrections.

There are now 15 shelters and/or safehome networks in Minnesota -- 5 in the Twin Cities area and 10 in outstate areas. The state appropriation provides for only half of the operating costs for these programs, with the rest of funding provided by public assistance funds, foundations, and local donations.

In 1979, Minnesota shelters for battered women housed 1,300 women and 1,675 children. However, 2,900 women, 70 percent of those seeking shelter, were turned away for lack of space.

Purpose of Legislation

Provides for continued funding of shelters and related services for victims of domestic violence, for programs for the assaultive family member, and for community education/public information efforts throughout the state.

Summary of Legislation

1. Provides continued funding to the Department of Corrections.
2. Raises the marriage license fee and/or establishes a divorce fee to help fund battered women and displaced homemaker programs.

ZONING FOR SHELTERS

Background

In the past several years, 15 shelters for battered women have been established in Minnesota. Women living in shelters on an emergency basis receive information, counseling, child care, and legal services.

Although temporary, the shelter is a home for women and their children, a safe and supportive environment for those who need time and relief from violence in order to make basic decisions about their lives. It is important for women who have been battered, as victims of a violent crime, to feel that they are not alone and that they have the support of their communities and their neighborhoods.

The shelter house itself is subject to zoning regulations, generally the province of local (city and county) governments. However, Minnesota statutes provide some limits in this area. For example, state law provides that zoning ordinances should not exclude mentally retarded or physically handicapped persons in group homes "from the benefits of normal residential surroundings."

Purpose of Legislation

To provide services and support to battered women in home-like settings in local communities, by including shelters as a special category in existing state zoning laws.

Summary of Legislation

1. Requires shelters serving ten or fewer persons to be considered a "permitted single family residential use of property" for zoning purposes.
2. Requires that shelters serving 11 to 25 persons shall be considered a "permitted multi-family residential use of property" unless local zoning authorities choose to require conditional use permits.

PROBABLE CAUSE ARREST, SPOUSE ABUSE

Background

No longer a hidden problem, spouse abuse is now considered one of the most prevalent crimes of violence in Minnesota and in the nation. Although there are now some emergency shelters and some community education programs, the battered woman still has difficulty obtaining protection.

Women who contact the police or file charges against an abusive spouse have good reason to fear reprisal and continued violence, since he is likely to be released within hours of the arrest. This fear means that many instances of battering go unreported or unprosecuted, and many battered women are exposed to such violence for periods of a year or longer before finally seeking help. National studies show that almost half of women who are murdered are killed by their husbands.

Police have traditionally treated violence within the family as a private matter, and have hesitated to interfere in "domestic disputes." And until the 1978 legislative session, the police had no authority to arrest a violent spouse unless the officer actually witnessed the assault.

Taking responsibility from the woman of having her partner arrested is seen as a key factor in protecting her from retaliatory attacks. The law was therefore changed, so that Chapter 724 of Minnesota Laws of 1978 gives police officers the authority to make a "probable cause arrest" in cases of domestic assault.

The bill as passed, however, contained a number of restrictions. Such an arrest can only be made at the offender's residence, so that a violent partner who leaves the house cannot be apprehended; must be made within four hours of the assault; and can only be made if the victim has visible signs of physical injury.

Purpose of Legislation

To prevent retaliatory attacks on women in abusive situations by removing restrictions on the probable cause arrest law.

Summary of Legislation

Amends the probable cause arrest law for cases of domestic violence by removing the requirement that the arrest take place in the offender's place of residence; by removing the requirement that the arrest take place within four hours of the assault; and by removing the requirement that the victim have visible signs of injury.

DISPLACED HOMEMAKERS

Background

There are an estimated 193,000 full-time homemakers in Minnesota -- women who are not in the labor force, but who provide child care and household management services for their families. Although homemakers make an invaluable contribution to the welfare and economic stability of the state, they receive no salary, health, retirement, or unemployment benefits for their labor.

In Minnesota each year, about 2,500 women are widowed and more than 14,000 are divorced. Others are displaced from their family roles and left without income or financial security because of desertion or disability of a spouse. Displaced homemakers have difficulty finding employment due to inadequate training, lack of recent paid work experience, age and sex discrimination, and other psychological, societal, and economic barriers.

Beginning in 1977, the state legislature appropriated funds for displaced homemaker programs to assist in the transition from home to paid employment. Programs include: vocational testing, counseling, workshops on interviewing and other job-seeking skills, building self-confidence, making arrangements for additional training when needed, job referral and placement services.

In 1979, an additional appropriation was made to continue the two pilot programs and to establish at least one additional rural program. Federal funds from the Comprehensive Employment and Training Act (CETA) were also used for displaced homemaker programs. There are now four programs in operation: in the Twin Cities, in South Central Minnesota, in Southwestern Minnesota, and in Duluth. In addition, coordination and evaluation are provided by the Department of Economic Security.

It is estimated that 1,130 participants will be served by the end of the current biennium. Program statistics collected by the Department of Economic Security as of November, 1980 show that more than two-thirds of the women who completed a program were "positive terminations" -- that is, they found adequate employment or were enrolled in appropriate training programs.

Funding for the FY80-FY81 biennium was \$753,314 -- \$486,096 in state funds and \$267,218 in CETA funds. CETA funds, however, will no longer be available in the upcoming biennium. This means that if the state's share is not increased, services will decrease.

Purpose of Legislation

To enable displaced homemakers to become self-supporting by entering or re-entering the job market, by providing continued funding for centers which provide job counseling, placement, and community education services in both metropolitan and rural areas, as well as central coordination and evaluation.

Summary of Legislation

1. Provides continued funding to the Department of Economic Security.
2. Raises the marriage license fee and/or establishes a divorce fee to help fund displaced homemaker and battered woman programs.

SEXUAL ASSAULT SERVICES

Background

Sexual assault is a violent crime, an aggressive rather than a sexual act. It is defined as any sexual activity in which a person is forced to participate without his or her consent: rape, same-sex sexual assault, child sex abuse, and incest. In 1979, Minnesota law enforcement officers received reports of 870 rapes. The FBI estimates that only one in every five to ten rapes are ever reported, so that the actual incidence of rape in Minnesota is between 4,350 and 8,700 cases per year. The reporting rates for same-sex sexual assault, child sex abuse, and incest are probably even lower.

The Minnesota Program for Victims of Sexual Assault was established in the Department of Corrections in 1975, with funding from the federal Law Enforcement Assistance Administration (LEAA) through 1978. In 1979, the state legislature appropriated \$500,000 to continue the program.

In fiscal year 1980, grants were made to 23 local community-based programs in the state for three purposes: direct services to the victims of sexual assault, training for professionals in related fields, and community education programs for members of social, civic, and church organizations. In that year, 2,103 victims received services such as crisis intervention, medical and legal information, and individual or family support groups. Training was provided to more than 7,000 professionals in law enforcement, the medical and legal communities, human services, and education. More than 800 public education presentations were made, reaching 35,000 people.

Local sexual assault programs receive a great deal of community support, as indicated by the large number of volunteer hours contributed (more than 80,000 hours contributed statewide in fiscal year 1980) and by positive responses from local professionals. From 70 to 95 percent of county attorneys, medical workers, police officers, and social service workers said it is "very important" to have such services available in their communities.

In addition to the need for on-going funding of existing programs, the Department of Corrections has identified a number of unmet needs: expansion of services to the 52 counties not now served; additional services and/or information about the needs of victims who are racial minorities, men, children, elderly, or developmentally disabled; and expanded data collection.

Purpose of Legislation

To provide for coordinated statewide services for the victims of sexual assault, including public education, prevention, and data collection efforts.

Summary of Funds

Provides continues funding to the Department of Corrections for statewide coordination and administration and for grants to local communities for sexual assault programs.

HIGHER EDUCATION: WOMEN'S PROGRAMS

Background

Like women's labor force participation, women's access to educational opportunities has increased dramatically in recent years. More than 40 percent of Minnesota women age 25 to 34 have had some college, compared with only 16 percent of their mothers and grandmothers, those age 65 and over. Women now represent the majority of students at state universities, community colleges, and private post-secondary schools in the state.

However, women continue to be concentrated at the undergraduate level, accounting for only one-fourth of doctoral degrees and only one-fifth of professional degrees conferred each year by Minnesota schools. And despite increased enrollments of women in law, medicine, and business, more than one-third of all diplomas granted to women at the University of Minnesota are in the traditional fields of health and education. Women's representation among faculty at Minnesota colleges remains low: only 37 percent of the state's instructors and lecturers are women, and only 7 percent of full professors are women.

Women's centers, women's studies programs, and continuing education programs established in recent years provide support to women as students and employees and contribute a new dimension to intellectual life in the academic community. Such programs recognize an historical lack of information about women's contributions to society, and serve as important intermediate steps toward integrating this information in all curricula, as well as supporting the concept of education as life-long learning.

Among services offered by women's centers on college campuses across the state are: improvement of the status of women students, support for minority women, increasing public awareness of the current and changing status of women, and encouraging all women to reach out for new opportunities. Activities include counseling, referral, and testing services; academic services for women's studies programs and other academic departments, as well as support for individual projects related to women's concerns; assistance to a variety of groups in planning conferences, workshops, and seminars related to the status of women; and libraries of books, pamphlets, research studies, government documents, films, slides, and newspaper clippings related to women's concerns. The University of Minnesota Women's Center is part of the Coalition Against Sexual Harassment, assisting students in resolving cases of harassment on the part of professors.

Purpose of Legislation

To provide supportive services to women students and employees in higher education, and recognition for the contributions of women to the academic community and to society in general, by supporting women's centers, career clinics, women's studies programs, and continuing education programs at Minnesota's public higher education institutions.

Summary of Legislation

Provides continued funding to the University of Minnesota, the State Universities, and the Community Colleges, for women's programs.

PART-TIME STUDENTS

Background

Women's participation in higher education parallels their labor force participation, and the last decade has witnessed dramatic increases in the numbers of women enrolling in Minnesota colleges and universities. In 1970, women were outnumbered by men in each of the post-secondary education systems of the state. Since that time, women have become the majority of students in the state university system, the community college system, and in private colleges.

However, disparities in the educational patterns of men and women continue. Women still receive fewer than half of bachelor's degrees awarded in collegiate institutions, and the proportion of diplomas granted to women decreases substantially with each higher degree level. Women have in the past been more likely than men to discontinue or defer their education, usually for family-related reasons. It has been common for women to drop out in order to support husbands in graduate or professional school, or to have and care for children.

Women are more likely than men to be part-time students, extension students, and older undergraduate students. However, many financial aid programs exclude part-time students from eligibility, creating an additional barrier for lower- and middle-income women attempting to pursue an education.

For these reasons, the 1977 legislature approved the creation of a part-time student grant-in-aid program, to be administered by the Higher Education Coordinating Board. Students must be enrolled in degree or certificate programs at Minnesota post-secondary schools and must be in good academic standing. Part-time student grants are awarded for a single term and are not automatically renewed, although recipients may re-apply for subsequent terms.

According to the Higher Education Coordinating Board, "the typical applicant for this program is female, 29 years old, working, resides in the Twin Cities area and is a freshman at the University of Minnesota, taking a course load of 6 credits per quarter. She is single, independent, and has a gross income of \$6,000."

In the first two years of the program's operation, awards were made to 2,356 students. The average grant-in-aid amount was \$168 in fiscal year 1979 and \$180 in fiscal year 1980.

Purpose of Legislation

To provide financial assistance to part-time students in Minnesota colleges and universities by supporting a part-time student grant-in-aid program.

Summary of Legislation

Provides for the continued funding of student financial aid for financially needy students enrolled in Minnesota post-secondary institutions part-time.

UNIVERSITY OF MINNESOTA WOMEN'S ATHLETICS

Background

Sport is an important and highly visible part of our culture, as well as a means of personal expression and self-fulfillment -- and athletic programs are an integral part of education, as demonstrated by state and federal laws mandating equal athletic opportunities for boys and girls, men and women.

According to University of Minnesota President McGrath, "Not all of the learning that takes place in an academic institution is confined to classrooms, laboratories, and libraries. Instead, some of the most important educational activities are to be found on athletic fields, courts, and gymnasias across our five campuses." Athletics teach not so much facts as attitudes of achievement and success, important factors in our competitive society. In addition to the development of specific physical skills, athletics are believed to contribute to self-discipline, self-esteem, sportsmanship and teamwork skills.

However, equal opportunity in athletics is not yet a reality in Minnesota. In fiscal year 1980, the total five-campus budget for women's intercollegiate athletics at the University of Minnesota amounted to only 22 percent of the total athletics budget for that year, while women accounted for 33 percent of the athletes. Women's athletics are attracting large numbers of female athletes and increasing public attention, but are not yet self-supporting through admission fees.

Female athletes at the University of Minnesota must be full-time undergraduate students who are making normal progress toward a degree to remain eligible for the intercollegiate athletic program. According to the Women's Intercollegiate Athletic Department, "We understand that the strength of our program lies in our ability to encourage academic excellence first, while providing highly skilled women with a way to fully develop their athletic talents." Ten sports are offered: basketball, cross country, field hockey, golf, gymnastics, softball, swimming and diving, tennis, track and field, and volleyball.

Purpose of Legislation

To provide equal educational opportunity to women students at the University of Minnesota by providing financial support to women's athletic programs.

Summary of Legislation

Continues funding for women's intercollegiate athletics at the University of Minnesota.

FAMILY PLANNING

Background

Minnesota's Community Health Services Act provides for local county health boards to develop and maintain an integrated system of community health services under local administration with a system of state guidelines and standards. Such boards are required to coordinate community health services, personal health services, institutional health services, related human services, and health-related environmental control services; boards are also charged with coordination of local, state, and federal services and funding.

Under the law, the state health commissioner may make grants to local health boards for a number of special services: mobile clinics to serve the needs of migrant agricultural workers, facilities for American Indians who have no established county of residence, poison control information services, and home based services for elderly and physically impaired persons. In 1978, the state legislature added a similar provision enabling the commissioner to make grants to provide family planning services.

In 1980, just under one million dollars were awarded to a total of 33 agencies which submitted proposals for the use of these funds. Twenty-one of the funded agencies were in the Twin Cities, Duluth, or Rochester metropolitan areas, while twelve of the agencies were located in rural Minnesota. A total of 46 of the state's 87 counties were served.

In addition to the grants, state funds were used to maintain a family planning counseling consultant and a nursing consultant available to agencies throughout the state for technical assistance and training, and to implement a statewide family planning hotline. The state Department of Health states that "In general, Family Planning Special Project funds have been used to expand the availability and accessibility of quality family planning services and information."

Purpose of Legislation

To continue the state's commitment to the provision of community health services to women and their families across the state, including the provision of information about family planning.

Summary of Legislation

Continues funding to the state Department of Health for Family Planning Special Projects under the Community Health Services Act.

VOLUNTEER SERVICES

Background

Many women who have been out of the labor force while raising a family and managing a household have gained valuable experience as community volunteers at the same time. In addition to the human relations, budgeting, and administrative skills of the homemaker, women have contributed and developed their skills in school systems, hospitals, child care centers, churches, and a wide variety of other civic activities.

However, until fairly recently volunteer experience received little recognition. Employers and educational institutions demonstrated little interest in translating these skills into employment qualifications or academic credits -- and as a result, the economy was deprived of the benefits of volunteer experience.

In 1977, the Governor's Office of Volunteer Services was established in Minnesota to provide statewide leadership and supportive services to volunteer leaders to initiate, expand, and improve the contributions of volunteers. The office works directly with an estimated 7,000 volunteer leaders in the public and private sectors, and indirectly with 2 million volunteers and their organizations. Volunteer services are provided in such areas as human services, environmental, cultural, recreational, and civic involvement.

In the FY80-FY81 biennium, the Governor's Office of Volunteer Services (GOVS) received a state appropriation of \$302,300. In the past year, GOVS has: distributed guidelines on volunteer transportation, assisted in developing volunteer college courses, conducted conferences and workshops on volunteerism, provided technical assistance and consultations to state agencies and others, maintained a lending library, and distributed a newsletter.

Purpose of Legislation

To provide recognition of women's unpaid homemaker and community volunteer contributions by continuing coordination of volunteer resources through the Governor's Office of Volunteer Services.

Summary of Legislation

Continues funding to the Department of Administration for the Governor's Office of Volunteer Services.

CHILD CARE SLIDING FEE

Background

In recent years, the largest increases in women's labor force participation have been among women in their childbearing years. About half of married women with preschool-age children were employed outside the home in Minnesota in 1977. Yet women continue to earn only 59 cents, on the average, for each dollar earned by men. Since child care has traditionally been considered the mother's responsibility, the cost of child care has usually been compared to the size of her paycheck. And for female-headed families, the affordability of child care services may make the difference between welfare dependency and economic self-sufficiency.

The federal Title XX program provides a full subsidy for child care services to families with incomes under 60 percent of the state median income. For example, since the state median income for a family of four was \$20,715 in 1980, a family of four with an income under \$12,429 received a full subsidy for the cost of child care while both parents were employed or pursuing an education outside the home.

Although helpful, this program created a "notch effect" -- women attempting to improve their economic status who earned just a few dollars over the income eligibility cutoff would be required to carry the full cost of child care. In response, the 1979 legislature approved a two-year experimental sliding fee program.

The state program appropriated funds to provide a partial subsidy for families with incomes between 60 and 70 percent of the state median income. Using the example above, the family would pay an increasing portion of child care costs as their income grew from the full-subsidy level of \$12,429 to the no-subsidy level of \$14,500. The program was to be evaluated to demonstrate its effectiveness in preventing or reducing dependence of participants on public assistance and in providing other benefits.

Most of the 22 Minnesota counties participating in the program began operating the subsidy early in 1980. Therefore, evaluation data presented to the legislature in 1981 could only be based on the first nine months -- not enough time to document changes in the family status of participants -- though preliminary data are positive. The program served 881 children across the state, the majority from single-parent families, and many of the families had received public assistance in the previous 12 months. The participating families' monthly tax payments from their earned income exceeded the amount of the sliding fee subsidy they received (average monthly subsidy was \$147).

Purpose of Legislation

To enable women to improve their economic status by making child care affordable for lower-income families, by continuing the child care sliding fee program.

Summary of Legislation

1. Continues funding to provide a sliding scale subsidy for child care services to low-income parents who are employed or attending school.
2. Continues the subsidy as an experimental program for an additional two years, rather than incorporating funds into the Community Social Services Act (which would give counties the option of using these funds for other purposes).

HOMEMAKER TAX CREDIT (CHILD CARE PROVIDERS)

Background

Although women's work in the home has considerable economic and social value, such work has historically been ignored or undervalued. But in recent years, the homemaker's contribution to the well-being of her family and society at large has begun to receive more attention.

Among the jobs ascribed to homemakers are: food buyer, nurse, tutor, waitress, seamstress, laundress, chauffeur, gardener, family counselor, maintenance worker, governess, cleaning worker, housekeeper, cook, errand runner, bookkeeper, budget manager, interior decorator, caterer, child psychologist, household buyer, dishwasher, dietician, secretary, public relations manager, and hostess. Estimates of the homemaker's average work-week range from 57 to 99.6 hours, not including time spent "on call."

In 1975, the Social Security Administration set an "economic value of the homemaker" figure of \$5,500; in 1979, the American Council of Life Insurance estimated the homemaker's value at \$33,644 per year. Few families could afford to pay an unrelated person to perform the multitude of tasks which the homemaker contributes without receiving a salary, health, retirement, or unemployment benefits.

In 1978, the state legislature amended Minnesota income tax laws to provide a homemaker tax credit, in partial recognition of these contributions. In order to be eligible for the credit, the homemaker was to have remained unemployed for the purpose of caring for children under age 12, and the family's income was not to exceed \$25,000 per year.

The current limitation on employment, however, excludes women who are providing child care in licensed family day care homes, even though they are caring for their own children at home. Income earned from operating a child care home is generally very minimal, and women performing this service are in a position very similar to that of other homemakers, in addition to providing a needed service in caring for the children of employed parents.

Purpose of Legislation

To provide some recognition for homemakers who care for other children as well as their own by broadening provisions of the homemaker tax credit to include licensed family day care home providers.

Summary of Legislation

Amends M.S. 290.06, Subdivision 3e(b) to read: "...either the taxpayer or his spouse remains unemployed throughout the taxable year for the purpose of caring for the child in the home, provided that employment as a provider of licensed day care services in the home of the taxpayer shall not render the taxpayer ineligible to receive the credit."

INSURANCE DISCRIMINATION

Background

Insurance is a private-sector industry regulated by the Insurance Division of the Minnesota Department of Commerce. Traditionally, insurance regulation has been limited to ensuring the fiscal integrity of insurance companies rather than to more direct forms of consumer protection.

A significant departure from this approach came some time ago when the use of race as a criterion in setting the price and availability of insurance was prohibited in a number of states, including Minnesota. Even though there was no disagreement about the facts showing that Blacks tended to die sooner than whites, it was determined that the use of race as a classification was inappropriate. This prohibition, however, has not yet been extended to sex, marital status, or status as a homemaker, all of which are frequently used to determine the availability and price of insurance policies.

Studies conducted in Minnesota and in many other states have shown that there are significant differences in the insurance treatment of men and women. The National Association of Insurance Commissioners (NAIC) has adopted a model regulation prohibiting the denial of benefits or coverage on the basis of sex or marital status in the terms and conditions of insurance contracts. This model was adopted in 26 states, not including Minnesota.

The NAIC, the Federal Trade Commission, the U.S. Department of Labor, and the United States Supreme Court have all participated in studies and/or decisions in recent years which suggest that this prohibition should be extended to differential treatment in insurance rates. A number of state and national groups have collected information showing that other criteria would provide better indications of risk than do the criteria of sex, marital status, and occupation as a homemaker.

Purpose of Legislation

To prohibit unfair discriminatory practices in the sale, underwriting, and rating of insurance policies on the basis of sex, marital status, or occupation as a homemaker.

Summary of Legislation

1. Prohibits differential availability, eligibility, or benefits in insurance contracts on the basis of sex, marital status, or occupation as a homemaker.
2. Prohibits differential underwriting criteria and differential rating on the same bases.
3. Provides for enforcement by the Insurance Commissioner in the same manner as other unfair trade practices; empowers the Commissioner to adopt rules as necessary for enforcement.
4. Provides for civil action on the part of private parties to seek damages if the Commissioner fails to take action within 90 days after a complaint.

DIVORCED & WIDOWED SPOUSES CONVERSION

Background

Insurance protection is increasingly a necessity for those who cannot afford the economic consequences of unexpected events such as accident, illness, disability, or death of a family member. Yet women have historically had less access to insurance protection, and less comprehensive coverage, than men.

It is estimated that 85 percent of medical coverage in Minnesota is sold through group, rather than individual, insurance policies: a nonprofit health service plan, a health maintenance organization, or a group accident and health insurance policy with premiums paid or partially paid by an employer. For women, group policies are very likely to provide broader coverage for maternity and reproductive-system conditions and to be less expensive than individual policies (women buying individual policies often pay 30 percent higher premiums than men, even when all reproductive-system conditions are excluded from coverage).

"Continuation" is a way to maintain access to insurance protection when the insured person is no longer eligible as part of a group. A person who leaves her job may continue her (and her dependents') group health insurance by reimbursing her former employer for the premium cost, for six months or until she becomes eligible for coverage through a new job. A widowed spouse may continue coverage under her spouse's group policy for one year after his death, although she may be required to pay her husband's former employer for providing this protection.

"Conversion" is the privilege of changing from group coverage to similar coverage under an individual policy, without showing evidence of insurability or meeting special requirements such as a waiting period. Present law provides that a divorced spouse may lose coverage under her husband's policy unless she notifies the insurance company within 30 days after the divorce that she wishes to convert to a policy in her own name, and pays the required premium. However, divorce is a time of severe emotional as well as economic dislocation for many women, and many are unaware that their insurance coverage will terminate unless they take action within one month.

Purpose of Legislation

To broaden women's access to insurance protection by increasing the "grace period" for conversion privileges, and by equalizing the treatment of divorced and widowed spouses.

Summary of Legislation

1. Extends the length of time for divorced spouses to claim conversion privileges from 30 to 90 days following entry of a divorce decree.
2. Establishes conversion privileges for widowed spouses, to be available at the expiration of a continuation option.
3. Establishes a procedure for notification to divorced spouses when coverage is terminated.

HOMEMAKER SERVICES , AUTOMOBILE INSURANCE

Background

The services provided by a homemaker to her family, although unpaid and too often unrecognized in public policy, have an economic value. A number of estimates have been made of the cost to her family of replacing her services in the event of her disability or death. Such estimates range from \$5,500 (Social Security Administration, 1975) to \$33,644 (American Council of Life Insurance, 1979) per year.

Minnesota's current automobile insurance law provides some recognition of the value of these services, by requiring drivers to carry insurance for "replacement services loss" and "survivor's replacement services loss" in the event of an automobile accident.

"Replacement services loss" refers to expenses incurred by the homemaker and her family in obtaining services she would have performed not for income but for the direct benefit of her household, which she is no longer able to perform due to injury in a car accident. The statute sets a limit on such benefits: "If the injured person normally, as a full time responsibility, provides care and maintenance of a home with or without children, the benefit to be provided shall be subject to a maximum of \$15 per day." Such benefits, if provided for a full year, would amount to \$5,475.

"Survivors replacement services loss" refers to a similar situation, except that the homemaker has died in the accident rather than being injured. Her family may receive benefits to pay the costs of obtaining replacement services, subject to a maximum of \$200 per week. Such benefits, if provided for a full year, would amount to \$10,400 -- almost double the benefits that would have been available had the homemaker been injured, regardless of the degree of incapacity caused by her injury.

Purpose of Legislation

To provide consistent recognition of the cost of replacing homemaker services to her family, by amending the automobile insurance law to equalize replacement services loss in case of injury and survivors replacement services loss in case of death of the homemaker.

Summary of Legislation

Increases the maximum insurance benefits payable to a nonfatally injured homemaker to \$200 per week, the same maximum benefit now allowable to the survivors of a deceased homemaker.

PENSION NOTIFICATION

Background

Many older women face unexpected financial crises at the time of widowhood, when they discover they are not entitled to pension benefits based on their husbands' employment records. In many cases, the employed spouse has chosen to waive survivor's rights under his pension plan, without her knowledge or consent. Since women are in general expected to outlive men, and since women are less likely than men to be employed, this is a significant concern.

All public pension plans provide for a benefit option known as a "joint and survivor annuity." Under this option, the retired employee receives a regular lifetime income from the plan, and upon his or her death, the surviving spouse is guaranteed a reduced lifetime income. The alternative is called "straight life annuity," which guarantees a lifetime income to the retiree, but does not guarantee any benefit to the survivor. In most plans, the employee must actively choose to waive survivor's rights by choosing the latter option. But since the straight life annuity provides a higher benefit amount than the joint and survivor annuity, there is a financial disincentive for the retiring employee to protect the survivor.

In the past year, the federal government has enacted legislation and adopted rules that require that a spouse must be notified of a federal employee's election not to provide survivor benefits or to provide a reduced survivor annuity. Under the regulations, the federal Office of Personnel Management requires a signed and witnessed statement from the spouse, to be submitted with the retirement application, that acknowledges an understanding of the employee's election.

No such provisions are required by Minnesota law for public employees. The Minnesota Legislature, with advice from the Legislative Commission on Pensions and Retirement, has direct authority over the 632 plans covering employees of Minnesota political subdivisions: townships, cities, counties, and the state itself.

Purpose of Legislation

To provide some protection to spouses of employees covered by public pension plans by requiring prior notification of benefit options which may be chosen under a pension system.

Summary of Legislation

Requires notification to the spouse of a Minnesota public employee of the employee's election not to provide survivor benefits at the time that a pension option is chosen.

SURVIVING SPOUSE PENSION BENEFITS

Background

The precarious economic status of older women who are widows is a well-documented fact. In 1978, the median income for the 10.4 million American widows was \$4,162. And the number of women likely to be in this position is growing rapidly, as longevity increases for the general population and as the mortality gap between women and men increases. Women are now expected to outlive their husbands by eight years on the average. An estimated 2,500 Minnesota women are widowed each year, and there are almost five times as many widowed women as widowed men.

A number of factors contribute to the vulnerable financial situation of widows and older women. The older woman today is unlikely to have spent many years in the labor market. If she was employed outside the home, she is likely to have fewer total years of employment and lower average earnings on which to base pension and social security benefits. She may assume that her husband's pension, life insurance, and social security benefits would provide her with an adequate income in the event of his death -- but this assumption may prove false.

The "widow's gap" or "blackout period" under social security refers to the lack of benefits for women who become widows before age 60, when only a one-time lump sum death benefit of \$255 is guaranteed. In order to receive any monthly benefits based on her husband's social security contributions, the widow must be caring for a child under age 18 or an older disabled child, or she must be over age 50 and disabled herself. All such benefits terminate when her youngest child becomes 18 and/or if she remarries.

The widow may wait many years before being entitled to collect any benefits for herself. The average widow who does receive social security benefits received only \$3,685 per year in 1980. Her chances of finding employment and her access to other resources are extremely limited.

The "widow's gap" problem is compounded under many pension plans, which provide no benefits to the surviving spouse when the employee dies before reaching retirement age. Provisions similar to the social security termination of benefits when children are grown or when the surviving spouse remarries are also common in pension plans.

Purpose of Legislation

To improve the economic status of widows, and to provide recognition for the contributions made by homemakers to the well-being of their spouses and families, by expanding the circumstances under which a surviving spouse may claim pension benefits.

Summary of Legislation

1. Amends the Public Employees' Retirement Association (PERA) law to allow the surviving spouse of an employee who dies before reaching retirement age to claim a 50 percent optional annuity based on the deceased member's projected unreduced retirement annuity at age 65 under the salary on the date of death.
2. Removes the provision that benefits to surviving spouses terminate upon remarriage.

WOMEN IN CORRECTIONS

Background

The "typical" woman incarcerated in the Minnesota Correctional Facility at Shakopee is young, white, and unemployed. She was abused or neglected as a child, dropped out of high school, and very likely has serious chemical dependency or psychiatric problems. She is often characterized as extremely passive, dependent, and lacking self esteem.

The woman offender is likely to have been involved in prostitution at some time and to have received public assistance at some time. A disproportionately large number of women in prison are racial minorities. Although the majority are not currently married, women offenders are likely to be single parents caring for dependent children at the time of their arrest.

The large majority of women arrested are charged with property crimes, often shoplifting or writing bad checks. Only 4 percent are arrested for personal crimes such as assault. Although arrests of women for serious crimes such as aggravated assault have risen by 13 percent since 1972, the increase in arrests of men for the same crimes is much more dramatic, at 31 percent.

The fact that women represent a very small proportion of the offender population has led to inadequate programs and facilities for women prisoners. Women accused of crimes such as shoplifting are often placed in isolation cells of men's jails at the local level, with no rehabilitative programming.

At the state level, the women's prison is clearly inadequate. There is no fence, which leads to frequent security problems. The facility is overcrowded, with an estimated daily inmate population of 70 women in space designed for 50, and with very limited space for vocational training or other programs.

According to a recent report from the Department of Corrections, "Women have often been victims of neglect and discrimination within the correctional system ... Shakopee has received so little attention that today it stands in the worst condition of any facility in the state system." This report was prepared in response to Minnesota Laws 1979, Chapter 336, directing the Department to study and determine the most appropriate location for women committed to Shakopee.

Although considerable planning has already taken place, funds are now needed to contract with consulting architects to draw up and consider ways to renovate Shakopee or construct a new women's prison.

Purpose of Legislation

To provide equal treatment for women offenders by allocating funds for working drawings for renovation and/or new construction of a women's prison, and for state-wide planning for program improvement for women offenders.

Summary of Legislation

1. Provides continued funding to the Department of Corrections.
2. Requires counties to provide programming for women offenders comparable to that provided for male offenders.

DIVORCE STATISTICS REPORTING

Background

There are more than 14,000 divorces in Minnesota each year, and more than half a million Minnesotans will experience the economic dislocations of divorce within the next 20 years. Nationally, more than one-quarter of all divorced women have incomes below the poverty level and are eligible for public assistance programs. Of the 25 million Americans who live below poverty, more than four out of five are women and children. Beyond these stark statistics, little information about divorce is available.

The Minnesota Center for Health Statistics of the Department of Health is currently able to collect only basic data: the number of divorces by county and the age of persons being divorced each year. The lack of more extensive demographic and economic information makes it impossible to measure trends or to compare Minnesota with other states.

Such information is especially needed for an understanding of how divorce affects the economic status of women and children in a time of changing roles. There are many unanswered questions about the implications of divorce for child custody, child welfare, and public assistance programs. Nothing is known about the frequency with which child support and maintenance are required by the courts, about the adequacy and reliability of support payments, and about patterns of separation, remarriage, and the effects of these changes on households and families.

The National Center for Health Statistics maintains a national divorce registry program to collect this kind of information: names, race, educational attainment, and birth date for husband and wife; length of separation and length of marriage before divorce; number of previous marriages and reason for ending the previous marriage (death or dissolution); and number and ages of children of the marriage. Additional information on economic provisions can be included at the discretion of the states.

About 29 states now participate in this program. Minnesota does not, although Minnesota does participate in the national marriage registry system. The State Health Department estimates that two additional staff, a coder and a data entry operator, would be needed to participate in the national divorce registry.

Purpose of Legislation

To provide current and accurate information about the marital and parental status of Minnesota residents and the economic implications of divorce, by providing funds for the Department of Health to join the national divorce statistics reporting system.

Summary of Legislation

1. Appropriates funds to the Minnesota Center for Health Statistics to participate in the national divorce registry system.
2. Adds items to the form currently used by the national system to provide information about the economic provisions of dissolution cases in the state.

COURT RULES

Background

Court orders for child support and maintenance (alimony) made at the time of a divorce are frequently not enforced, leading to a precarious economic situation for women and children in single-parent families. In addition, the courts vary widely in making settlement orders: some judges are reluctant to award child support and/or maintenance at all, and others award amounts which are clearly inadequate to provide for the needs of the family involved.

A study conducted in Hennepin County in 1977 showed that 20 percent of the (non-custodial) fathers were not required to pay child support at all, and 89 percent were not required to pay maintenance at all. The average length of married life for the women who were awarded maintenance was 17 years, and the average amount their ex-husbands were required to pay was less than \$400 per month. Among fathers who were assigned to pay child support whose income was listed in court records, the average amount of child support assigned was only 19 percent of the father's income. A study from the University of Michigan showed that if women had to rely solely on maintenance and child support for income, only 3 percent of divorced mothers would have incomes above the poverty level.

The Minnesota divorce law provides only general guidelines for determining child support and maintenance awards. For child support, the relevant factors are: "(a) the financial resources and needs of the child; (b) the financial resources and needs of the custodial parent; (c) the standard of living the child would have enjoyed had the marriage not been dissolved; (d) the physical and emotional condition of the child, and his educational needs; and (e) the financial resources and needs of the noncustodial parent."

The law lists relevant factors to consider in awarding maintenance as: "(a) the financial needs of the party seeking maintenance, including marital property apportioned to him, and his ability to meet his needs independently, including the extent to which provision of support of a child living with the party includes a sum for that party as custodian; (b) the time necessary to acquire sufficient education or training to enable the party seeking maintenance to find appropriate employment; (c) the standard of living established during the marriage; (d) the duration of the marriage; (e) the age, and the physical and emotional condition of the spouse seeking maintenance; (f) the ability of the spouse from whom maintenance is being sought to meet his needs while meeting those of the spouse seeking maintenance; and (g) the contribution of each party in the acquisition, preservation, depreciation, or appreciation in the amount or value of the marital property, as well as the contribution of the spouse as a homemaker."

Purpose of Legislation

To improve the economic status of families after divorce, and to facilitate the awarding of child support and maintenance in a consistent and adequate manner, by establishing guidelines to be used by the courts in making such determinations.

Summary of Legislation

Establishes a committee of judges and other interested persons to establish guidelines for awarding maintenance, child support, and disposition of property in dissolution, legal separation and maintenance proceedings.

WITHHOLDING SUPPORT

Background

Recent years have seen an increase in the incidence of divorce in Minnesota, as in the nation, and the ratio of divorces to marriages in a given year is now about one to three. Divorce has contributed substantially to the growing numbers of single-parent families headed by women (fewer than 10 percent of single-parent families are headed by men), and to the disadvantaged economic status of these families. Nationally, more than one-third of persons in single-parent female-headed families have incomes below the federally-defined poverty level. In Minnesota in March 1979, 91 percent of the 86,225 children receiving Aid to Families with Dependent Children lived in homes from which the father was absent.

Adequate and regular payment of child support is clearly crucial to the economic well-being of children in single-parent families. Yet two years ago the U.S. Census Bureau reported that of the estimated 4.9 million men who were divorced, separated, or unwed fathers, three-fourths paid no child support at all in 1975. Among the minority who made some payments, the median amount paid was \$200 per month.

Maintenance (alimony) is even less frequently required by the courts or paid by divorced men. The Census Bureau reported that fewer than 5 percent of divorced women received any alimony, and those who received some payments received only \$343 per month on the average.

A federal law, Title IV-D of the Social Security Act, created the Child Support Enforcement Program operated by the state Department of Public Welfare. The program assists in enforcing the legal obligation of non-paying parents to support their children, for both public assistance recipients and those not currently receiving such assistance. The program has proven to be cost effective, with about \$3.50 collected for every dollar spent in administering the program. However, the enforcement process is still burdened and slowed by several procedural obstacles.

Purpose of Legislation

To improve the economic status of single-parent families, and to ease the burden on the public assistance system of supporting families in which an absent parent is failing to provide court-ordered support, by facilitating the process of support collection.

Summary of Legislation

1. Adds maintenance of the parent of a dependent child to the provisions for withholding support from the income of the non-paying person, when maintenance was required by the court.
2. Allows for the child support enforcement agency to file a "motion" rather than a "petition" with the court for the withholding of support (which means that the court can consider its decision as part of an old case, rather than opening a new case), and requires the court to grant such an order if it can be demonstrated that required payments are more than 30 days overdue.
3. Expands the definition of income from which support payments may be withheld from wages only to total money income of the non-paying person, and makes the court order binding (rather than optional) upon the employer or other "payor of funds" to the non-paying person.

COST OF COLLECTION

Background

Statistics clearly show that adequate and regular child support payments are crucial to the well-being of children in single-parent families, the large majority of which are headed by women. However, three-fourths of absent fathers paid no child support at all in 1975, and when payments were made, the average amount was \$200 per month.

The Child Support Enforcement Program, sometimes called "the IV-D Program" because it was established under Title IV-D of the federal Social Security Act, assists in enforcing the legal obligations of absent parents in supporting their children. Families not receiving public assistance, as well as those who are receiving public assistance, are eligible for the collection services. However, for families not receiving public assistance, the custodial spouse (usually the mother) is required to pay a fee for the service in order to cover the administrative costs involved.

For example, George Jones was required by the court to pay \$200 per month to Susan Jones, his ex-wife, for the support of their three children. However, Susan has not received any payments in over two years. Although she has a job which pays enough to cover her child care costs and keep the family off welfare, the family budget is very tight. When Susan applies to the IV-D Program for help, she is required to pay a \$20 initial application fee. If the program succeeds in collecting a \$200 payment from George, \$20 is deducted for administrative costs and \$180 is forwarded to Susan.

Although Susan is now receiving support (and the collection fee is only applied to the first payment made), she was required to pay \$40 in order to have the judge's order enforced. In some cases, the custodial parent may not be able to pay the initial \$20, and payments may therefore never be collected.

Purpose of Legislation

To improve the economic status of single-parent families and to facilitate the process of support collection by requiring the non-paying parent to pay for the administrative costs of collection.

Summary of Legislation

Authorizes the Child Support Enforcement Program to add administrative costs to the amount of court-ordered child support collected on behalf of families not currently receiving public assistance.

MAINTENANCE AWARDS

Background

In 1978, Minnesota's marriage and divorce law was changed to make irretrievable breakdown the only ground for a dissolution (divorce) and to remove fault from the economic provisions of the settlement. These changes were modeled on the Uniform Marriage and Divorce Act, and the intent was to provide standards for an equitable settlement following the dissolution of a marriage.

Factors to be taken into account in the award of maintenance (alimony) included the applicant's financial resources, the time required for any necessary education, the parties' marital living standard, the length of the marriage, the applicant's age and physical and emotional condition, and the other party's ability to support himself and the applicant. Those who supported this legislation believed that these standards would provide some economic protection to long-time homemakers who would be at an economic disadvantage after many years out of the labor force.

Subsequent to these changes in the law, a court case (Otis v. Otis) was decided on the basis of these standards. Otis was an appeal to the Minnesota Supreme Court by a 45-year-old wife from a trial court decision terminating maintenance payments after four years. The wife was a secretary at the time of her marriage but had been a mother, homemaker, and executive hostess for 23 years before the marriage ended. The husband was a corporate executive earning \$120,000 a year. The trial court found that the wife could earn \$12 - \$18,000 by resuming a secretarial career, and this amount coupled with her share of the substantial marital property was considered sufficient to meet her needs.

In affirming the trial court's decision, the Supreme Court quoted commentary and cases which indicated a strong emphasis on the concept of rehabilitative maintenance and overlooked the long-term consequences and economic disadvantages suffered by a person who has subordinated her employment opportunities to the needs of her family. These include age, long absence from employment, and a lack of training or outmoded training which makes it difficult to become fully self-supporting above a subsistence level. The Court may well have overlooked the fact that the median earnings of full-time year-round women office workers were \$9,853 in 1979.

Purpose of Legislation

To clarify and specify the factors to be considered in awarding maintenance following the dissolution of a marriage to give recognition to the contributions of a homemaker and to provide for permanent maintenance.

Summary of Legislation

Amends Minnesota Statutes 1980, Section 518.552 to include permanent maintenance and "in evaluating the contribution of a homemaker the court shall consider the extent to which a spouse's earning capacity has been permanently diminished because education or employment was subordinated to homemaking or childrearing duties."

STATE GOVERNMENT EMPLOYMENT JOB SHARING

Background

Many Minnesotans are not currently employed because they cannot meet the requirements of the standard 40-hour workweek. Especially for women, fixed and rigid work hours make it difficult, if not impossible, to balance the needs of their families with the demands of their jobs. It is clear that as more women enter and remain in the labor force, and as more families have two wage-earners, more flexible work arrangements must be found.

When two people combine their time and skills to fill one full-time position, they are job-sharing. While each employee works less than full-time (40% to 60%), their combined working hours equal those of one full-time employee and they are expected to accomplish an equivalent amount of work.

Among the concerns addressed by job-sharing are: providing employment opportunities to a number of people who now lack them (those with home responsibilities, those seeking to continue their education, handicapped or retired persons whose physical or economic limitations make full-time employment difficult); providing older persons with an opportunity to make a gradual transition to retirement; and improving job satisfaction, productivity, and client service in some job categories where "burn-out" has been an occupational hazard.

Benefits to the employer include increased productivity and job satisfaction with lower turnover and absenteeism rates; more flexibility in meeting work requirements and serving the public; and reducing unemployment while retaining the skills of those who have training and experience. A study of job sharing in Wisconsin state government showed higher productivity and job satisfaction and lower turnover and loss of sick days among job sharers than for similar full-time employees.

For these reasons, the 1980 legislature approved a two-year pilot job-sharing project for state government employees. Fifty positions will be identified for job-sharing in 10 agencies, so that a total of 100 persons will be able to participate in the project. Each job-sharer receives the same hourly rate of pay as a full-time person in the same class, plus pro-rated benefits (life insurance, health coverage, vacation, sick leave, retirement contributions, and holiday pay). Job-sharers will be in many different job categories. They may be either present state employees or new employees, and they will be involved in special orientation and evaluation activities.

The pilot project is administered by the Department of Employee Relations and includes a comprehensive evaluation of the program.

Purpose of Legislation

To encourage the use of part-time career employment and other flexible work arrangements by supporting a pilot job-sharing project for Minnesota state employees and a full evaluation of the results of the project.

Summary of Legislation

Appropriates \$15,000 to the Department of Employee Relations to administer and evaluate the pilot project in job-sharing.

STATE EMPLOYEES TRAINING

Background

Women's employment problems have not historically been lack of access to jobs, since entry-level, relatively low-paid clerical positions are usually filled by women. Rather, women have had a lack of opportunities for promotion and advancement after they are hired.

Although women represent a substantial proportion of the labor force, they are heavily concentrated in just a few occupational groups. For example, women accounted for 44 percent of all Minnesota state government employees in July 1980; however, almost half of state-employed women are clerical workers, while only one percent are managers. Female employees are unlikely to be supervisors in any of the occupational groups, including those such as office/clerical where their overall representation is high.

As one result, there is a continuing "earnings gap" in state government employment: the average female employee earns \$13,021 annually, more than \$5,000 less per year than her male counterpart at \$18,034. The same pattern is evident when controlling for occupational group.

In many cases, employees need additional training in order to advance, and the State of Minnesota has long recognized the advantages of providing its employees with training opportunities. But in the past training funds were often more available to higher-paid employees than to clerical personnel.

In the 1977 session, a rider was attached to the State Departments Appropriations bill requiring each state department to develop a plan for allocating 50 percent of its training funds to C-Schedule employees (C-Schedule employees include office/clerical, some paraprofessional, and some technical state jobs), and to submit an accounting of its training budget to the legislature. In the 1978 session, the rider was amended to provide that the money be apportioned in the same ratio as there were C-Schedule employees in the agency, but not to exceed 50 percent of all training funds.

Purpose of Legislation

To provide support to women seeking opportunities for advancement in state government employment by continuing requirements for a fair apportionment of state department training funds among employees of all job classes, and by continuing reporting requirements on the use of training funds.

Summary of Legislation

Continues the requirement that the Minnesota Department of Employee Relations compile information on the allocation of training funds for all state agencies, and that individual agencies allocate training funds to Schedule C employees proportional to their numbers in that agency (but not to exceed 50 percent).

Background

Under Minnesota law, the state Department of Human Rights is charged with enforcing laws related to unfair discriminatory practices in the state. It was established to protect persons from discrimination in employment, housing, public services, public accommodations, reprisal, credit, and education on the basis of race, sex, creed, national origin, marital status, disability, and several other characteristics. The department is also charged with preventing and eliminating unlawful discriminatory practices through education, research, and technical assistance.

The Department of Human Rights receives around 1,200 cases annually. Each charge is processed to determine whether there is reason to believe that a discriminatory act has occurred. The department conciliates and, if necessary, litigates charges in which a determination of probable cause has been made.

Although the law states that "when a charge has been filed, the commissioner shall promptly inquire into the truth of the allegations," long delays in the processing of charges are common and a large backlog of cases has accumulated. Currently more charges are filed with the department than are closed each year, and there is an accumulated inventory numbering almost 2,800 cases. Delays of several years are not uncommon, and for cases closed in 1980 an average of one and a half years had elapsed between filing and closure.

With some exceptions, charges are investigated in the chronological order in which they are filed so that even cases that are relatively easy to close through voluntary settlement or dismissal may remain open for a long period of time. Of the cases closed in 1980, about 18 percent were withdrawn, 29 percent were settled voluntarily prior to a determination of the merits of the case, 39 percent resulted in a determination of no probable cause, and only 5 percent resulted in a probable cause determination.

Most discrimination charges are filed by women. In the last four years, women filed between 54 and 60 percent of all charges. The vast majority of cases are related to employment -- 80 percent -- with housing a distant second at 6 percent. Although the number of cases closed each year has grown, the department continues to fall farther behind in its caseload and the average time before closure has increased. Clearly the aim of providing a prompt and timely resolution of charges of discrimination is not being provided by the Department of Human Rights. A recent evaluation by the Legislative Audit Commission concluded that "this situation is unacceptable and the Legislature and the department should take whatever action is necessary to ensure timely processing of discrimination charges."

Purpose of Legislation

To amend the human rights statutes to provide for more prompt and equitable resolutions to charges of alleged discrimination.

Summary of Legislation

1. Amends Chapter 363 to provide procedures and processes to speed up the investigation and settlement of charges of discrimination.
2. Amends Chapter 363 to remove the present \$1,000 ceiling on punitive damages, and provides for general tort damage remedy.
3. Provides definition of reprisals, and grants the commissioner authority to provide injunctive relief in cases of alleged reprisal.

HUMAN RIGHTS CONTRACT COMPLIANCE

Background

In addition to processing individual charges of discrimination, the Minnesota Department of Human Rights is charged with some contract compliance functions. The Human Rights Act prohibits state departments and agencies from awarding contracts to any firm or person not holding a certificate of compliance issued by the Commissioner of Human Rights. Certificates are issued for one year and must be renewed.

The purposes of the certificate of compliance program are as follows: 1) The state should do business only with companies that promise to obey the Human Rights Act; 2) Companies which violate the Act should be penalized by being disqualified for future state contracts; and 3) The Department of Human Rights should have the opportunity to review the operations of state contractors and to offer advice and technical support aimed at improving the utilization of protected class members.

A recent study by the Legislative Audit Commission found that these purposes were not being fulfilled. Their findings were that the department lacks the authority to administer the certification program effectively. As their report states, "The department has not produced a list of certificate holders since 1978 and does not effectively monitor compliance with the law by state agencies."

The study goes on to explain that the department has assigned a low priority to the certification program because it views the issuance of certificates as an ineffective tool for eliminating discrimination and promoting equal employment opportunity. A certificate can be obtained by virtually anyone and can be denied only under very limited circumstances.

As a practical matter, no certificates have been denied in recent years. The Audit Commission report concludes that the current program is "meaningless and wasteful," and should either be abolished or replaced with a different system.

Purpose of Legislation

To provide a contract compliance program for the state of Minnesota which will effectively encourage state agencies to contract only with firms making a serious effort to promote equal employment opportunity.

Summary of Legislation

Provides the Human Rights Department with the authority to review state contracts for evidence of compliance with anti-discrimination laws prior to contract approval, with the authority to deny or negotiate contracts not approvable on these grounds.

DRIVER'S LICENSE NAME

Background

Requirements about the use of names on legal documents are of special significance to women, since the traditional social custom has been for married women to adopt their husbands' surnames at marriage. Minnesota law, however, has never required a married woman to take her husband's last name. A woman may use any name she chooses as long as she does not intend to defraud anyone, and as long as she uses the same name consistently and continuously.

In the 1975 session, the state legislature passed a law requiring individuals applying for a marriage license to declare a "name after marriage." In addition the law states: "If in completing the report of marriage the woman fails to designate a name after marriage in the space provided, it shall be presumed that she has adopted the surname of the groom."

Therefore, a woman's legal name may be her birth name, her husband's name, or a combination of both. (Miss/Mrs./Ms. are courtesy titles and not part of a legal name; "Mrs. John Jones" is a social title, not a legal name.) In order for the woman to have a clear and consistent legal history, and to facilitate record-keeping among various government agencies and private businesses, it is important that the woman use the same name on all documents.

The current law (Minnesota Statutes 1980, section 171.06) related to driver's license applications states only that the applicant's "full name" be provided. Since applicants may be required to present identification such as a birth certificate or marriage certificate, neither of which may indicate the name chosen and consistently used by a woman, clarification of the appropriate name may be needed in the statute.

Purpose of Legislation

To enable a married woman to use her family name prior to marriage instead of her given middle name for driver's license purposes, and to provide consistency in state laws regarding the use of legal names.

Summary of Legislation

Adds a subdivision to M.S. 171.06 as follows: "The full name of a married applicant may include, at the option of the applicant, the applicant's family name prior to marriage instead of the applicant's given middle name, notwithstanding the middle name specified on the applicant's marriage certificate."

PUBLIC SCHOOL EMPLOYMENT

Background

Education has long been considered a "woman's field," and women represent the majority of teachers in Minnesota's public school systems. However, women who hold teaching jobs are concentrated in elementary schools and in "female" subjects such as Home Economics and English -- and women are very unlikely to hold administrative jobs.

In the 1977-78 school year in Minnesota public schools, women were only 27 percent of counselors, 10 percent of elementary principals, and less than 1 percent of secondary principals. At the present time, only two of the 436 school superintendents in Minnesota are women, representing four-tenths of one percent of all superintendents.

Affirmative action in education has special significance, since school district staff at all levels serve as role models for students. Children who observe the education pyramid composed of a few administrators, usually all men, supervising a number of teachers, mostly women, learn to accept this pattern as the norm for other aspects of life.

Both state and federal governments have a number of commitments to providing equal employment opportunities for men and women, and to eliminating sex bias and sex stereotyping in education. However, there is currently no legal requirement for educational institutions to develop affirmative action plans comparable to those now used by private companies which contract with state or federal governments.

Purpose of Legislation

To improve the representation of women in public school employment at every level, and to provide opportunities for women in educational administration to be promoted in a manner commensurate with their presence in the field.

Summary of Legislation

1. Requires school districts to establish affirmative action plans which include realistic goals and timetables and which are regularly reviewed and revised.
2. Establishes an internship program to provide on-the-job experience and training for women in educational administration.

WOMEN'S COORDINATOR

Background

Although women have been entering the labor market in unprecedented numbers in recent years, they continue to be concentrated in occupations with relatively low pay, few benefits, and little chance for advancement. According to the most recent data for Minnesota, 32 percent of employed women are in clerical jobs and 25 percent are in service jobs such as waitressing or hairdressing. In addition to improving the economic status of women in these traditional occupations, efforts need to continue to break down occupational segregation in the labor force.

Apprenticeship in skilled trades such as carpentry, electrical wiring, sheetmetal work, plumbing, auto mechanics, and others offers women the chance to expand their employment opportunities and to receive wages while in training. Apprenticeship is a formal arrangement involving employers, unions, vocational-technical schools, and government. In Minnesota, apprenticeship programs are registered and regulated by the Department of Labor and Industry.

Apprenticeship programs are subject to the Minnesota Human Rights Act and to Title VII of the federal Civil Rights Act of 1964, both prohibiting discrimination in employment on the basis of sex. In addition, the U.S. Department of Labor requires apprenticeship programs to set goals for women of not less than 50 percent of the percent women represent in the local labor market. For example, women are 42 percent of the Minnesota labor force, and therefore apprenticeship programs must have a goal of at least 21 percent women in new apprenticeship classes. Construction firms with federal government contracts must also comply with federal goals related to women in apprenticeship.

Yet despite these commitments, there were only 90 female apprentices in the state in fiscal year 1979, representing less than one percent of all Minnesota apprentices. Women responding to an apprenticeship survey from the Council on the Economic Status of Women reported experiencing a number of barriers, including lack of access to information about apprenticeship opportunities, lack of opportunities to share experiences with other women in the trades, and lack of supportive training.

The Department of Labor and Industry has projected that the proportion of registered apprentices who are women will increase from 1.4 percent of all apprentices in 1980 to 1.5 percent of all apprentices in 1981, and will remain stable thereafter.

Purpose of Legislation

To improve women's access to non-traditional jobs in the skilled trades, and to provide assistance to the Department of Labor and Industry and apprenticeship program sponsors in complying with affirmative action regulations, by assigning a staff person in the Apprenticeship Division to act as Women's Coordinator.

Summary of Legislation

Requires the Apprenticeship Division of the Department of Labor and Industry to designate one full-time equivalent staff position as a Women's Coordinator, to provide information, resources, and referral services to apprenticeship programs and to women interested in pursuing apprenticeship careers.

AGE DISCRIMINATION

Background

A number of state and federal laws require equal opportunity and affirmative action in apprenticeship programs, yet fewer than 2 percent of all current Minnesota apprentices are women.

Apprentices are engaged in study and on-the-job training for skilled trades such as carpentry or plumbing -- occupations with significantly higher average earnings than jobs considered "traditional" for women such as clerical and service work. The apprentice is required to complete required coursework in technical training, mathematics, and science, in addition to a minimum of 2,000 hours of on-the-job experience. Most Minnesota apprenticeship programs last four years.

Because young women graduating from high school are still less likely than their male counterparts to have completed the number of math and science classes required for technical fields, and because women continue to be more likely than men to interrupt paid employment in order to care for families, women tend to become interested in careers such as apprenticeship at older ages than men.

Women who responded to an apprenticeship survey conducted by the Council on the Economic Status of Women had an average age of 28, compared with an average age of 26.5 for men. More significantly, the women had higher levels of educational attainment, a substantial number having attended some college before deciding to pursue non-traditional careers. The women were also more likely to be entering the trades as a second career: many had been clerical workers, nurses or teachers in the past.

For these reasons, age limits for acceptance in an apprenticeship program have a disproportionate effect on women. The Minnesota Human Rights Act, which contains a general prohibition against age discrimination in employment, has a limited exemption for apprenticeship programs: "An age restriction applied uniformly and without exception to all individuals established by a bona fide apprenticeship program ... which limits participation to persons who enter the program prior to some specified age and the trade involved in the program predominantly involves heavy physical labor or work on high structures" (emphasis added).

Administrative rules defining which programs may apply age restrictions to applicants have not been written, and neither the Department of Labor and Industry nor the Department of Human Rights have information about the number of apprenticeship programs which have retained age limits. Programs identified as having age limits in calls to the Council office, however, include bricklayers, plumbers, and electricians.

Purpose of Legislation

To improve women's access to jobs in the skilled trades and to provide assistance to the Department of Labor and Industry and apprenticeship program sponsors in complying with affirmative action goals, by limiting the circumstances under which programs may discriminate on the basis of age.

Summary of Legislation

Requires the Department of Labor and Industry and/or the Department of Human Rights to establish methods of enforcing the law prohibiting age discrimination in apprenticeship.

ELIMINATION OF DISCRIMINATORY LANGUAGE

Background

Minnesota Statutes, the laws governing the state, have been written and published since 1851 when the laws of the territory of Minnesota were first compiled and revised. Although the legislative process consists of making additions to or deletions from the statutes, many sections still contain language dating back to another century.

There are a many cases in which the statutes use gender-specific terms such as "husband" or "wife." In many cases, however, both terms are used so that the statutory language is inclusive. For example: "Unless it is signed in person by both husband and wife..." In other cases, words for one sex only are used to make a necessary distinction about biological differences, such as "pregnant woman means..." However, in many cases unnecessary distinctions are made because wider participation of women was simply not envisioned when a law was passed.

For example, one section states that "If the wife or any other member of the household of a bank examiner" holds stock in a bank, it can be assumed that the examiner has an indirect interest in the bank. This law first appeared in 1915, and clearly the assumption was merely that all bank examiners would be men.

Most such references can be corrected by substituting the word "spouse" for "husband" or "wife," and the phrase "widow or widower" for references to "widow" or "widower" singly. The elimination of unnecessary gender-specific terms in state laws, in addition to clarifying policies in some cases, will also serve to reinforce the state's commitment to equal opportunity in every area of public life.

Purpose of Legislation

To clarify the policy of the state of Minnesota that laws apply equally to men and women, by eliminating discriminatory language and using inclusive language in the statutes.

Summary of Legislation

Eliminates statutory language referring to members of one sex only, and substitutes inclusive language, except where it is necessary to make a distinction about biological differences.