



LEGISLATIVE PROGRAM

1983

COUNCIL ON THE ECONOMIC STATUS OF WOMEN

**400 SW, State Office Building
Saint Paul, Minnesota 55155**

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SUMMARY OF LEGISLATIVE RECOMMENDATIONS

Battered women's programs. Provides continued funding, including increases to offset inflation, to the Department of Corrections for battered women's programs, services to women of color, treatment of violent partners both within and outside the Twin Cities area, and an expanded program on the Iron Range.

Order for protection. Strengthens the order for protection by extending the order to cover former spouses, former household members, and parents who have never resided with their children; by requiring an arrest and issuance of a court summons when there is probable cause to believe an order has been violated; and by including a requirement that the order be automatically forwarded to the local law enforcement agency.

Probable cause arrest. Strengthens the probable cause arrest law by requiring police officers to make an arrest when there is probable cause to believe an assault has occurred or that a person has been placed in fear of serious injury; by extending the provision for probable cause arrest to former spouses and former household members; and by requiring that police provide the victim with information about community services and legal procedures.

Displaced homemaker programs. Provides continued support for the state displaced homemaker program.

Displaced homemaker programs, Job Training Partnership Act. Provides additional funding for displaced homemaker programs through a minimum of \$100,000 per year from the Governor's discretionary fund under the Job Training Partnership Act.

Sexual assault programs. Provides continued funding to the Department of Corrections, including increases to offset inflation, for statewide coordination, administration, and grants to local communities for sexual assault programs.

Women offenders, state prison. Provides bonding authority to fund construction of a new state prison for women in Shakopee.

Women offenders, local communities. Provides funding to the Department of Corrections to continue and expand state-level assistance to local community correctional programs with respect to the treatment of women offenders.

Equity in vocational education. Provides funds to the Department of Education for the Equity Specialist position, the MINCRIS data-gathering system, and on-site evaluation visits.

Higher education women's programs. Provides continued funding to the University of Minnesota, the State Universities, and Community Colleges for women's programs: women's centers, women's studies, career clinics, continuing education, and women's athletics.

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

Child care tax credit. (1) Increases the amount of dependent care credit to 30 percent of cost for families with incomes below \$10,000 annually; (2) Increases the maximum allowable cost to \$2,400 for one dependent and \$4,800 for two or more dependents; (3) Phases out the credit by deducting from the credit 5 percent of income above \$10,000 per year.

Child care sliding fee. (1) Continues funding to provide a sliding scale subsidy for child care services to low income families who are employed or attending school; (2) Provides incentives for counties to participate in the program.

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

Child support guidelines. Establishes a guidelines commission to report to the legislature on appropriate amounts for child support awards.

Continuing child support order. Allows a continuing child support order to be made for families where no divorce has taken place, regardless of the parent's welfare status.

Child support escalator clauses. Provides for escalator clauses in future child support awards, to establish an automatic adjustment accounting for an increased or decreased cost of living.

Child support, employer notification and fee. Requires employers to notify the collection agency when an employee whose income is being withheld to pay child support is terminated; allows employers to claim a \$1 fee per fee collection period for bookkeeping costs.

Child support payor of funds. Changes "employer" to "payor of funds" in income withholding statutes to clarify statutory provisions for withholding of non-wage income.

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.

Minnesota equal rights amendment. Provides that an equal rights amendment to the Constitution of the State of Minnesota be placed on the ballot for consideration by voters at the next general election.

State-employed women, job-sharing. Provides continued support for the state job-sharing program, including removal of the existing sunset date of June 30, 1983 and establishing a new sunset date of June 30, 1985.

State-employed women, other programs. Provides continued support for pay equity, flexible work schedules, affirmative action, and training for clerical employees.

State-employed women, University of Minnesota. Provides that a job evaluation analysis be conducted for civil service employees at the University of Minnesota.

Maternal & Child Health Block Grant. Requires that funds for maternal and child health be targeted to those families most in need of these services, especially low-income and minority women who do not have access to other health resources.

Social Services Block Grant. Recommends that the Social Services Block Grant be amended to include provisions to prohibit discrimination.

Block grants, generally. Recommends that the legislature and state agencies review all block grant appropriations to ensure appropriate targeting to serve low-income women; to establish a process for citizen participation which includes adequate representation of women in need of social and other services; and to require that statistical reporting mechanisms be used as a means of accounting for the use of funds.

Set-aside program for small business, experimental program. Recommends an experimental program to make set-asides in new areas so set-asides are more representative of the full range of small business procurement.

Set-aside, technical assistance. Recommends that the Department of Administration provide technical assistance to assist firms to participate in or perform contracts and to ensure uniform performance standards for all vendors.

Set-aside verification. Recommends that the Department of Administration selectively verify the information provided by vendors on ownership, size and other qualifications for participation in the set-aside program; and that it clarify its rules and policies on the use of subcontractors by the recipients of set-aside awards.

Criminal sexual conduct, child care. (1) Provides an exception to the Minnesota Criminal Rehabilitation Act for purposes of eligibility for a child care license; (2) Requires the hearing examiner to uphold a county welfare department's decision to deny or revoke a child care license unless it can be shown that the denial or revocation was arbitrary and capricious.

Criminal sexual conduct, obscenity. Incorporates the U.S. Supreme Court definition of obscenity into Minnesota law.

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. Over half of assaultive spouses observed violence between their own parents as children, and 81 percent of women in Minnesota shelters have children. Battering is a societal problem.

In the 1977 session, the state legislature appropriated funds to establish four pilot shelters as well as support services, community education, and data collection. In subsequent years, additional funds led to the establishment of one shelter in each economic development region and seven shelters in the Twin Cities area, in addition to a variety of non-shelter programs.

The statewide budget for battered women's programs in the biennium ending June 30, 1983 is \$3.7 million. This provides emergency housing for 2,500 women and 3,500 children each year in shelters and safehomes. About half of the operating costs for these programs are provided by local donations, private foundations, and public assistance funds. In addition, the state appropriation funds administrative costs, two treatment programs for violent partners, community education activities, and non-shelter victim services such as walk-in counseling, as well as several special programs for women of color.

In the upcoming biennium, the state Coalition for Battered Women expects to maintain existing programs with increases to offset inflation. In addition, the program plans to initiate a program on the Iron Range (now receiving only a \$2,000 grant), to continue the emphasis on services to women of color, and to develop models for expanding violent partner treatment programs to areas outside the Twin Cities.

Purpose of Legislation

Provides emergency housing and related services for victims of domestic violence, treatment programs for the assaultive family member, and community education efforts in all areas of the state.

Summary of Legislation

Provides continued funding, including increases to offset inflation, to the Department of Corrections for battered women's programs, services to women of color, treatment of violent partners both within and outside the Twin Cities area, and an expanded program on the Iron Range.

Background

In addition to the network of programs for battered women in the state, Minnesota has two laws which allow law enforcement agencies and courts to address the special needs of this group: the order for protection, and the probable cause arrest law.

The order for protection is included in the Domestic Abuse Act, allowing a battered person to obtain a restraining order without filing for divorce. The order may require that the abusive person be removed from the household, or it may simply require an end to the abusive behavior. The order may apply to minor children and to unrelated people living together as well as to a husband and wife. The law was written so that the process of obtaining an order for protection would not require an attorney. A simple form, and assistance in completing the form, are to be made available by the county clerk of court in each Minnesota county.

The probable cause arrest law allows a police officer to make an arrest in cases of assault which the officer has not witnessed. There are certain qualifications to the law; for example, the arrest must occur within four hours of the assault. The arrested person is then held for a cooling-off period. If charges are filed, a trial or hearing date is set. A person convicted of domestic assault may be sentenced to pay a fine and/or to serve time in jail.

Although these laws have been helpful to battered women, some problems remain. Neither the order for protection nor the probable cause arrest currently apply in certain situations: if the abusive person is a former spouse or former household member, or a parent of the abused person's child who has never resided with the child. Police officers are not required to make an arrest under either law, and enforcement procedures may be delayed.

Purpose of Legislation

To provide protection for the victims of domestic violence through strengthening the order for protection and the probable cause arrest law.

Summary of Legislation

1. Strengthens the order for protection by extending the order to cover former spouses, former household members, and parents who have never resided with their children; by requiring an arrest and issuance of a court summons when there is probable cause to believe an order has been violated; and by including a requirement that the order be automatically forwarded to the local law enforcement agency.
2. Strengthens the probable cause arrest law by requiring police officers to make an arrest when there is probable cause to believe an assault has occurred or that a person has been placed in fear of serious injury; by extending the provision for probable cause arrest to former spouses and former household members; and by requiring that police provide the victim with information about community services and legal procedures.

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. 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 because of desertion or the 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 barriers. Beginning in 1977, the legislature appropriated funds for programs to assist displaced homemakers in the transition to paid employment. State funding for the biennium ending June 30, 1983 was \$786,000.

The four existing programs are located in the Twin Cities, Mankato, Marshall, and Duluth. Services include career exploration, counseling, testing, support, referral, and placement. In the current biennium, an estimated 1,247 participants will be served at an average cost of \$628 per person. Upon completion of the program, 71 percent of the women are employed and/or in school. The median wage for those who are employed upon completion is \$5.00 per hour.

There are no displaced homemaker programs in economic development regions 1, 2, 4, 5, 6, 7, and 10. Federal CETA funds which were available to programs in the past will be discontinued, and displaced homemakers will not qualify for assistance under most provisions of the new federal Job Training Partnership Act. However, some discretionary funds may be available for this purpose under the Act.

In addition to the four existing displaced homemaker programs, funds are now used to provide for a half-time state-level coordinating position in the Department of Economic Security, an advisory council, and evaluation services through the University of Minnesota. With continuing inflation and the loss of federal funding, it will be difficult to maintain existing programs at the current level or to expand programs to unserved parts of the state unless additional state support is provided.

Purpose of Legislation

To enable displaced homemakers to become self-supporting through funding for local programs and statewide coordination.

Summary of Legislation

1. Provides continued support for the state displaced homemaker program.
2. Provides additional funding for displaced homemaker programs through a minimum of \$100,000 per year from the Governor's discretionary fund under the Job Training Partnership Act.

Background

Sexual assault is a violent crime. 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 reported, so the actual incidence of rape in Minnesota is between 4,350 and 8,700 per year. Reporting rates for same-sex sexual assault, child sex abuse, and incest are probably even lower.

The first centers for rape and assault victims were established in 1974 through a special federal grant. In 1979, the legislature provided an appropriation to establish statewide coordination and grants to community-based programs. Appropriations have continued since that time, and 26 local programs were funded in fiscal year 1982. Programs provide direct services to victims -- crisis intervention, medical and legal information, individual or family support groups -- as well as training for professionals in related fields and community education for members of social, civic, and church organizations.

In the biennium ending June 30, 1983, sexual assault services received about \$822,000 in state funds. The programs also received grants from the Northwest Area Foundation and the federal Preventive Health and Health Services block grant. Sexual assault centers saw 2,900 victims in the last year -- a 38 percent increase from 1979. Training was provided to 9,600 community professionals and 61,000 members of the general public.

With basic services established, the program is increasingly emphasizing the needs of racial minorities, children, handicapped, and elderly persons. Statistics show that about one-third of sexual assault victims are under age 18. In addition, community education programs are emphasizing the fact that 61 percent of victims know their attackers. Sexual assault is much more a matter of "acquaintance rape" than of encounters with violent strangers.

Local sexual assault programs receive a great deal of community support, as indicated by the large number of volunteer hours contributed 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.

Purpose of Legislation

Provides services to sexual assault victims in all parts of Minnesota, as well as professional training, public education, and data collection.

Summary of Legislation

Provides continued funding to the Department of Corrections, including increases to offset inflation, for statewide coordination, administration, and grants to local communities for sexual assault programs.

Background

The "typical" woman incarcerated in the Minnesota Correctional Facility at Shakopee is young, white, unemployed, and a single parent. 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 are racial minorities. The large majority are charged with property crimes, often shoplifting or writing bad checks. Only 4 percent are charged with personal crimes such as assault.

The fact that women represent a very small proportion of the offender population has led to inadequate facilities and programs for female prisoners. At the local level, women are often placed in isolation cells in jails designed for men, allowing for no rehabilitative programming. About 10,000 women are arrested in Minnesota each year, but there are now only two local residential facilities for them, both in the Minneapolis-St. Paul area.

At the state level, there is unanimous agreement that the Shakopee facility is beyond repair. Security is inadequate, and the facility is overcrowded, making it difficult to provide for vocational rehabilitation or recreation. Since many of the women offenders have children for whose care they will be responsible after incarceration, the present inadequate space for child visitation and parenting programs is also critical.

An estimated 75 to 80 percent of the women offenders are from the Twin Cities area. The existence of the state prison in this area enables the women to visit with families and children, and to take advantage of a number of community resources including extensive volunteer assistance.

After considerable study and planning, the Department of Corrections was instructed by the legislature in 1982 to develop plans for construction of a new facility on 27 acres of state-owned land adjacent to the present facility. The statement of demonstrated need, operational program, architectural plans and cost estimates have now been completed.

If bonding authority is granted in the 1983 legislative session, the new facility can be in use by 1986. The decision as to how soon construction will begin is critical, since the costs of maintaining the present facility are high and growing.

Purpose of Legislation

To provide adequate treatment for women offenders through construction of a new state prison for women and assistance to local communities seeking to improve their facilities and programming for women.

Summary of Legislation

1. Provides bonding authority to fund construction of a new state prison for women in Shakopee.
2. Provides funding to the Department of Corrections to continue and expand state-level assistance to local community correctional programs with respect to the treatment of women offenders.

Background

The most significant change in the labor market in the last two decades has been the increasing employment of women. In 1980, two-thirds of Minnesota women age 16 to 64 were in the labor force. Yet women continue to earn far less than men, and women remain concentrated in a small number of low paid traditionally "female" occupations.

Educational opportunity has long been viewed as a major way for disadvantaged groups to overcome economic barriers. However, educational systems, including vocational education, have been burdened by outdated assumptions about women's lives.

In the past decade, vocational educators have become aware of the need for sex equity efforts in the schools. The overall goal of sex equity is to eliminate sex discrimination, sex bias, and sex role stereotyping through positive action, thereby expanding career options for men and women.

The position of Equity Specialist in the Minnesota Department of Education was established in 1978, with funding provided by the federal government. Since that time, state and local planning, data gathering, training, evaluation, and development of local projects in this area have occurred.

Studies show that these efforts have made a difference. Steady gains have been made in female enrollments in nontraditional areas: agriculture, technical, and trade-industrial courses. A beginning has been made at more equal representation of men and women among vocational staff. Schools have made positive changes in community outreach, curriculum, orientation and counseling procedures, instructional programs, and support services.

Data-gathering has been conducted through MINCRIS, the Minnesota Civil Rights Information System. This system has provided for the first time a comprehensive data base, including data by race and sex, for the state's entire secondary system and for the area vocational-technical institutes. With this system, it is possible to measure and evaluate progress, and to identify areas needing further attention.

The Department of Education conducts on-site evaluations of secondary and post-secondary schools on a five-year cycle. These evaluations include a review of activity and progress with respect to sex equity. They provide opportunities for communication between state agency and local staff, and the information gathered supplements statistical studies.

Costs for the Equity Specialist position, the MINCRIS system, and on-site evaluations are low. The fiscal year 1982 budget for the specialist's office was \$140,000, all from federal funds. The majority of funding for MINCRIS and on-site visits is provided by the federal government, although Minnesota allocated \$7,000 for MINCRIS and \$5,000 for on-site visits in the last year. In a time of substantial federal cutbacks, increased state support may be needed.

Purpose of Legislation

To continue equity efforts in vocational schools through support for statewide coordination and planning, data gathering, and evaluation.

Summary of Legislation

Provides funds to the Department of Education for the Equity Specialist position, the MINCRIS data-gathering system, and on-site evaluation visits.

Background

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.

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 in Minnesota. More than one-third of all diplomas granted to women at the University of Minnesota are in the traditional fields of health and education. And women's representation among faculty at Minnesota colleges remains low.

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 life-long learning.

More than one-fourth of post-secondary students in the state are over age 25, and a substantial proportion of these older students are women. Adult women are less likely than adult men to be full-time students. Many of the women are displaced homemakers or women seeking vocational preparation. For these women, programs such as continuing education, career clinics, and women's centers provide essential supportive communities on academic campuses.

Among services offered by women's centers are counseling, referral, and testing services; academic services for women's studies and other departments; support for individual projects related to women's concerns; and a variety of libraries and support groups.

Athletics programs are an important and visible part of education. Women's athletics are attracting large numbers of athletes and increasing public attention, but are not yet self-supporting through admission fees. 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, while women accounted for 33 percent of the athletes.

For women to continue and expand upon their gains in education and therefore in society, support for women's programs at Minnesota colleges is needed.

Purpose of Legislation

To provide equal opportunity in education, recognition of women's contributions, and supportive services to meet the special needs of women, through support for women's programs in Minnesota's institutions of higher education.

Summary of Legislation

Provides continued funding to the University of Minnesota, the State Universities, and Community Colleges for women's programs: women's centers, women's studies, career clinics, continuing education, and women's athletics.

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 more 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 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 a single woman, 29 years old, residing in the Twin Cities area and employed full- or part-time. She has a gross annual income of \$7,100.

In fiscal year 1982, awards were made to 1,358 students, representing about 3 percent of all part-time students. The average grant-in-aid amount was \$195.

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.

Background

Prior to the 1950s, neither federal nor state income tax laws provided any mechanism offsetting the costs of child care for employed parents. Child care was considered a personal expense rather than an ordinary and necessary business expense.

In 1954, Congress enacted a child care deduction provision. That law allowed a \$600 maximum deduction which was phased out as the working couple's income rose above \$4,500. In subsequent years, Congress made many changes in the law: raising the maximum deduction, increasing the income level at which the deduction was phased out, and in 1976, replacing the deduction with a tax credit and removing family income limits.

The Minnesota provisions have essentially paralleled federal law. The current Minnesota child care and dependent tax credit is 20 percent of actual costs, with a maximum cost of \$2,000 for one dependent and \$4,000 for two or more dependents. The credit is phased out at incomes above \$15,000, setting an effective income limit of \$23,000 for one dependent and \$31,000 for two or more dependents.

Therefore, the state law allows a credit of \$400 for a family with one child and an income under \$15,000, if the family spent at least \$2,000 for the care of that child.

The federal Economic Recovery Tax Act of 1981 modified the federal child and dependent care credit for taxable years starting in 1982. For persons earning \$10,000 or less, the credit is 30 percent of actual child care costs. The maximum cost is \$2,400 for one dependent and \$4,800 for two or more dependents. The percentage of credit declines as income decreases, and remains at 20 percent for those with incomes over \$28,000.

Therefore, the federal law allows a credit of \$720 for a family with one child with an income of \$10,000, if the family spent at least \$2,400 for the care of that child.

Both the federal and state tax credits apply to other dependents as well as children, with the same limits on actual costs for their care.

Purpose of Legislation

To bring the Minnesota child care and dependent tax credit into conformance with federal law by increasing the amount of credit for low-income families and maintaining a sliding deduction for middle and upper income families.

Summary of Legislation

1. Increases the amount of dependent care credit to 30 percent of cost for families with incomes below \$10,000 annually.
2. Increases the maximum allowable cost to \$2,400 for one dependent and \$4,800 for two or more dependents.
3. Phases out the credit by deducting from the credit 5 percent of income above \$10,000 per year. (Effective income limit is approximately \$24,000 for one dependent and \$38,000 for two or more dependents.)

Background

More than half of Minnesota women with preschool-age children were employed outside the home in 1980. 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, affordable 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, the state median income for a family of four was \$20,715 in 1980. Therefore, a family of four with an income under \$12,429 could receive 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 established an experimental sliding fee program at the state level.

The state program provides a partial subsidy to 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.

In the biennium ending June 30, 1983, the state appropriation for this purpose was \$1.6 million. In fiscal year 1982, twenty-nine Minnesota counties chose to participate in the program. The subsidy served 897 families and a total of 1,272 children in that year.

The program has been evaluated to determine its effectiveness in preventing or reducing participants' use of public assistance. A preliminary evaluation based on the first nine months of 1980 showed that the majority of children served were from single-parent families, many of which had received public assistance in the previous year. The participating families' monthly tax payments from their earned income exceeded the amount of the sliding fee subsidy they received. At that time, the average monthly subsidy was \$147.

The state child care sliding fee program enables single mothers to maintain paid employment which offsets the costs of their children's care.

Purpose of Legislation

To enable women to improve their economic status and maintain paid employment by making child care affordable for low-income families through a sliding fee child care program.

Summary of Legislation

1. Continues funding to provide a sliding scale subsidy for child care services to low income families who are employed or attending school.
2. Provides incentives for counties to participate in the program.

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.

For the biennium ending June 30, 1983, \$2 million were budgeted for this purpose, with some of these funds later reduced. In fiscal year 1983, funds were awarded to 43 agencies which submitted proposals. Twenty-eight of the funded agencies were in the Twin Cities, Duluth, or Rochester, while fifteen were located in rural Minnesota. A total of 52 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 Minnesota Department of Health says, "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 Minnesota Department of Health for Family Planning Special Projects under the Community Health Services Act.

Background

The number of single-parent female-headed families has grown dramatically in recent years. In 1980, there were more than 59,000 such families in Minnesota, accounting for 12 percent of all households with children. And these families are economically vulnerable: almost one-third of those with children under 18, and almost half of those with children under 6, are living in poverty.

Adequate and regular payment of child support is clearly crucial to the economic well-being of these children. However, according to the most recent national data, the majority of absent fathers do not provide adequate support for their children. Only half of women with children whose father was absent were awarded child support in 1978. Of those fathers who did receive a court order, only 49 percent paid the full amount due. Twenty-three percent made only partial payments, and 28 percent made no payments at all. The average amount actually paid was \$150 per month.

The Child Support Enforcement Program, located in the Department of Public Welfare, assists in enforcing the legal obligations of absent parents. In fiscal year 1983, the program will collect an estimated \$40.3 million statewide. For every dollar spent administering the program, \$3.13 is collected. A number of improvements have been made in the collection system. The non-paying parent may have wages and other income such as tax refunds withheld, and may be required to pay the administrative costs of collection.

However, a number of problems remain. No uniform guidelines exist for the courts to use in determining child support amounts. Support orders are often inadequate, especially as costs increase with inflation. Income withholding can be ineffective when the employee changes jobs, and the legislation allowing withholding of non-wage income needs clarification.

There is presently a procedure to provide a child support order for a family receiving public assistance when no divorce has taken place. However, such orders expire if the woman's income from earnings or child support allows her to go off welfare, creating a cycle of poverty when lost support payments again reduce her income.

Purpose of Legislation

To improve the economic status of women and children in single-parent female-headed families by providing uniformity in awarding of child support and by strengthening the process of child support enforcement.

Summary of Legislation

1. Establishes a guidelines commission to report to the legislature on appropriate amounts for child support awards.
2. Allows a continuing child support order to be made for families where no divorce has taken place, regardless of the parent's welfare status.
3. Provides for escalator clauses in future child support awards, to establish an automatic adjustment accounting for an increased or decreased cost of living.
4. Requires employers to notify the collection agency when an employee whose income is being withheld to pay child support is terminated; allows employers to claim a \$1 fee per fee collection period for bookkeeping costs.
5. Changes "employer" to "payor of funds" in income withholding statutes to clarify statutory provisions for withholding of non-wage income.

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.

MINNESOTA EQUAL RIGHTS AMENDMENT

Background

A number of factors have led to concern about constitutional guarantees of equality for women and men in Minnesota. Although the state has passed many laws in the past several decades which can improve women's economic status, such as the state Human Rights Act, such laws can be repealed or modified at any time.

Many polls have shown strong support for a constitutional amendment guaranteeing equal treatment of women and men under the law. A state ERA would affect only government action, not private relationships or personal privacy. The fear that a state ERA would eliminate protections for women in labor law and child custody is unfounded in fact, since these laws are already written in sex-neutral terms and do not provide any special protections for women. Nor would a state ERA affect programs operated by the federal government, such as Social Security or the military.

An equal rights amendment to the Constitution of the State of Minnesota would simply ensure that legal rights of men and women cannot be denied because of the individual's gender.

Sixteen other states have state equal rights provisions in their constitutions. Utah and Wyoming had had such provisions since the 1890s. Illinois, Pennsylvania, and Virginia added equal rights amendments in 1971. Other states which have added ERAs since that time are Alaska, Colorado, Hawaii, Maryland, Texas, and Washington (all added in 1972), as well as Connecticut, Massachusetts, Montana, New Hampshire, and New Mexico.

The Minnesota Constitution, unlike the U.S. Constitution, does not have a list of numbered amendments -- such changes are simply incorporated in the body of the document as they are made. The state Constitution provides the following procedure for making amendments: "A majority of the members elected to each house of the legislature may propose amendments to this constitution. Proposed amendments shall be published with the laws passed at the same session, and submitted to the people for their approval or rejection at a general election. If a majority of all the electors voting at the election vote to ratify an amendment, it becomes a part of this constitution."

If a proposed equal rights amendment passed both houses of the Minnesota legislature in the 1983 session, the question would be placed on the ballot for consideration by all voters in the 1984 general election.

Purpose of Legislation

To provide a guarantee of equal legal rights for women and men through an equal rights amendment to the Minnesota Constitution.

Summary of Legislation

Provides that an equal rights amendment to the Constitution of the State of Minnesota be placed on the ballot for consideration by voters at the next general election.

Background

The State of Minnesota is a major employer, with a current workforce of about 33,000 employees. Of these, 44 percent are women. The Council on the Economic Status of Women has supported a number of programs designed to improve the status of state-employed women: pay equity, job-sharing, affirmative action, flexible work schedules, and training for clerical workers.

According to the most recent data from the Department of Employee Relations, the earnings gap between male and female state employees has risen to almost \$5,000 per year. This is explained by the large proportion of women in jobs which are underpaid in comparison to jobs held by men, even when the jobs are rated equal in skill, effort, and responsibility. In 1982, the legislature established a procedure for making salary adjustments to correct this problem. The amount appropriated for this purpose in 1983 will indicate the number of years needed to achieve pay equity.

There are about 12,000 non-faculty classified employees of the state who work at the University of Minnesota. University employees were not included in the original pay equity law because their personnel system is administered separately and because no job evaluation system has been instituted.

A job-sharing program was established for state employees in 1980. Under the program, two persons share one full-time position, with each working between 40 and 60 percent of full-time. Job-sharers receive pro-rated fringe benefits. In October 1982, there were eight state agencies participating in the program, with a total of 20 shared job positions occupied by 40 employees. Like flexible work schedules, shared jobs allow employees to balance the demands of job and family.

The state's affirmative action program has led to measurable gains for women. Since 1976, women's representation has increased from 4 percent to 12 percent of managers, and from 25 percent to 31 percent of professionals.

Since 1977, a portion of staff training funds have been allocated for training of clerical workers, the largest occupational group for state-employed women. Such training provides opportunities for career assessment and upward mobility. In fiscal year 1983, the Department of Employee Relations will offer 17 courses for non-management employees, accounting for about 28,000 training hours. Additional training is provided in-house by state agencies.

Purpose of Legislation

To provide equal opportunity and fair compensation for male and female employees of the State of Minnesota, and to continue state programs which can serve as a model for other employers.

Summary of Legislation

1. Provides continued support for the state job-sharing program, including removal of the existing sunset date of June 30, 1983 and establishing a new sunset date of June 30, 1985.
2. Provides continued support for pay equity, flexible work schedules, affirmative action, and training for clerical employees.
3. Provides that a job evaluation analysis be conducted for civil service employees at the University of Minnesota.

Background

The federal government has created a number of new block grants replacing funding programs previously earmarked for specific purposes. The block grants pool such funds, allowing state and local governments more discretion to identify problems, design programs, and allocate resources.

The new block grants and funding levels in Minnesota for fiscal year 1982 are as follows: Social Services (\$43 million); Community Services (\$2.8 million); Community Development (\$23 million); Energy Assistance (\$70 million); Education (\$7.6 million); Alcohol, Drug Abuse and Mental Health (\$3.6 million); Preventive Health Care (\$2.1 million); and Maternal and Child Health (\$5.4 million).

A number of concerns have been identified with regard to implementation of block grants in Minnesota. Most of the block grant funds represent a lower level of funding than the programs they replace. In many cases, federal standards directing funds to low-income and other special groups have been eliminated. There are not always clear requirements for input by clients, advocacy groups, or the general public, and there is little emphasis on reporting and accountability for the use of funds.

The Maternal & Child Health Block Grant does not include specific provisions requiring targeting to those most in need of services. Although adequate data are not available, it appears that infant mortality rates for minority children have not declined as quickly as mortality rates for other children. Status as a low-income family is not presently considered a risk factor for infant mortality, so no data has been collected in this area.

Under the Social Services Block Grant, there is no required targeting to low-income persons. Of 79 counties surveyed by the Minnesota Association of Voluntary Social Service Agencies, only 20 had targeted low-income persons. Only 14 counties consulted with client or advocacy groups, and one-third of the counties had not held public hearings on the use of funds.

Since women and children account for the large majority of low-income persons, and since women have historically been under-represented on county boards and other decision-making bodies, these issues are of special concern.

Purpose of Legislation

To ensure that women's needs are met under new and existing block grant programs, and to provide mechanisms for reporting on the use of funds.

Summary of Legislation

1. Requires that funds for maternal and child health be targeted to those families most in need of these services, especially low-income and minority women who do not have access to other health resources.
2. Recommends that the Social Services Block Grant be amended to include provisions to prohibit discrimination.
3. Recommends that the legislature and state agencies review all block grant appropriations to ensure appropriate targeting to serve low-income women; to establish a process for citizen participation which includes adequate representation of women in need of social and other services; and to require that statistical reporting mechanisms be used as a means of accounting for the use of funds.

SET-ASIDE PROGRAM FOR SMALL BUSINESS

Background

In 1975 the Minnesota Legislature enacted a law directing the Commissioner of the state Department of Administration to "designate and set aside for awarding to small businesses approximately 20 percent of the value of anticipated total state procurement of goods and services."

The law specifies that at least 15 percent of the 20 percent set-aside value (or 3 percent of total state procurement) is to be awarded to businesses owned or operated by socially or economically disadvantaged persons (SED).

In 1980 the definition of socially or economically disadvantaged was amended to include businesses owned by women as well as businesses owned by ethnic or racial minorities.

The set-aside program is intended to help assure that businesses owned and operated by minority group members, women and the handicapped receive a fair share of state business. The program is also intended to increase economic opportunities for these businesses, and promote their growth and viability in Minnesota.

In 1981, \$3.1 million was awarded to SED vendors through the set-aside program. This represents 3.5 percent of the \$88.1 million spent by the Procurement Division in the Department of Administration

Only about 250 businesses are certified as eligible to participate in the program and only 70 businesses received an award in 1981. Most of the business has been awarded to a few vendors. In 1981 the top eight vendors received over one half of the \$3.1 million awarded.

There is substantial continuity from one year to the next in the major recipients of set-aside business. Purchases are heavily concentrated in the areas of commodities and construction, rather than representative of the goods and services purchased regularly by state government.

Purpose of Legislation

To improve and strengthen the state set-aside program for women business owners.

Summary of Legislation

1. Recommends an experimental program to make set-asides in new areas so set-asides are more representative of the full range of small business procurement.
2. Recommends that the Department of Administration provide technical assistance to assist firms to participate in or perform contracts and to ensure uniform performance standards for all vendors.
3. Recommends that the Department of Administration selectively verify the information provided by vendors on ownership, size and other qualifications for participation in the set-aside program; and that it clarify its rules and policies on the use of subcontractors by the recipients of set-aside awards.

The following resolutions were approved by the full Council.

* * * * *

Because the membership of the Legislative Coordinating Commission is yet to be selected; and

Because no woman has ever been a member of the Legislative Coordinating Commission; now therefore,

Be it resolved that the Council on the Economic Status of Women recommends to the minority and majority leadership of both the Senate and the House that at least one woman representative be named to the Legislative Coordinating Commission this year.

* * * * *

Because other councils* are empowered to select their own executive directors; and

Because in the past, the Council on the Economic Status of Women did select its own executive director; and

Because the Chairman of the Legislative Coordinating Commission has now chosen to change that process and screen and ratify the selection of the new executive director of the Council; and

Because there never has been a woman member of the Legislative Coordinating Commission; now therefore,

Be it resolved that the Council on the Economic Status of Women recommends that the Council by statute be empowered to select its own executive director.

* Council on Black Minnesotans, Council on Affairs of Spanish-Speaking People, Council for the Handicapped.

The following recommendations were approved by the full Council:

Jobs & Training Task Force

State-employed women: Provides support for a study to be conducted by the Department of Employee Relations of the possibility of providing pro-rated benefits for permanent part-time employees.

State-employed women: Requests that the Department of Employee Relations either study or provide the Council with information about the effect of closing state positions (that is, making some jobs open only to persons already employed by the state) on affirmative action, pay equity, and upward mobility for women.

Job Training Partnership Act: Recommends that half of the members of the Governor's Council on Job Training be women.

Job Training Partnership Act: Provides continued support for the displaced homemaker program through a minimum of \$100,000 per year from the Governor's discretionary fund.

Job Training Partnership Act: Recommends that the state plan for job training include specific attention to the special needs of low-income women, including review of local service plans to ensure that these needs are met.

Job Training Partnership Act: Recommends that local service delivery areas and program sponsors undertake similar action: ensure significant representation of women on policy-making boards and private industry councils; address the special needs of women in service delivery plans; and include reporting mechanisms to ensure that the needs of women are met.

Social Services Task Force

Legal services: Recommends that Council staff continue to follow up on the issue of access to legal assistance for divorce for low-income women, and gather information about possible alternatives.

Block grants: Recommends that the Council continue to monitor the implementation of block grants in the state.

Set-Aside Task Force

Recommends improved promotion of the set-aside program and better advertisement of individual bid requests.

Recommends that the Department of Administration and the Department of Energy, Planning and Development step up their outreach and recruitment activities.

Recommends establishment of improved communication links with procurement specialists and others elsewhere in state government to enhance understanding and performance of the program.

Recommends that the expertise of procurement division buyers be used more effectively in identifying new vendors eligible to participate in the set-aside program and in the decision to award particular contracts to particular vendors.

Criminal Justice & Sentencing Guidelines Task Force

Recommends that the Sentencing Guidelines Commission review the appropriateness of the guidelines with respect to sentences for criminal sexual conduct, including examining the issues of plea bargaining and departures from the guidelines; and to consider strengthening the guidelines in this area.