



# Minnesota Legislative Commission on the Economic Status of Women

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## MINNESOTA LEGISLATIVE SESSION 2002

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

### CONTENTS

Jobs and Economic Development.....	2
Economic Security.....	2
Public Safety and Crime Prevention.....	3
Family Law.....	4
Human Services.....	5
Health.....	5
Insurance.....	6
Family and Early Childhood Programs.....	6
Higher Education.....	7

### NOTES

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

Appropriations and reductions are indicated with “•” symbol

### ANNOUNCEMENTS

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

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

## EMPLOYMENT AND ECONOMIC DEVELOPMENT

### **School Conference and Activities Leave for Parents of Foster Children**

*Chapter 380, S.F. 3431*

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

### **Payment of Special State Temporary Extended Unemployment Benefits**

*Chapter 380, S.F. 3431*

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

### **Unemployment Insurance for Food Service Workers**

*Chapter 380, S.F. 3431*

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

### **Regulating Nurses' Overtime**

*Chapter 272, S.F. 2463*

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

### **Recognition of Nurses' License Reciprocity**

*Chapter 272, S.F. 2463*

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

## ECONOMIC SECURITY

### **Displaced Homemaker Funding**

*Chapter 220, H.F. 351*

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

## PUBLIC SAFETY AND CRIME PREVENTION

### **Funding for Shelters for Battered Women**

*Chapter 220, H.F. 351*

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

### **Payments for Shelters for Battered Women**

*Chapter 220, H.F. 351*

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

### **Crime Victim Services Staff and Grants**

*Chapter 220, H.F. 351*

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

### **Crime Victim Ombudsman**

*Chapter 220, H.F. 351*

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

### **Domestic Fatality Review Team Pilot Project**

*Chapter 266, S.F. 3045*

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

### **Knowledge of the Existence of an Order for Protection**

*Chapter 282, S.F. 3073*

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

### **Providing for Payment of Criminal Sexual Conduct Examinations**

*Chapter 381, S.F. 2433*

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

## PUBLIC SAFETY AND CRIME PREVENTION (CONTINUED)

### **Level III Sex Offenders**

*Chapter 385, S.F. 3172*

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

## FAMILY LAW

### **Postnuptial Contracts**

*Chapter 338, S.F. 3380*

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

### **Child Support Provisions**

*Chapter 344, S.F. 3114*

#### ***Issuance of Limited Driver's License***

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

#### ***Child Support Payment Agreements***

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

#### ***Medical Insurance Coverage***

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

#### ***Address of Obligee***

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

## HUMAN SERVICES

### Changes in the Minnesota Family Investment Program (MFIP)

Chapter 374, H.F. 3270

#### *Hardship Extensions for Victims of Family Violence*

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

#### *Hardship Extensions for Persons Participating in Employment\**

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

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

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

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

#### *Hardship Extensions Pending Documentation*

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

#### *Accrual of Certain Exempt Months*

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

## HEALTH

### Health Disparities Grants

Chapter 220, H.F. 351

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

## INSURANCE

### **Health Insurance Coverage for Breast Reconstruction Surgery**

*Chapter 330, H.F. 2988*

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

### **Maternity Coverage in Joint Self-Insurance Plans**

*Chapter 330, H.F. 2988*

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

## FAMILY AND EARLY CHILDHOOD EDUCATION

### **Child Care Providers Required to Develop Policies for Reporting Suspected Child Maltreatment**

*Chapter 248, H.F. 2813*

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

### **Child Care Services Grants**

*Chapter 220, H.F. 351*

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

### **At-Home Infant Child Care Program**

*Chapter 279, S.F. 2419*

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

### **Reduction of the Risk of Sudden Infant Death Syndrome in Child Care Programs**

*Chapter 375, S.F. 3099*

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

## FAMILY AND EARLY CHILDHOOD EDUCATION (CONTINUED)

### **Fire Marshal Inspections Required for Licensure of Day Care Homes**

*Chapter 375, S.F. 3099*

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

### **Use of Portable Wading Pools at Family Day Care Settings**

*Chapter 279, S.F. 2419*

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

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

*Chapter 333, H.F. 1517*

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

## HIGHER EDUCATION

### **Full State Grant Awards, Work Study and Child Care Grants**

*Chapter 374, H.F. 3270*

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