

# Minnesota Legislative Session Summary 2015

*A report highlighting and summarizing selected new legislation affecting the economic status of women*

Laws of Minnesota 2015	Issue	Synopsis
<p><a href="#">Chapter 30</a> Omnibus Family Law Act</p>	<p>➤ <b>Child Custody &amp; Child Support</b></p>	<ul style="list-style-type: none"> <li>• Changes the standards for a court’s determination of child custody/parenting time. The best interest of the child is the overarching determinant of division of parenting time. In deciding what is in the child’s best interest the court is to consider 12 factors, which must be considered together as inter-related. New factors include:               <ul style="list-style-type: none"> <li>○ The history and nature of each parent’s participation in providing care for the child;</li> <li>○ The willingness and ability of each parent to care for the child, which includes consistency and follow-through with parenting time;</li> <li>○ The impact on the child of proposed arrangements (including changes to home, school, community and relationships with each parent, siblings and other significant persons in the child’s life);</li> <li>○ A closer evaluation of the nature and context of any domestic violence and domestic abuse, including whether it has occurred in the parents’ or either parent’s household or relationship; and the implications for parenting and for the child’s safety, well-being, and developmental needs;</li> <li>○ The benefit to the child in maximizing parenting time with both parents and the detriment to the child in limiting time with either parent;</li> <li>○ The willingness of the parents to cooperate, including sharing information and minimizing exposing the child to parental conflict.</li> </ul> </li> <li>• Adds additional general direction for the courts to consider in determining custody and parenting time. New provisions include:               <ul style="list-style-type: none"> <li>○ The court must consider it in the best interest of the child to have safe, stable, and nurturing relationships between the child and both parents;</li> <li>○ The court must start from the presumption that both parents have the capacity to develop and sustain nurturing relations with the child unless there are substantial reasons to believe otherwise;</li> <li>○ Cultural differences in child-nurturing must be taken into consideration.</li> </ul> </li> </ul>

		<ul style="list-style-type: none"> <li>• Provides remedies for persons who do not follow court orders or rules, including: <ul style="list-style-type: none"> <li>○ Tightens (in some ways strengthening and in some ways limiting) the requirement that a parent be given compensatory parenting time if the court-ordered parenting time was unavailable to that parent (as long as it is in the best interest of the child) with additional remedies if the parenting time was unavailable due to a willful, intentional denial by a parent;</li> <li>○ Provides remedies for a parent who does not sign the appropriate tax forms for the child dependency exemption;</li> <li>○ If a party doesn't disclose income or employment information, the court may require that party to compensate and pay attorney's fees to the other party, except that there is a three-year statute of limitations.</li> </ul> </li> <li>• Allows flexibility when parties agree, including: <ul style="list-style-type: none"> <li>○ Alternative effective dates for modifying child support;</li> <li>○ Entering into spousal maintenance modification agreements, which can be approved by the court.</li> </ul> </li> <li>• Grants certain protections, rights, and responsibilities with respect to child custody to parents who are in the military and will be deployed. These protections include that a parent's past or future military deployment cannot be the only factor considered by the court in determining custody, and provisions for making custodial and/or parenting time arrangements during a parent's deployment and following return from deployment. These changes to Minnesota law are aimed at bringing uniformity among the states in child custody laws for deploying service members.</li> <li>• Allows the court to order a lower interest rate (instead of the minimum 10% interest rate for judgments over \$50,000) or to waive interest on family court judgments—if the parties agree or the court determines the lower/waived rate is necessary to avoid undue hardship to the obligor. However, a lower or waived interest rate is not allowed for child support or spousal maintenance.</li> </ul>
<a href="#">Chapter 59</a>	<ul style="list-style-type: none"> <li>➤ <b>Economic Security of Older Women</b> <ul style="list-style-type: none"> <li>✓ <b>Long Term Care Insurance</b></li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Lowers the minimum inflation-protection for Long Term Care (LTC) insurance policies from 3%/yr. to 1%/yr.</li> <li>• Allows older (pre-July 1, 2006) LTC policies to qualify as partnership policies. LTC “partnership policies” allow policyholders to withhold an additional \$1 for every \$1 of LTC coverage from assets that have to be spent down to qualify for Medicaid. E.g., a single person is usually allowed to withhold \$2,000 in assets from what she must spend down to qualify for Medicaid for LTC. However, if that person has received \$150,000 in LTC insurance benefits, she can withhold \$152,000 in assets from what she must spend</li> </ul>

		<p>down to qualify for Medicaid. For additional information on LTC partnership policies, see <a href="http://LongTermCare.gov">LongTermCare.gov</a></p> <ul style="list-style-type: none"> <li>• Gives the MN Commissioner of Commerce the authority to make additional recommendations to the Legislation for mitigation of LTC insurance rate increases and other protections for policyholders.</li> </ul>
<p><a href="#">Chapter 65</a> Omnibus Public Safety &amp; Courts Act</p>	<p>➤ <b>Pregnant Women in Prison</b></p>	<p>In 2014, legislation passed (<a href="#">2014 Minnesota Session Laws, Chapter 234</a>) restricting the use of restraints on women in prison who are pregnant, in labor, or who have recently given birth. The 2014 law also allowed doula services to incarcerated women who were either pregnant or had recently given birth if there were no charge for the services or the incarcerated woman herself paid for the doula. This 2015 law adds the following:</p> <ul style="list-style-type: none"> <li>• The MN Dept. of Corrections must annually report to the Legislature on the use of restraints on pregnant women, women in labor, and women who have recently given birth who are incarcerated in state and local correctional facilities.</li> <li>• \$30,000/yr. (for two years total) in grants to nonprofits to provide doula services to incarcerated women who are pregnant or have recently given birth.</li> </ul>
	<p>➤ <b>Domestic &amp; Sexual Violence</b> ➤ <b>Guns</b> ➤ <b>Rape Kits</b> ➤ <b>Juvenile Prostitution</b> ➤ <b>Sex Trafficking</b></p>	<ul style="list-style-type: none"> <li>• Protections during legal proceedings against disclosure of addresses of those in Minnesota’s Safe at Home Address Confidentiality Program. This program is designed to help survivors of domestic violence, sexual assault, or stalking, or others who fear for their safety maintain a confidential address.</li> <li>• People are currently allowed to carry guns in the Capitol and State Office Building, if they have a permit to carry and give pre-notice of their intent to do so to the Commissioner of Public Safety. This new law says that the simple fact of having a permit to carry constitutes giving notice to the Commissioner.</li> <li>• Legalizes possession of gun silencers (suppressors), as long as federal law is complied with.</li> <li>• Prohibits straw purchases of guns—purchases made for another individual who is not eligible to purchase a firearm themselves.</li> <li>• Requires a statewide inventory of all untested rape kits, with the Bureau of Criminal Apprehension to report by Dec. 1, 2015, on the number, the reasons they are untested, and a plan to resolve any backlog of untested rape kits.</li> <li>• Creates a five-year felony for hiring or agreeing to hire to engage in prostitution an individual the actor reasonably believes to be under the age of 18.</li> <li>• Prohibits public access to charging documents that would reveal a sex trafficking victim’s identity. (Current law protects sexual assault victims.)</li> </ul>

		<ul style="list-style-type: none"> <li>• Prohibits law enforcement or prosecutors from requiring a sex trafficking victim to submit to a polygraph as a condition of charging the case. (Current law protects sexual assault victims.)</li> <li>• Increases the criminal limitations period for filing sex trafficking charges. The current limit is three years from commission of the offense. This new law provides that the time limit for filing sex trafficking charges would be the same as for criminal sexual conduct: <ul style="list-style-type: none"> <li>○ If physical evidence is collected and preserved that is capable of DNA testing, there is no limitations period. Otherwise,</li> <li>○ If the victim was under age 18 at the time of the offense, limitations period is nine years after the offense or three years after reporting offense to law enforcement, whichever is later.</li> <li>○ If the victim was 18 or older at the time of the offense, limitations period is nine years after the commission of the offense.</li> </ul> </li> </ul>
<p><a href="#">Chapter 69</a> Omnibus Higher Education Act</p>	<ul style="list-style-type: none"> <li>➤ <b>Child care assistance</b></li> <li>➤ <b>Summer academic programs for elementary school students</b></li> <li>➤ <b>Campus sexual assault</b></li> <li>➤ <b>PIPELINE Project</b></li> <li>➤ <b>Student Debt</b></li> </ul>	<ul style="list-style-type: none"> <li>• In prior years, students at eligible postsecondary institutions were eligible for a child care assistance grant if they were a Minnesota resident. This 2015 law expands eligibility for child care grants to students who are not Minnesota residents, but whose spouses are Minnesota residents.</li> <li>• Establishes a “summer academic enrichment program” to enable students in grades 3-12 to attend academic summer programs sponsored by postsecondary institutions and nonprofit organizations. Financial stipends of up to \$1,000/student are available for students who are eligible for free or reduced-price school meals.</li> <li>• Expands rights and protections of victims of campus sexual assault.</li> </ul> <p>➤ \$166M increase in spending on higher education over next two years—\$100M of which is to MnSCU to keep tuition increases down. Not enough money to freeze tuition at either U of M or MnSCU. On June 17, MnSCU approved an ave.3.4% tuition increase at its seven state universities—a \$233 increase, raising the ave. tuition to just over \$7,000. Tuition at MnSCU’s 24 community and technical colleges will be frozen for another year—at an ave. \$4,816/yr. for a full-time student. The U of M has announced an undergraduate tuition increase of 1.5-7% (a 1.5% increase at the U of M Twin Cities campus would be \$180, increasing the average tuition to \$12,240); however, the U estimates that about 42% of in-state students won’t have to pay any more out-of-pocket this coming year, due to an increase in financial aid programs—programs that include families earning up to \$100,000/yr. U of M also says low-income students may see out-of-pocket costs go down, due to increases in federal and state grants. The steepest increase</p>

		<p>would fall on nonresidents, who would pay 7%, or \$1,350, more next year, for an annual tuition of \$20,660.</p> <ul style="list-style-type: none"> <li>• \$5M tuition assistance pilot program for certain occupational fields at MnSCU two-year institutions.</li> <li>• \$3.5M/yr. increase (total of \$180.3M/yr.) in state grants to help low and moderate-income students pay for education at Minnesota colleges and universities.</li> <li>• \$300,000 grant for a debt counseling organization to develop a pilot student loan debt counseling program for persons who are delinquent in student debt payments.</li> <li>• Teachers who are teaching in a region of Minnesota that has a teacher shortage may receive student loan forgiveness of up to \$1,000/yr. for five consecutive years.</li> <li>• \$2M scholarship program for employees of home- and community-based providers of services to seniors. The scholarships must be used for education leading to career advancement in long-term care.</li> <li>• \$500,000 for <i>College Possible</i> program—coaching and support in high school and college to encourage low-income students to attend and graduate college.</li> <li>• \$250,000 for student loan forgiveness for large animal veterinarians.</li> <li>• Active members of Minnesota National Guard who reside in Minnesota, and active members of U.S. armed forces reserve who reside in Minnesota and whose duty station is in Minnesota, and their spouses and dependents, are defined as “resident students” and thus eligible for state grants to help pay postsecondary tuition.</li> </ul>
<p><a href="#">Chapter 71</a> Omnibus Health &amp; Human Services Act</p>	<ul style="list-style-type: none"> <li>➤ <b>Minnesota Care</b></li> <li>➤ <b>MNsure</b></li> <li>➤ <b>FAIM</b></li> <li>➤ <b>Domestic &amp; Sexual Violence</b></li> <li>➤ <b>Sex Trafficking</b></li> <li>➤ <b>Child Care Assistance Grants</b></li> <li>➤ <b>MFIP</b></li> </ul>	<ul style="list-style-type: none"> <li>• \$65M cut in funding for MinnesotaCare. Expected to result in significant increase in premiums. (MinnesotaCare offers low-cost health insurance for people with incomes slightly above the poverty level. Medicaid covers residents with income near or below the poverty line. MinnesotaCare provides healthcare to about 90,000 Minnesotans earning \$8-\$12/hour. It has been in existence for 23 years.)</li> <li>• \$500,000 for a task force to examine the future of MNsure and MinnesotaCare and the chance for federal waivers that could allow for a broad range of health care reforms. The 29-person task force will report to the Legislature by Jan. 15, 2016.</li> <li>• \$150,000 to support financial coaching by FAIM (Family Assets for Independence in Minnesota) counselors. Several FAIM providers had had to stop service due to lack of stable coaching funding, and this new resource will enable the network to leverage funds from other private, local, state, and federal funding sources.</li> <li>• Provisions to protect missing and runaway children and youth at risk of sex trafficking</li> <li>• Safe Harbor for Sexually Exploited Youth (existing state program)</li> </ul>

		<ul style="list-style-type: none"> <li>○ \$1.6M for emergency shelter and transitional and long-term housing for sexually exploited youth and youth at risk of sexual exploitation.</li> <li>○ \$1.4M for grants for the existing Safe Harbor program.</li> <li>● Provisions to protect children who are missing from foster care and are at risk for sex trafficking. Requires report of missing children within 24 hrs. to law enforcement and National Center for Missing and Exploited Children, diligent efforts to locate the child, and evaluation of whether the child was a sex trafficking victim while missing.</li> <li>● Establishes a Working Group on Violence against Asian Women &amp; Children, including study of domestic violence, trafficking, international abusive marriage, stalking, sexual assault, and other violence. Report to Legislature by Jan. 1, 2017.</li> <li>● Provides \$5.262M each biennium (2016-17 and 2018-19) for education loan forgiveness for health professionals including public health nurses, as well as \$5M per biennium for a home- and community-based services scholarship program that would give money to providers to recruit and train staff in nursing and other health-related fields.</li> <li>● \$271,000 for grants for a pilot program for interdisciplinary, integrated care for high-risk pregnant women, aimed at improving birth outcomes and strengthening early parental resilience for pregnant women who are receiving Medical Assistance (Minnesota’s Medicaid program—publicly funded health care coverage for low-income Minnesotans), are at a significantly elevated risk for adverse outcomes of pregnancy, and live in geographic areas at above-average risk for adverse birth outcomes.</li> <li>● Somali Women’s Health Pilot Program: \$110,000 to develop strategies to address the health care needs of and health inequities experienced by first generation Somali women. Report due June 30, 2017.</li> <li>● Additional funding (\$10M in FY 2016-17 and \$11.6M in FY2017-18) to reduce the waiting list for Basic Sliding Fee Child Care Assistance Grants.</li> <li>● Up to a \$200 increase in MFIP monthly benefits by disregarding child support payments (\$100 for one child, \$200 for two children) when determining income eligibility for MFIP. [MFIP, the Minnesota Family Investment Program, consists of cash grants and food assistance (SNAP—Supplemental Nutrition Assistance Program) for very low-income families. A family of three (one parent with two children) can receive \$532 in MFIP cash grants and \$359 in SNAP benefits per month. Benefits are reduced based on income.] The basic MFIP cash assistance amount has not been increased or adjusted for inflation since 1986.</li> </ul>
	<p>➤ <b>Child Support</b></p>	<p>Interim work group to study changing the method of calculating the “parenting expense adjustment,” i.e., the adjustment to child support based on percentage of parenting time. Under current Minnesota law, the court-ordered child support payment is reduced by 12%</p>

		<p>when the child support payor’s percent of parenting time is 10-45%; the amount of child support is substantially less if the payor parent has more than 45% parenting time. There is no parenting expense adjustment if the payor parent has less than 10% parenting time. The work group will report to the Legislature by Jan.15, 2016.</p>
	<ul style="list-style-type: none"> <li>➤ <b>Economic Security of Older Women</b></li> <li>✓ <b>Nursing Homes</b></li> <li>✓ <b>Protecting Retirement Assets of Spousal Caregivers</b></li> <li>✓ <b>Medicare rehab coverage</b></li> </ul>	<ul style="list-style-type: none"> <li>• \$138M in additional funding for nursing homes. Nursing homes currently get reimbursed by Medicaid in a combination of state and federal dollars, but with budget cuts over the years, the reimbursements haven't kept up with inflation. The intent of this additional funding is to increase pay for nursing home workers.</li> <li>• Protecting Assets of Caregivers: Currently in Minnesota, individuals with defined <i>benefit</i> retirement funds (pensions) do not have to “spend down” this type of retirement income in order for their spouses to be eligible for Medicaid. However, individuals do have to “spend down” retirement funds in defined <i>contribution</i> retirement plans, such as 401k’s. The 2015 Omnibus Health &amp; Human Services Act changes the law to protect defined contribution retirement plans from the spenddown requirements. Effective Aug. 1, 2015.</li> <li>• Hospitals must provide oral and written notice to Medicare patients whether their hospital stay is “in-patient” or “observation.” (Medicare does not cover rehab care if a patient is being held for observation vs. being admitted as in-patient. Many seniors have had to pay thousands in unexpected medical bills because they were unaware they were held under observation and t ineligible for Medicare coverage for follow-up care.)</li> </ul>
<p><a href="#">Chapter 77</a> Omnibus State Govt. Finance Act</p>	<ul style="list-style-type: none"> <li>➤ <b>Food for low-income Minnesotans</b></li> <li>➤ <b>Women-Owned Businesses</b></li> <li>➤ <b>Ethnic Councils</b></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Healthy Eating, Here at Home</i> program to provide incentives for low-income Minnesotans to use federal SNAP (Supplemental Nutrition Assistance Program) benefits for healthy purchases at Minnesota farmers’ markets.</li> <li>• The Dept. of Administration must conduct a “disparity study” of state procurement contracts with targeted group small businesses, which include women-owned businesses.</li> </ul> <p>Changes to three of the state’s ethnic councils: the Minnesota Council on Latino Affairs, the Council for Minnesotans of African Heritage, and the Council on Asian-Pacific Minnesotans. (No changes were made to the fourth ethnic council, the Indian Affairs Council.) These councils, which were created between 1963 and 1985 to represent various minority groups in the state, are each a distinct state agency in the Executive Branch of state government (i.e., accountable to the Governor). The new law has the Legislative Branch of state government, via the Legislative Coordinating Commission, appoint the executive director of each council. The new law stipulates the number (11 public and 4 legislators) and composition of voting members of each council, at least five of whom must be women. The duties of the councils are to advise the Governor and Legislature on issues pertinent to each council’s constituency and to serve as a liaison between state government and organizations serving their respective constituencies.</p>

<p><a href="#">C. 1, Special Session</a> Omnibus Jobs Act</p>	<ul style="list-style-type: none"> <li>➤ <b>Job training</b></li> <li>➤ <b>STEM paid internships</b></li> <li>➤ <b>Paid Family Leave</b></li> <li>➤ <b>Entrepreneurs</b></li> </ul>	<ul style="list-style-type: none"> <li>• \$400,000 for Southwest Minnesota Initiative Foundation pilot project to support and develop entrepreneurs in diverse populations in southern and southwestern Minnesota;</li> <li>• \$1.8M for on-the-job-training for new jobs offered by employers in rural Minnesota;</li> <li>• \$2M to Minnesota High Tech Association to continue and expand the Scitechspexperience program: paid STEM internships for college students. Program must work toward increasing participation among women or other underserved populations; Scitechspexperience began in 2012. Its 2014-2015 goal is 125 internships; its 2016-2017 goal is 450 internships. Interns are paid up to \$2,500, with state funds paying 50%;</li> <li>• \$150,000 for an analysis of mechanisms and cost of a <i>Minnesota Paid Family and Medical Leave Program</i> that would provide partial wage replacement for workers taking parental, family, or medical leave. DEED is the lead agency, with collaboration by the Depts. of Labor &amp; Industry and of Health &amp; Human Services;</li> <li>• \$500,000 for career counseling coordinators in rural Minnesota;</li> <li>• \$800,000 for 3 Greater Minnesota MnSCU colleges to offer customized training for skilled manufacturing industries. DEED is to actively recruit certain targeted groups for this training, including MFIP recipients. DEED may add other disadvantaged groups.</li> </ul>
<p><a href="#">C. 3 Special Session</a> Omnibus Early Education and K-12 Act</p>		<ul style="list-style-type: none"> <li>• Increase funding for early childhood and K-12 education by \$525M (a total of \$17.23B for biennium), including the following: <ul style="list-style-type: none"> <li>○ A 2% increase in the basic per-pupil funding;</li> <li>○ \$48.25M increase in early learning scholarships;</li> <li>○ \$30.75M increase in school readiness funding;</li> <li>○ \$10M increase to Head Start;</li> <li>○ \$17.5M for Minnesota’s American Indian students and schools;</li> <li>○ \$4M for the Northside Achievement Zone (North Minneapolis) and the St Paul Promise Neighborhood (Frogtown and Summit-University neighborhoods).</li> </ul> </li> <li>• The Dept. of Education must include data on student homelessness when reporting student performance data.</li> <li>• MnSCU must “give full credit to a secondary pupil who completes for postsecondary credit a postsecondary course or program that is part or all of a goal area or a transfer curriculum at a MnSCU institution when the pupil enrolls in a MnSCU institution after leaving secondary school.”</li> </ul>