

SENATE  
STATE OF MINNESOTA  
NINETY-THIRD SESSION

S.F. No. 5102

(SENATE AUTHORS: HOFFMAN and Mitchell)

DATE  
03/20/2024

D-PG  
12447

OFFICIAL STATUS  
Introduction and first reading  
Referred to State and Local Government and Veterans

1.1 A bill for an act  
1.2 relating to veterans; modifying provisions related to state soldiers assistance  
1.3 program education benefits; amending Minnesota Statutes 2022, sections 197.75,  
1.4 subdivisions 1, 2, 3, 5; 197.791, subdivision 8; repealing Minnesota Statutes 2022,  
1.5 section 197.752.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2022, section 197.75, subdivision 1, is amended to read:

1.8 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.

1.9 (b) "Commissioner" means the commissioner of veterans affairs.

1.10 (c) "Deceased veteran" means a veteran who has died as a result of the person's military  
1.11 service or who, at the time of the veteran's death, had a service-connected disability of 70

1.12 percent or greater, as determined by the United States Department of Veterans

1.13 ~~Administration, and who was a resident of this state: (1) within six months of entering the~~

1.14 ~~United States armed forces, or (2) for the six months preceding the veteran's date of death~~

1.15 Affairs or the United States Department of Defense.

1.16 (d) "Eligible child" means a person who:

1.17 (1) is the natural or adopted child or stepchild of:

1.18 (i) a veteran who has a service-connected disability of 70 percent or greater as determined

1.19 by the United States Department of Veterans Affairs;

1.20 (ii) a deceased veteran; and or

1.21 (iii) a person who served as a prisoner of war or was declared a person missing in action,

1.22 given that the child was born or legally adopted or in the legal custody of the person before

2.1 or during the time that the veteran served as a prisoner of war or was declared a person  
 2.2 missing in action;

2.3 (2) is a student making satisfactory academic progress at an eligible institution of higher  
 2.4 education;

2.5 (3) is a Minnesota resident student, as defined in section 136A.101, subdivision 8; and

2.6 (4) has applied for educational assistance under this section before the end of the academic  
 2.7 term for which assistance is being requested.

2.8 (e) "Eligible institution" means a postsecondary educational institution located in this  
 2.9 state that either is operated by this state or the Board of Regents of the University of  
 2.10 Minnesota, a Tribal college, or is licensed or registered with the Office of Higher Education.

2.11 (f) "Eligible spouse" means ~~the surviving spouse of a deceased veteran.~~ a person who:

2.12 (1) is the spouse or surviving spouse of:

2.13 (i) a veteran with a service-connected disability of 70 percent or greater as determined  
 2.14 by the United States Department of Veterans Affairs;

2.15 (ii) a deceased veteran; or

2.16 (iii) a person who served as a prisoner of war or was declared a person missing in action;

2.17 (2) is a student making satisfactory academic progress at an eligible institution of higher  
 2.18 education;

2.19 (3) is a Minnesota resident student, as defined in section 136A.101, subdivision 8; and

2.20 (4) has applied for educational assistance under this section before the end of the academic  
 2.21 term for which the assistance is being requested.

2.22 (g) ~~"Eligible veteran" means a veteran who:~~

2.23 (1) ~~is a student making satisfactory academic progress at an eligible institution of higher~~  
 2.24 ~~education;~~

2.25 (2) ~~had Minnesota as the person's state of residence at the time of the person's enlistment~~  
 2.26 ~~or any reenlistment into the United States armed forces, as shown by the person's federal~~  
 2.27 ~~form DD-214 or other official documentation to the satisfaction of the commissioner;~~

2.28 (3) ~~except for benefits under this section, has no remaining military or veteran-related~~  
 2.29 ~~educational assistance benefits for which the person may have been entitled; and~~

3.1 ~~(4) while using the educational assistance authorized in this section, remains a resident~~  
 3.2 ~~student as defined in section 136A.101, subdivision 8.~~

3.3 (g) For purposes of this section, "prisoner of war" means any person who, while serving  
 3.4 in the United States armed forces, has been declared to be a prisoner of war.

3.5 (h) For purposes of this section, "person missing in action" means any person who, while  
 3.6 serving in the United States armed forces, has been declared to be a person missing in action,  
 3.7 as established by the Secretary of Defense after August 1, 1958.

3.8 (i) Once a person qualifies as an eligible child under paragraph (d), there is no  
 3.9 circumstance, such as the return of the person missing in action or the reported death of the  
 3.10 veteran, that would serve as a basis for denying the eligible child assistance under this  
 3.11 section.

3.12 (j) Once a spouse qualifies as an eligible spouse under paragraph (f), there is no  
 3.13 circumstance, such as the return of the person missing in action or the reported death of the  
 3.14 veteran, that would serve as a basis for denying the spouse assistance under this section.

3.15 (k) "Public postsecondary educational institution" means an institution operated by this  
 3.16 state or the Board of Regents of the University of Minnesota.

3.17 ~~(h)~~ (l) "Satisfactory academic progress" has the meaning given in section 136A.101,  
 3.18 subdivision 10.

3.19 ~~(i)~~ (m) "Student" has the meaning given in section 136A.101, subdivision 7.

3.20 (n) "Surviving spouse" means a person who was legally married, as recognized by the  
 3.21 state of Minnesota, to a veteran at the time of the veteran's death.

3.22 (o) "Tuition and fees" means the actual tuition and fees charged by an institution.

3.23 (p) "Tribal college" means a Tribally controlled college as defined in section 136A.1796,  
 3.24 subdivision 1, paragraph (c).

3.25 ~~(j)~~ (q) "Veteran" has the meaning given in section 197.447.

3.26 Sec. 2. Minnesota Statutes 2022, section 197.75, subdivision 2, is amended to read:

3.27 Subd. 2. **Benefits; eligibility.** (a) The commissioner of veterans affairs shall spend a  
 3.28 biennial appropriation to provide an educational assistance stipend of ~~\$750~~ \$1,500 each  
 3.29 year for each eligible child and each eligible spouse, ~~and a single payment of \$750 for each~~  
 3.30 ~~eligible veteran.~~ This stipend is not available for any person who has attained a bachelor's  
 3.31 or equivalent degree.

4.1 (b) Each eligible child and each eligible spouse shall be admitted to any Minnesota  
 4.2 public ~~eligible~~ postsecondary educational institution free of tuition and fees until the ~~person~~  
 4.3 eligible child or spouse has attained a bachelor's or equivalent degree.

4.4 (c) Upon the commissioner's determination of an applicant's eligibility for the program,  
 4.5 the applicant must be awarded a financial stipend on a funds-available basis. Payments of  
 4.6 benefits authorized under this section shall be made directly to the participating eligible  
 4.7 institutions or to eligible individuals, as determined by the commissioner.

4.8 Sec. 3. Minnesota Statutes 2022, section 197.75, subdivision 3, is amended to read:

4.9 Subd. 3. **Proof of eligibility.** Approval for benefits under this section shall require  
 4.10 submission of the following evidence: application, proof of military service, and, where  
 4.11 applicable, proof of residency ~~and a statement from the United States Veterans Administration~~  
 4.12 ~~that the veteran has exhausted entitlement to federal educational benefits through use thereof,~~  
 4.13 proof of service-connected disability, or proof that the veteran died of service-connected  
 4.14 disabilities as a result of the veteran's military service, as determined by the United States  
 4.15 Department of Veterans Affairs or the United States Department of Defense. Upon  
 4.16 submission of satisfactory proof of eligibility, benefits shall be provided from the date of  
 4.17 application and notification of approval shall be sent to the educational institution and  
 4.18 applicant.

4.19 Sec. 4. Minnesota Statutes 2022, section 197.75, subdivision 5, is amended to read:

4.20 Subd. 5. **Participation by eligible institutions.** (a) Each Minnesota public postsecondary  
 4.21 educational institution must continue to participate in the educational assistance program  
 4.22 authorized in this section during both peacetime and times of war.

4.23 (b) Any participating eligible institution not described in paragraph (a) may suspend or  
 4.24 terminate its participation in the program at the end of any academic semester or other  
 4.25 academic term.

4.26 Sec. 5. Minnesota Statutes 2022, section 197.791, subdivision 8, is amended to read:

4.27 Subd. 8. **Appropriation.** The amount necessary to pay the benefit amounts in section  
 4.28 197.75 and subdivisions 5, ~~5a, and 5b~~ 6, and 7, is appropriated from the general fund to the  
 4.29 commissioner. During any fiscal year beginning on or after July 1, 2012, the amount paid  
 4.30 under this subdivision must not exceed \$6,000,000.

5.1 Sec. 6. **REPEALER.**

5.2 Minnesota Statutes 2022, section 197.752, is repealed.

**197.752 EDUCATIONAL ASSISTANCE TO POW/MIA DEPENDENTS.**

Any dependent of a prisoner of war or a person missing in action, upon being duly accepted for enrollment in any Minnesota public postsecondary institution, shall be allowed to attend the institution to obtain a bachelor's degree or certificate of completion, while eligible, free of tuition or charge. A dependent who enrolls as an undergraduate in any private Minnesota postsecondary institution shall be entitled to payment by the state of tuition and fees at a rate not to exceed \$250 per year for so long as the dependent is eligible to attend the institution and is working toward a bachelor's degree or certificate of completion.

"Prisoner of war" and "persons missing in action" for purposes of this section mean any person who was a resident of the state at the time the person entered service of the United States armed forces, or whose official residence is within the state, and who, while serving in the United States armed forces has been declared to be a prisoner of war, or to be a person missing in action as established by the Secretary of Defense after August 1, 1958.

"Dependent" for purposes of this section means the spouse of a prisoner of war or person missing in action, or any child born before or during the period of time the child's parent served as a prisoner of war or was declared a person missing in action, or any child legally adopted or in the legal custody of the parent prior to and during the time the parent served as a prisoner of war or was declared to be a person missing in action. Once a person qualifies as a dependent under the terms and provisions of this section there shall be no situation such as the return of the spouse or parent or the reported death of the spouse or parent that will remove the dependent from provisions or benefits of this section.