



**Minnesota
Statutes
Governing
Public
Safety
Officer's
Survivor
Grant
Program**

| | | | |
|--|------------------|----------------------|-----------|
| FINANCIAL AID MANUAL | | NUMBER Section II | PAGE 1 |
| SECTION Public Safety Officer's Survivor Grant Program | DATE May 2016 | | |

299A.41 DEFINITIONS.

Subdivision 1. **Scope.** The definitions used in this section apply to sections 299A.41 to 299A.46.

Subd. 2. **Dependent child.** A “dependent child” means a person who is unmarried and who was either living with or was receiving support contributions from the public safety officer at the time of death, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

- (1) under 18 years of age;
- (2) over 18 years of age and incapable of self-support because of physical or mental disability; or
- (3) over 18 years of age and a student as defined by United States Code, title 5, section 8101.

Subd. 3. **Killed in the line of duty.** “Killed in the line of duty” does not include deaths from natural causes, except as provided in this subdivision. In the case of a public safety officer, killed in the line of duty includes the death of a public safety officer caused by accidental means while the public safety officer is acting in the course and scope of duties as a public safety officer. Killed in the line of duty also means if a public safety officer dies as the direct and proximate result of a heart attack, stroke, or vascular rupture, that officer shall be presumed to have died as the direct and proximate result of a personal injury sustained in the line of duty if:

- (1) that officer, while on duty:
 - (i) engaged in a situation, and that engagement involved nonroutine stressful or strenuous physical law enforcement, fire suppression, rescue, hazardous material response, emergency medical services, prison security, disaster relief, or other emergency response activity; or
 - (ii) participated in a training exercise, and that participation involved nonroutine stressful or strenuous physical activity;
- (2) that officer died as a result of a heart attack, stroke, or vascular rupture suffered;
 - (i) while engaging or participating under clause (1);
 - (ii) while still on duty after engaging or participating under clause (1); or
 - (iii) not later than 24 hours after engaging or participating under clause (1); and
- (3) the presumption is not overcome by competent medical evidence to the contrary.

EFFECTIVE DATE. This section is effective the day following final enactment.

| | | | |
|--|------------------|----------------------|-----------|
| FINANCIAL AID MANUAL | | NUMBER Section II | PAGE 2 |
| SECTION Public Safety Officer's Survivor Grant Program | DATE May 2016 | | |

Subd. 4. **Public safety officer.** “Public safety officer” includes:

- (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (d);
- (2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;
- (3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
 - (i) firefighting;
 - (ii) emergency motor vehicle operation;
 - (iii) investigation into the cause and origin of fires;
 - (iv) the provision of emergency medical services; or
 - (v) hazardous material responder;
- (4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit firefighting corporation who is engaged in the hazards of firefighting;
- (5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;
- (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;
- (7) a driver or attendant with a licensed basic or advanced life-support transportation service who is engaged in providing emergency care;
- (8) a first responder who is certified by the emergency medical services regulatory board to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance; and
- (9) a person, other than a state trooper, employed by the commissioner of public safety and assigned to the State Patrol, whose primary employment duty is either Capitol security or the enforcement of commercial motor vehicle laws and regulations.

EFFECTIVE DATE. This section is effective the day following final enactment.

Subd. 5. **Spouse.** “Spouse” means a person legally married to the decedent at the time of the decedent’s death.

| | | | |
|--|------------------|----------------------|-----------|
| FINANCIAL AID MANUAL | | NUMBER Section II | PAGE 3 |
| SECTION Public Safety Officer's Survivor Grant Program | DATE May 2016 | | |

History: 1990 c 591 art 5 s 1; 1991 c 199 art 1 s 66; 1992 c 523 s 1,2; 1992 c 553 s 1; 1Sp2001 c 8 art 2 s 66; 2005 c 10 art 2 s 4

299A.42 PUBLIC SAFETY OFFICER'S BENEFIT ACCOUNT.

The public safety officer's benefit account is created in the state treasury. Money in the account consists of money transferred and appropriated to that account. Money in the account that is not expended in the fiscal year in which it is transferred or appropriated does not revert to the general fund until claims for reimbursement under section 299A.465 that are submitted in that fiscal year are either paid or denied.

History: 1990 c 591 art 5 s 2; 1Sp2003 c 2 art 4 s 2

299A.43 ELIGIBILITY DETERMINATION; CONTESTED CASE.

A challenge to a determination of eligibility by the commissioner of public safety must be heard as a contested case, except that the decision of the administrative law judge is binding on the parties to the proceeding. The order of the administrative law judge is the final decision of the commissioner. The hearing must be conducted according to sections 14.56 to 14.62 and is subject to appeal according to sections 14.63 to 14.68.

History: 1990 c 591 art 5 s 3

299A.44 DEATH BENEFIT.

Subdivision 1. **Payment required.**

- (a) On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, the commissioner of finance shall pay \$100,000 from the public safety officer's benefit account, as follows:
- (1) if there is no dependent child, to the spouse;
 - (2) if there is no spouse, to the dependent child or children in equal shares;
 - (3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
 - (4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or

| | | | |
|-----------------------------|---|----------------------|------------------|
| FINANCIAL AID MANUAL | | NUMBER Section II | PAGE 4 |
| SECTION | Public Safety Officer's Survivor Grant Program | | DATE May 2016 |

(5) if there is no surviving spouse, dependent child, or dependent parent, to the public safety officer's estate.

- (b) If there are both a spouse and one or more dependent children under age 18, the spouse, at the spouse's discretion, may spend a maximum of one-third of a child's share on medical or dental treatment for the child or the child's education. Expenditures under this paragraph on behalf of a child do not diminish the shares of any other children. In addition, a spouse, at the spouse's discretion, may expend money from a child's share to pay state and federal taxes on any interest accrued on the share.

Subd. 2. **Adjustment of benefit.** On October 1 of each year beginning after July 1, 1995, the commissioner of public safety shall adjust the level of the benefit payable immediately before October 1 under subdivision 1, to reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on June 1 immediately preceding such October 1.

History: 1990 c 591 art 5 s 4; 1995 c 133 s 1; 1995 c 226 art 2 s 4; 1995 c 265 art 2 s 26; 1Sp2003 c 2 art 4 s 3

299A.45 EDUCATION BENEFIT.

Subdivision 1. **Eligibility.** A person is eligible to receive educational benefits under this section if the person:

- (1) is certified under section 299A.44 and in compliance with this section and rules of the commissioner of public safety and the Minnesota Office of Higher Education;
- (2) is enrolled in an undergraduate degree or certificate program after June 30, 1990, or a graduate degree or certificate program after June 30, 2011, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4;
- (3) has not received benefits for the maximum duration specified in subdivision 4; and
- (4) is related in one of the following ways to a public safety officer killed in the line of duty on or after January 1, 1973:
 - (i) as a dependent child less than 23 years of age;
 - (ii) as a surviving spouse; or

| | | | |
|-----------------------------|---|----------------------|------------------|
| FINANCIAL AID MANUAL | | NUMBER Section II | PAGE 5 |
| SECTION | Public Safety Officer's Survivor Grant Program | | DATE May 2016 |

(iii) as a dependent child less than 30 years of age who has served on active military duty 181 consecutive days or more and has been honorably discharged or released to the dependent child's reserve or National Guard unit.

Subd. 2. Award amount.

- (a) The amount of the award is the lesser of:
- (1) the average tuition and fees charged by the institution; or
 - (2) the tuition maximums established by law for the state grant program under section 136A.121. The tuition maximum for graduate study is the maximum established by law for the state grant program for four-year programs.
- (b) An award under this subdivision must not affect a recipient's eligibility for a state grant under section 136A.121.
- (c) For the purposes of this subdivision, "fees" include only those fees that are mandatory and charged to all students attending the institution.
- (d) For the purpose of benefits awarded under this section, "full time" for a graduate program is eight or more credits per term or the equivalent.

EFFECTIVE DATE. This section is effective retroactively from July 1, 2011.

Subd. 3. Payment. On proof of eligibility for this program, an eligible institution, on behalf of the student, shall request payment of the award from the Minnesota Office of Higher Education. An institution must not request payment unless the student is enrolled in or has completed the term for which the payment is intended.

Subd. 4. Renewal. Each award must be given for one academic year and is renewable for a maximum of eight semesters or the equivalent. A student who withdraws from enrollment for active military service or for a major illness, while under the care of a medical professional, that substantially limits the student's ability to complete the term is entitled to an additional semester or the equivalent of grant eligibility. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year.

| | | | |
|-----------------------------|---|----------------------|------------------|
| FINANCIAL AID MANUAL | | NUMBER Section II | PAGE 6 |
| SECTION | Public Safety Officer's Survivor Grant Program | | DATE May 2016 |

History: 1990 c 591 art 5 s 5; 1991 c 356 art 8 s 22; 1995 c 212 art 3 s 59; 1Sp2001 c 1 art 2 s 20,21; 2003 c 133 art 3 s 26; 2005 c 107 art 2 s 53,54,59,60; 2008 c 363 art 4 s 10; 2009 c 95 art 2 s 36; 2012 c 270 s 12,13; 2013 c 99 art 2 s 25

NOTE: The additional semester or the equivalent of grant eligibility under subdivisions 1 and 4, as amended by Laws 2005, chapter 107, article 2, sections 53 and 54 respectively, applies to any student who withdrew from enrollment in a postsecondary institution after December 31, 2002, because the student was ordered to active military service as defined in section 190.05, subdivision 5b or 5c. Laws 2005, chapter 107, article 2, section 59.

299A.46 RULES.

The commissioner of public safety may adopt rules under chapter 14 to implement, coordinate, and administer sections 299A.41 to 299A.44. The Minnesota Office of Higher Education may adopt rules to implement, coordinate, and administer section 299A.45.

History: 1990 c 591 art 5 s 6; 1995 c 212 art 3 s 59; 1995 c 233 art 2 s 56; 2005 c 107 art 2 s 60