

State Survivor Benefits: An Overview

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Introduction

Most servicemembers are familiar with the varied federal benefits that are available to their Family members in the event of the servicemember's death. Collectively, the services call these survivor benefits. In addition to the federal benefits, state veterans administrations provide additional survivor benefits to servicemembers and their surviving Family members from state veteran's organizations in addition to the federal survivor benefits. Casualty assistance officers and Judge Advocates must be aware of these benefits in order to competently assist family members of deceased servicemembers. This article will provide an overview of the state benefits available, along with a matrix summarizing each state's benefits.

Federal Benefits

Dependency and Indemnity Compensation

Dependency and indemnity compensation (DIC) is available to surviving Family members of servicemembers who die on active duty, including members of the reserve component and veterans who meet certain disability parameters.¹ For the Family members to be eligible for DIC payments, the servicemember's death must be service-connected and not due to the servicemember's willful misconduct.² Further, the Family members that are eligible to receive monthly DIC payments are the surviving spouse and children of the deceased servicemember or the servicemember's parents if they were dependent on the servicemember.³ Finally, to begin receiving DIC payments, surviving Family members must apply for DIC with the Department of Veterans Affairs (DVA) when the servicemember or veteran passes away.⁴ The DVA ultimately determines whether the servicemember's death was service-connected and not due to his own willful misconduct.⁵

Dependent Education Assistance

Another benefit available through the DVA is Dependent Education Assistance (DEA).⁶ The DEA provides up to forty-five months of monetary assistance for a qualified course of study at a DVA-approved school.⁷ Surviving Family members are eligible for DEA if the servicemember's death also qualified the Family member for DIC.⁸ Specifically, surviving spouses can receive both DIC and DEA and, depending on the circumstances of the servicemember's death, have ten or twenty years to apply for DEA.⁹ Conversely, surviving children cannot receive both DIC and DEA.¹⁰ Dependency and Indemnity Compensation for children ends once the child reaches age eighteen or age twenty-three if a full-time student;

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¹ 38 U.S.C.S. §§ 1301–1322 (LexisNexis 2008); 38 C.F.R. pt. 3 (2008).

² 38 U.S.C.S. § 1310.

³ *Id.* §§ 1304, 1311, 1313, 1315.

⁴ 38 C.F.R. § 3.400.

⁵ *Id.*

⁶ 38 U.S.C.S. §§ 3500–3566; 38 C.F.R. pt. 21.

⁷ 38 U.S.C.S. §§ 3523, § 3672; 38 C.F.R. § 21.7120.

⁸ 38 U.S.C.S. § 3501.

⁹ *Id.* § 3512. If a servicemember does not die on active duty, the surviving spouse will have ten years from the date of the veteran's death to apply for DEA. If the servicemember dies on active duty, the surviving spouse will have twenty years from the date of the servicemember's death to apply for DEA. *Id.*

¹⁰ *Id.*

however, DEA does not end until the child turns twenty-six.¹¹ Furthermore, DEA provides a higher monthly payment than DIC.¹²

Survivor Benefit Plan

The survivor benefit plan (SBP) is a monthly annuity payment to a surviving beneficiary selected by the servicemember at retirement, or to a statutorily mandated beneficiary if the servicemember dies on active duty.¹³ Servicemembers eligible to participate in the SBP are those who die on active duty while in the line of duty, who retire from active duty, who are medically retired from active duty with 30% or more disability rating, and reservists who are eligible to retire.¹⁴ Moreover, the eligible beneficiaries for the SBP payments are the surviving spouse of the servicemember, the former spouse of the servicemember, and the servicemember's children.¹⁵ If the servicemember did not have a spouse, former spouse, or child, another person with a financial interest in the survival of the servicemember may be eligible.¹⁶ These beneficiaries generally receive an annuity in the amount of 55% of the base amount of retirement selected in the case of a servicemember who retires, or 55% of either 75% of the servicemember's presumed retired pay or the retired pay of the high three years.¹⁷ Therefore, if a servicemember selects \$2000 of his retirement pay for the SBP, the annuity payments to the surviving spouse will be \$1100 a month.

Death Gratuity

Servicemembers can also name one or more beneficiaries to receive all or a portion of a \$100,000 death gratuity if they die on active duty.¹⁸ The \$100,000 can be divided up in 10% increments among several beneficiaries; however, if the servicemember is married, the spouse will be notified if he or she is not designated as a beneficiary or is not designated to receive the entire amount of the death gratuity.¹⁹ The servicemember identifies beneficiaries for the death gratuity using DD Form 93, Record of Emergency Data.²⁰

Servicemembers Group Life Insurance

Servicemembers Group Life Insurance (SGLI) is group term life insurance for servicemembers subsidized by the government from Prudential Life Insurance Company.²¹ Premiums are based upon the amount of coverage selected by the servicemember, which can range from \$50,000 up to the maximum of \$400,000.²² Insurability is guaranteed and the servicemember can select any beneficiary for the SGLI.²³ However, if the servicemember is married, the spouse will be notified if the servicemember does not select the spouse as a beneficiary or elects that the spouse does not receive all the SGLI.²⁴

¹¹ *Id.*

¹² *Id.* Currently, DIC pays \$271 per month per child or \$462 per month if there is no surviving spouse, whereas DEA currently pays \$881 per month if the child is a full-time student. *Id.* § 1311.

¹³ 10 U.S.C.S. §§ 1447–1460B.

¹⁴ *Id.* § 1448.

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ *Id.* § 1451.

¹⁸ *Id.* §§ 1475–1478.

¹⁹ *Id.* § 1477.

²⁰ U.S. Dep't of Defense, DD Form 93, Record of Emergency Data (Jan. 2008).

²¹ 38 U.S.C.S. §§ 1965–1976.

²² *Id.* § 1967.

²³ *Id.*

²⁴ *Id.*

State Benefits

Perhaps because of the longstanding federal benefits available to Families of deceased servicemembers, many states offered very little in the way of survivor benefits prior to September 11th. Since that time, a flurry of new state legislation has greatly increased the state benefits designed to honor servicemembers' sacrifices.²⁵

The majority of state survivor benefits can be grouped into four main categories: education, tax benefits, burial benefits, and death gratuity/annuity. Although the extent of such benefits varies greatly from state to state, almost every state has some benefit package.²⁶

Education Benefits

In addition to the generous federal DEA benefits discussed above, many states offer complete tuition waivers for children and spouses of servicemembers killed on active duty or who die from a service-connected illness or injury. Thirty-five states have some sort of education benefit available to eligible dependents, with the majority of them offering complete tuition waivers and fees.²⁷ Almost all of the states require attendance at a state school in order to receive benefits, but Delaware and West Virginia allow for some funding of attendance at private institutions.²⁸ In addition to tuition and fees, Minnesota offers a \$750 per year stipend, while New Mexico offers a \$150 per semester stipend.²⁹ Finally, Illinois, Maryland, and Iowa do not offer tuition waivers, but they do offer a limited number of full scholarships to children of qualified veterans.³⁰ Although all of these statutes appear generous, applicants should note that some of the states limit the tuition waiver to that amount not covered by federal benefits.³¹

Tax Benefits

State tax benefits have always been a point of interest to active duty servicemembers. Many states do not tax the military compensation of servicemembers, leading some servicemembers to establish residency in a state that will grant them favorable tax treatment. However, in addition to offering favorable state income tax treatment to servicemembers, several states also provide tax breaks to surviving spouses and dependents of eligible veterans. Many of the state tax benefits are targeted to homeowners in the form of property tax credits. In fact, twenty-six states have property tax exemptions of some sort.³² These property tax exemptions almost universally require applicants to satisfy certain conditions: (1) the house had to have been owned by the servicemember prior to death,³³ (2) the house must serve as the principal place of residence, and³⁴ (3) the surviving spouse must remain unmarried after the death of the servicemember.³⁵

²⁵ Although most states extend significant benefits for National Guard members serving in a state status, this article is limited to describing those benefits available to servicemembers (either full-time active duty or National Guard on active duty in a federal status) who die on active duty in a Title 10 status.

²⁶ The states that offer no state death benefits to active duty servicemembers are the District of Columbia, Mississippi, and Oklahoma. *See infra* Appendix.

²⁷ *See infra* Appendix.

²⁸ Delaware offers funding for attendance at a state school, or "[i]f the desired major or training is not available in such an institution, then at a private institution in Delaware." DEL. CODE ANN. tit. 14 § 3454 (2008). If no institution in Delaware offers that major, then the state will pay for full tuition at an out-of-state institution. *Id.* West Virginia allows up to \$2000 in benefits per year for eligible students who wish to attend a private institution. W. VA. CODE R. § 18-19-2 (2008).

²⁹ State of New Mexico Department of Veterans Services, <http://www.dvs.state.nm.us/benefits.html> (last visited Dec. 8, 2008) (providing details of New Mexico's benefits).

³⁰ Illinois offers one scholarship per county, with preference going to children of deceased veterans. 110 ILL. COMP. STAT. 305/9 (2008). Iowa offers financial assistance up to the total cost of undergraduate education for children of veterans who died on active duty after September 11th. IOWA CODE § 35.8 (2008). Finally, Maryland offers fifteen full scholarships for up to five years of undergraduate education. MD. CODE ANN., EDUC. § 18-601 (LexisNexis 2008).

³¹ For example, Arkansas has a federal DEA offset that limits tuition waiver to that not covered under the federal benefits. ARK. CODE ANN. § 6-82-601 (2008).

³² *See infra* Appendix.

³³ *See, e.g.*, HAW. REV. STAT. ANN. § 246-29 (LexisNexis 2008).

³⁴ *See, e.g.*, FLA. STAT. ANN. § 196.081(4) (LexisNexis 2008).

³⁵ *See, e.g.*, NEB. REV. STAT. ANN. § 77-3509 (LexisNexis 2008).

In addition to property tax exemptions, the State of Georgia does not require servicemembers (or, more accurately, their estates) to pay state income tax for the year of death when the servicemember died in a combat zone or as a result of an injury or illness received in a combat zone.³⁶ Georgia also waives payment of all back taxes, interest, and penalties due at the time of death.³⁷ This generous exemption, coupled with a property tax exemption, makes Georgia one of the most generous in terms of tax breaks for surviving Family members.

Death Gratuity

The generous SGLI and federal death gratuity benefits available to servicemembers' surviving Family members are supplemented by a number of states' additional death benefits. Twelve states offer some form of a death gratuity or financial assistance after the death of a servicemember on active duty.³⁸ Five of the states³⁹ offer loans or grants, while the remaining seven⁴⁰ offer funds regardless of financial need. With one exception, none of the states reduce the benefit by the amount of federal benefits received. In Connecticut, however, the \$100,000 death gratuity is "reduced by the amount of any death benefit that is paid to such person for the death of such member under any federal law."⁴¹ As a result, very few surviving Families are eligible for this payment.

The State of Illinois stands out as the most generous for death gratuity benefits. If a servicemember who is an Illinois resident dies "on active duty in connection with Operation Iraqi Freedom or Operation Enduring Freedom," the beneficiary is entitled to file a claim under the Line of Duty Compensation Act (LODCA).⁴² The claim must be filed with the Illinois Court of Claims within one year of the date of death.⁴³ The current payout amount is \$313,887.96.⁴⁴ This amount is in addition to any federal benefits the surviving Family members may receive.⁴⁵ Furthermore, the amount payable under the statute is adjusted each year in accordance with the Consumer Price Index.⁴⁶ Given the substantial sum, servicemembers can and should designate a beneficiary by completing a form available through the Illinois Attorney General's Office.⁴⁷ If no beneficiary is designated, the benefits will be paid as outlined in the statute.⁴⁸

This significant benefit illustrates the importance of seriously weighing all state benefits available to a servicemember before making the decision to establish residency in a new state. A servicemember who is unaware of the significant state benefits available in Illinois would be making a costly mistake if he hastily decided to change his state of residency. The Illinois Line of Duty Compensation Act is a good example of the exceptional state benefits available to beneficiaries of servicemembers who meet the residency requirements and die on active duty in connection with OIF or OEF.

³⁶ GA. CODE ANN. § 48-7-37 (2008).

³⁷ *Id.*

³⁸ *See infra* Appendix.

³⁹ The states are Iowa, Nebraska, North Dakota, Oregon, and South Carolina. *Id.*

⁴⁰ The states are Alaska, Connecticut, Illinois, Maryland, Massachusetts, New Hampshire, and New York. *Id.*

⁴¹ CONN. GEN. STAT. § 27-69a (2008). In addition, in order to be eligible, the servicemember's death had to occur "on or after September 11, 2001, and before July 1, 2006." *Id.*

⁴² The Line of Duty Compensation Act, 820 ILL. COMP. STAT. ANN. 315/1 (LexisNexis 2008).

⁴³ *Id.* 315/3.

⁴⁴ Telephone interview with Tiffany Kretzinger, Clerk, State of Illinois Court of Claims, in Charlottesville, Va. (Dec. 15, 2008) [hereinafter Kretzinger Interview].

⁴⁵ Information Paper, Illinois National Guard, subject: Death benefits for Armed Forces Members Under the Illinois Line of Duty Compensation Act (8 Nov. 2004) [hereinafter Illinois Death Benefits Information Paper]; Kretzinger Interview, *supra* note 44.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ 820 ILL. COMP. STAT. ANN. 315/3. The statute provides for payment to the surviving spouse, then children, then parents, and then siblings. *Id.* However, "if no beneficiary is designated and none of the statutory recipients survive, then no compensation will be paid." Illinois Death Benefits Information Paper, *supra* note 42.

Burial Benefits

Finally, many states provide assistance with burial costs. Although this assistance ranges from full reimbursement of all burial costs to simply a small allotment, at least eighteen states offer some sort of burial benefit.⁴⁹ Most states that have state veterans' cemeteries allow eligible veterans to be buried free of cost in the cemetery. In addition, some states pay for the cost of the grave liner⁵⁰ and emplacement of the headstone.⁵¹ Such benefits are typically paid by the state; however, some states require the individual county where the servicemember resided to pay for the burial.⁵² Although these benefits are primarily designed to cover the cost of the veteran's burial, many states also allow spouses and children to be buried in a state veterans' cemetery, subject to reasonable fees.⁵³ Like many of the benefits outlined above, the state burial benefit can often be overlooked. However, this benefit, in conjunction with the federal burial allowances, can defray the significant cost of burying a veteran.

Federal Tax Treatment of State Benefits

Generally, the federal government taxes all income no matter where it originates from.⁵⁴ Under this rule, any benefits received by an individual as compensation for services from a state, whether in the form of cash or tax credits, would be included in gross income on the federal income tax return.⁵⁵ However, section 112 of the Heroes Earnings Assistance and Relief Tax Act of 2008 (HEART Act) codifies an Internal Revenue Service (IRS) Ruling and a recent memorandum of advice from the Office of Chief Counsel for the IRS concerning state payments to servicemembers.⁵⁶ The Revenue Ruling specifically states that bonuses paid to servicemembers who served in armed conflicts listed in state statutes by state governments are gifts and therefore not includable in gross income.⁵⁷ The Chief Counsel Advice takes this further and states that refundable state income tax credits to military members for time served in a combat zone or qualified hazardous duty area are also non-taxable gifts.⁵⁸ These tax credits and payments are considered gifts because a gift "proceeds from a detached and disinterested generosity, and is made out of affection, respect, admiration, charity or like impulses" and not "from any moral or legal duty or from the incentive of anticipated benefit of an economic nature."⁵⁹ Consequently, payments to a servicemember or surviving Family member in the form of a death gratuity, tax credit, or other bonus are gifts and are not included in gross income when determining income tax.

Conclusion

Survivor benefits are an integral part of any servicemember's compensation package. In addition to providing financial assistance to surviving Family members, survivor benefits give Soldiers peace of mind. Servicemembers can focus on the mission, knowing that if they make the ultimate sacrifice, the government will provide substantial assistance to their loved ones. As military lawyers, one of our most important duties is to assist servicemembers' Families in obtaining all of the survivor benefits they are entitled to. To that end, all military lawyers must remember that surviving Family members may be entitled to valuable state and federal benefits. In addition, servicemembers must seriously consider what state benefits

⁴⁹ See *infra* Appendix.

⁵⁰ See, e.g., MD. CODE ANN., STATE GOV'T § 9-906(h) (LexisNexis 2008). "A grave liner is a concrete container within a grave site in which the casket is placed. It is provided . . . to reduce the amount of grave sinkage subsequent to the interment." State of New Jersey Department of Military and Veterans Affairs, <http://www.nj.gov/military/cemetery/general.html> (last visited Dec. 10, 2008).

⁵¹ See, e.g., 330 ILL. COMP. STAT. ANN. 110/1.1 (2008).

⁵² See, e.g., HAW. REV. STAT. ANN. § 363-5 (LexisNexis 2008).

⁵³ See, e.g., DEL. CODE ANN. tit. 20 § 1204 (2008).

⁵⁴ I.R.C. § 61(a) (LexisNexis 2008).

⁵⁵ I.R.C. § 61(a)(1); Treas. Reg. § 1.61-2(d).

⁵⁶ Pub. L. No. 110-245, 122 Stat. 1624 (citing Rev. Rul. 68-158, 1968-1 C.B. 47; Chief Counsel Advice 200708003 (Feb. 23, 2007)).

⁵⁷ Rev. Rul. 68-158, 1968-1 C.B. 47.

⁵⁸ Chief Counsel Advice 200708003.

⁵⁹ *Id.* (citing *Duberstein v. Comm'r*, 363 U.S. 278 (1960)).

they may be forfeiting before deciding to change their state of residency. By keeping informed of the constant changes in state survivor benefits, military lawyers will be able to help surviving Family members receive all of the benefits they deserve.

Appendix

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
Alabama	§ 31-6-4: Alabama GI Dependents' Scholarship. Children of service members who were killed or died in line of duty or died from disability incurred from military service are exempt from tuition, fees, and book costs for four academic years. § 31-6-5: Same benefit extended to widows of above described veterans.	None.	None.	None.
Alaska	§ 14.43.085: Free undergraduate tuition and fees for a spouse or dependent of a service member who died in the line of duty or as a result of injuries sustained while in the line of duty.	None.	§26.10.080: Death gratuity of \$750 to surviving spouse, or if no spouse, to the personal representative of a qualified veteran (must be resident of AK at the time of entry into service and returned to AK within 1 yr. after discharge from service).	None.
Arizona	None.	§ 42-11111; Property tax exemption for widows and widowers (general exemption not related to veterans' benefits). Exemption dependent on household income.	None.	None.
Arkansas	§ 6-82-601: Spouse or children of disabled veteran or service member killed in action receive free undergraduate tuition and fees. Benefits are limited to the amount not covered by Dependents' Educational Assistance Program. If student is not eligible for DEA, then all costs are covered for tuition and fees.	§ 26-3-306: The unremarried surviving spouse and minor dependent children of service member who was either killed or died in the scope of military duties, or was disabled (loss of limb, total blindness, or 100%) are exempt from homestead and personal property taxes.	None.	None.

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
California	§ 66025.3: Tuition and fees waived for children of a resident veteran who was killed in service or died of a service-connected disability. Child's annual income cannot exceed the national poverty level	Cal. Const., Art. XIII, § 3: Veterans Exemption. Unmarried surviving spouse (and in some cases children) of a deceased veteran receives partial property tax exemption on principal place of residence. Veteran must have died on active duty or from a service-connected illness/injury, or been totally disabled, blind in both eyes, or lost use of two or more limbs.	None.	Cost of burial, monument, and concrete vault waived for eligible veterans when buried in a state veteran's cemetery. http://www.cdva.ca.gov/Cemetery/Default.aspx
Colorado	None.	None.	None.	None.
Connecticut	§ 10a-77, 10a-99: Free tuition and fees at community colleges or state universities for dependent children or surviving spouse of resident service person who was killed in action while performing active military duty with U.S. Armed Forces on or after 9/11/01 and was a resident of the state.	None.	§ 27-69a. Payment of \$100,000 over ten years to surviving spouse or children of service member killed in action or as a result of an accident or illness sustained while performing active military duty between 9/11/01 and 6/30/06. Payment is reduced by amount of any death benefit provided under federal law.	None.
Delaware	§ 3451 et seq.: Children of resident service members killed on active duty or who died from illness or injury arising from the performance of duty receive four years of state tuition and fees, or may receive funding for private school tuition and fees under certain circumstances.	None.	None.	§ 1204. Veterans may be buried in state veterans cemeteries at no cost. Immediate Family members may be buried, but reasonable fees may apply.
District of Columbia	None.	None.	None.	None.
Florida	§ 295.015 et seq., 295.0185. Children of resident veterans who die on active duty in specific military conflicts, including OIF and OEF, may receive four years of free tuition and fees at state institutions of higher education.	§ 196.081(4): Unremarried spouses of veterans who died from service-connected causes while on active duty are exempt from homestead property taxation.	None.	None.

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
Georgia	None.	<p>§ 48-5-48. Surviving spouse or minor children of a totally disabled veteran of any war or armed conflict may receive a partial property tax exemption if they remain in the homestead occupied by the veteran prior to death.</p> <p>§ 48-7-37. Any member of the Armed Forces who dies in a combat zone or from illness or injury received in a combat zone will not be required to pay taxes for the year of death, nor any taxes from previous years due at the time of death.</p>	None.	§ 38-4-70. Veterans are eligible for interment without cost at a state veterans' cemetery.
Hawaii	None.	§ 246-29. Widow/ers of totally disabled veterans who incurred such disability while on active duty are exempt from property tax on the homestead that they continued to occupy after the death of the disabled veteran.	None.	§ 363-5. Counties are responsible for the cost of interment of service members who are residents or former residents of that county and: die on active duty; are honorably discharged veterans; are widow/ers or minor children of such deceased servicemen or veterans; or are wives/husbands or dependent children who predecease a servicemen or veteran.

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
Idaho	None.	§ 63-701 et seq.: Widow/ers (veteran status irrelevant) may receive a partial property tax exemption, subject to household income limitations.	None.	None.
Illinois	110 ILCS 305/9: Scholarships for children of veterans: one four-year scholarship per county to a state institution of higher education for children of resident veterans of specific named conflicts, including OIF/OEF— preference to children whose parent died or is disabled.	None.	820 ILCS 315/1: Effective 10/18/04, death gratuity paid to surviving spouse (if no spouse, then beneficiaries as outlined in statute) of Armed Forces members who died while on active duty in connection with OIF or OEF. The current payment amount is \$301, 236.05 and increases each year. 330 ILCS 100/4: Compensation in connection with deceased veterans of the GWOT: the widow/er, children, persons standing in loco parentis, brothers and sisters, in the order named, of an Illinois veteran who had a service-connected death as a result of hostile action on or after 9/11/01 shall be paid \$3000. Note that there are other provisions for surviving Family members of previous conflicts, as well.	330 ILCS 110/1.1: \$100 allowance to erect veterans' headstone.
Indiana	§21-14-4-1: Children of resident service members who served in an operation awarding a service or campaign medal and suffered a service-connected death are eligible for free tuition and fees at any state institution of higher education.	None.	None.	None.

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
Iowa	§ 35.8 War Orphans Educational Assistance Fund. Children who have lived for the past two years in Iowa, are less than 31 years old, and had a resident parent who died on active duty after 9/11/01 are eligible for tuition and fee financial assistance up to the cost of the highest undergraduate tuition of a state institution of higher learning, based on financial need, for up to five years.	§ 425.15: Unremarried surviving spouse and children of deceased veteran who was disabled will receive full property tax exemption. This exemption is subject to household income limitations.	§ 35A.15: Surviving spouse of veteran who served for at least ninety days between 9/11/01 and 6/30/08 is eligible for loans and grants for the purchase of a home.	None.
Kansas	§ 75-4364: Spouses and dependents of resident veterans who died on or after 9/11/01, while, and as a result of, military service receive free tuition and fees for up to 10 semesters of undergraduate instruction.	None.	None.	§ 73-304: Each county is responsible for “decently” interring the body of honorably discharged veterans who served in specifically listed conflicts.
Kentucky	§ 164.507: The unremarried spouse, and any child, stepchild, or orphan under the age of 26 of a deceased resident veteran who died on active duty, served in a conflict, or died of a service-connected disability, shall receive free tuition and fees at a state higher education institution for up to 45 months.	None.	None.	None.
Louisiana	§ 29:288: Children (from 16-24 yrs. old) and surviving spouses of resident veterans who died on active duty or of a service-connected disability incurred during wartime receive free tuition and fees at any state institution of higher learning.	None.	None.	§ 29:295: State veterans cemetery available, but fees may apply

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
Maine	§ 505: Surviving spouse, children (16-26 yrs.), and stepchildren of resident veterans who were killed in action, died from a service-connected disability, or were totally disabled due to service-connected disability at the time of death and died from another cause, may attend a state institution of higher education for a maximum of 120 credit hours (8 semesters for children).	§ 653: Up to \$6,000 of the estate of any veteran is exempt from state taxation if the veteran was awarded the Armed Forces Expeditionary Medal or participated in specified conflicts and have attained the age of 62 or received total disability benefits prior to death.	None.	§ 504: Veterans may be buried in state veterans' cemeteries at no expense (burial vault not included). Immediate Family members may be buried in state veterans' cemeteries without charge (burial vault not included).
Maryland	§ 18-601: Children of resident veterans who died as a result of military service may receive one of 15 full scholarships for a period of up to five years of full-time study at a state institution of higher education.	§ 7-208: Dwelling house of surviving spouse of resident veteran who died in the line of duty or surviving spouse of disabled veteran is exempt from property tax if the property was owned by the veteran prior to death and if the surviving spouse owns and resides in the house.	§ 1-202: Surviving spouse, child, dependent parent, or estate of a resident service member who dies in the performance of duties on or after 1/1/06 while serving in Afghanistan or Iraq will receive a \$125,000 death benefit.	§ 9-906: Veterans may be buried without cost at state veterans' cemeteries, including cost of burial and a grave liner. Immediate Family members may be buried at state veterans' cemeteries for the cost of burial.
Massachusetts	§ 16: Tuition and fees waiver for widowed spouses and children of resident veterans who were killed in action or otherwise died as a result of such service.	§ 5: Unremarried surviving spouses and parents of service members who died during combat service, or of injury or illness contracted during such service, are entitled to a partial property tax exemption.	§ 88: Surviving spouse of NG member who dies from injury, sickness or disease received while in the line of duty under Title 10 or 32 will receive \$100,000 single payment. § 6B: Parents and unremarried surviving spouse of resident veteran who died as a result of injury or disease contracted during active service in time of war or insurrection or combat receive \$2000 per year, paid in two equal installments each year.	None.

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
Michigan	None.	None.	None.	§ 35.801: \$300 Payment toward burial expenses for resident veterans who served during time of war or the Vietnam Conflict or the spouse of said veteran, subject to estate value limitations.
Minnesota	§ 197.75: Free tuition up to bachelor's degree at participating state institutions of higher learning and \$750 stipend per year for children and spouses of deceased veterans who died as a result of military service.	None.	None.	§ 197.236: No plot or interment fees for the burial of eligible veterans in a state veterans' cemetery, but any Social Security or veterans' burial allowances must be remitted to the commissioner up to the amount of the actual costs of burial. Fees may be charged to immediate Family interred in a veterans' cemetery.
Mississippi	None.	None.	None.	None.

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
Missouri	None.	None.	None.	§ 42.010: No fee charged for interment, grave liner, and setting of headstone at state veterans' cemetery. http://www.mv.c.dps.mo.gov/Cemeterys/Benefits/benefits.html
Montana	§ 20-25-421: Tuition and fee waiver for children of residents killed on active duty	None	None	§ 10-2-501: Interment allowance of \$250, \$70 for placement of headstone
Nebraska	§ 80-411: Waiver of tuition of higher education up to a bachelor's degree for children or spouse of a veteran who died on active duty or from a service-connected disability.	§ 77-3509: Property tax relief for unmarried widow/er of service member who died on active duty or veteran who was discharged with honorable or general characterization who died of service-connected disability. Relief dependent on household income.	§ 80-401.03: Veterans' Aid Fund available for needy veterans and their dependents.	
Nevada	None.	None.	None.	§ 417.210: One burial plot for each veteran and each member of the immediate family in a state veteran's cemetery.
New Hampshire	§ 193:19: Free tuition at state institution of higher education for four years for children of veteran who died on active duty or as a result of service-connected disability.	§ 72:35: Widow/er of veteran who had a total and permanent service-connected disability, was paraplegic, or double amputee receives property tax credit from \$700-2000 § 72:28: \$50-500 property tax credit for spouse of a wartime veteran or veteran who died of service-connected disability or on active duty	§ 115-A:16: Service member on or after 9/11/01 eligible for \$100 bonus.	None.

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
New Jersey	<p>§ 18A:62-1: Free tuition for undergraduate or graduate courses for child or widow/er of New Jersey National Guard member who is killed in the performance of his duties while a member of the Guard—must apply for all federal benefits first.</p> <p>War Orphans Tuition Assistance: \$500 per year for child of service member who died on active duty or due to service-connected disability</p>	<p>§ 18:28: Property Tax Exemption for surviving spouses of veteran who died during wartime or from total service-connected disability.</p> <p>§ 18:27: \$250 Property Tax Deduction for surviving spouse of veteran who served during GWOT or other time of war.</p>		None.
New Mexico	<p>Full tuition and \$150/semester stipend for children of veterans who died on active duty or of battle related wounds.</p> <p>http://www.dvs.state.nm.us/benefits.html</p>	<p>§7-37-5: Up to \$4000 of taxable value of property is exempt from tax for veteran's surviving spouse. Veteran must have had at least ninety days of continuous service.</p>	None	None
New York	<p>§ 608-a: Scholarship for spouse, child or financial dependent of a service member who died on active duty or as a result of service-connected disability arising from training for or participation in combat operations.</p> <p>§ 604: Regents award (currently \$450) for children of deceased veterans.</p>	<p>§ 458: Certain real property of unremarried surviving spouse of veteran is exempt from taxation up to \$5000.</p>	<p>§ 367: Gold Star Parent Annuity. Annual annuity of \$500 per year to parent who was financially dependent on deceased veteran. Household income limits apply.</p>	<p>§354-b: Surviving Family member of veterans killed in combat or when serving as defined in 37 USC 310(a)(4) receive up to \$6000 reimbursement for burial expenses not otherwise covered.</p>

STATE	EDUCATION BENEFITS	TAX BENEFITS	DEATH GRATUITY/ANNUITY	BURIAL BENEFITS
North Carolina	<p>§ 165-21: Children of service members who died as a result of wartime service. Scholarship for tuition, room, board, and fees for four years.</p> <p>§165-22: 100 full scholarships for children of service members who died as a result of service-connected illness or injury.</p>	<p>Six months of gratuity payment to a beneficiary of a deceased service member exempt from income taxation.</p> <p>Insurance dividends and government insurance exempt from income taxation.</p> <p>http://www.doa.state.nc.us/vets/benefits-taxrelief.htm</p>	None.	None.
North Dakota	<p>§ 15-10-18.3: Child, stepchild, or widow/er of resident veteran who was killed in action or died of service-connected causes receives free tuition and fees in North Dakota institutions of higher education up to bachelor's degree or certificate of completion. Must be completed in 45 months or a 10-semester period.</p>	None.	<p>§ 37-14-03.3: Veterans Aid Fund Loan up to \$5000 for unmarried surviving spouse of a veteran.</p>	None.
Ohio	<p>§ 3333.26: Tuition and fee waivers for children and spouses of members of the Armed Forces killed in the line of duty.</p> <p>§ 5910.031: War Orphan Scholarship Fund. Children of members of the Ohio NG or Reserves who are killed or permanently and totally disabled on active duty receive a scholarship.</p>	None.	None.	<p>§ 5901.23: Burial plot and interment for veterans.</p>
Oklahoma	None.	None.	None.	None.
Oregon	None.	<p>§ 307.250: Property of war veterans or surviving unremarried spouses is exempt from taxation for up to \$18,000 of assessed value of homestead or personal property.</p>	<p>§ 396.362: Oregon Military Emergency Financial Assistance Program: Provide grants and loans to surviving Family members of Oregon NG Soldiers</p>	None.

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Pennsylvania	<p>§ 3503: Tuition waiver for children and spouses of deceased Soldiers. Full waiver of tuition costs and fees. Soldier must have been Pennsylvania NG serving in any state or federal status at the time of death.</p> <p>§7203: Post-secondary Educational Gratuity Program. Children of NG members who are on federal or state active duty killed in performance of those duties receive full waiver of tuition, fees, room, and board.</p>	None.	None.	§1911: Up to \$100 contributed toward the burial of deceased service member.
Rhode Island	None.	§ 44-3-5: Gold Star Parents Exemption. Parents of service members killed in the line of duty receive up to a \$39,000 exemption on real and personal property tax (amount varies by county).	None.	None.
South Carolina	§ 59-111-20: Free tuition for certain veterans' children. Child of wartime veteran receives free tuition if veteran was killed in action or died of diseases or disability.	§ 12-37-220: a home owned by surviving spouse of service member killed in action or disabled veteran is exempt from ad valorem taxes.	§ 25-11-320: The South Carolina Military Family Relief Fund. Grants up to \$2000 awarded to next of kin of service member wounded or killed on active duty.	None.
South Dakota	§13-55-6. Free tuition for children of deceased veterans. Child of any veteran who died on active duty receives free tuition.	§ 10-4-24.10: Property tax exemption for surviving spouses of paraplegic veterans.	None.	§ 33-19-3: Maximum payment of \$100 for burial and funeral expenses of veteran.
Tennessee	None.	§ 67-5-704: Unremarried surviving spouse of disabled veteran who was receiving property tax relief will continue to receive the relief if property is used as a home. Relief calculated by formula.	None.	None.

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Texas	None.	§ 11.22: Unremarried surviving spouse of disabled veteran receive up to \$12,000 property tax exemption. Also, surviving spouse and children under age 18 of service member who died on active duty receive maximum of \$10,000 property tax exemption.	None.	None.
Utah	§ 53B-8-107: Scott B. Lundell Military Survivors Tuition Waiver. Dependents of service members who died on active duty or as a result of wounds or injuries incurred while on active duty receive free tuition.	None.	None.	None.
Virginia	§ 23-7.4:1: Waiver of Tuition and Certain Charges and Fees. Surviving spouse and children of certain military members killed on active duty receive waiver of tuition and certain charges and fees.	None.	None.	None.
Washington	§ 28B.15.621: Tuition Waiver for dependents of veterans and NG members. All tuition and fees waived at all state universities and colleges for surviving children, spouses, or domestic partners of veterans who died on active duty.	§ 84.36.381: Property tax exemption for surviving spouse of veteran who died of service-connected disability and was 100% disabled or died on active duty. Amount dependent on household income and value of property.	None.	None.
West Virginia	<p>§ 18-19-3: No State tuition fees charged to surviving spouse or child of a service member killed on active duty or who died of disease or injury arising from combat.</p> <p>§ 18-19-2: If above students attend a private educational institution, they are eligible for up to \$2000/yr. in benefits.</p>	None.	None.	None.

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Wisconsin	§ 36.27: Fee remission for surviving spouses and children of service members who died on active duty or as a result of a service-connected disability.	§ 71.07: Surviving spouse of a 100% disabled veteran receives property tax credit.	None.	None.
Wyoming	§ 19-14-106: Surviving spouse and dependents of service member who died on active duty or of service-connected injury or illness receive free tuition and fees at any state community college or University of Wyoming.	§ 39-13-105: surviving spouse of veteran who died in WWII, Korean Conflict, or Vietnam War receive \$3000 property tax exemption.	None.	§ 19-14-108. Free burial plot in a state veterans' cemetery for any eligible veteran.