

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 1930

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DATE
02/27/2025

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Introduction and first reading
Referred to Agriculture, Veterans, Broadband, and Rural Development
See SF1959

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to veterans; providing continued education benefits to surviving spouses
- 1.3 who remarry; amending Minnesota Statutes 2024, sections 197.75, subdivision 1;
- 1.4 197.791, subdivision 4.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2024, section 197.75, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this section.
- 1.8 (b) "Commissioner" means the commissioner of veterans affairs.
- 1.9 (c) "Deceased veteran" means a veteran who has died as a result of the person's military
- 1.10 service, as determined by the United States Veterans Administration, and who was a resident
- 1.11 of this state: (1) within six months of entering the United States armed forces, or (2) for the
- 1.12 six months preceding the veteran's date of death.
- 1.13 (d) "Eligible child" means a person who:
- 1.14 (1) is the natural or adopted child or stepchild of a deceased veteran; and
- 1.15 (2) is a student making satisfactory academic progress at an eligible institution of higher
- 1.16 education.
- 1.17 (e) "Eligible institution" means a postsecondary educational institution located in this
- 1.18 state that either is operated by this state or the Board of Regents of the University of
- 1.19 Minnesota, or is licensed or registered with the Office of Higher Education.
- 1.20 (f) "Eligible spouse" means the surviving spouse of a deceased veteran, regardless of
- 1.21 whether the surviving spouse remarries.

2.1 (g) "Eligible veteran" means a veteran who:

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

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

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

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

2.11 (h) "Satisfactory academic progress" has the meaning given in section 136A.101,
2.12 subdivision 10.

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

2.14 (j) "Veteran" has the meaning given in section 197.447.

2.15 Sec. 2. Minnesota Statutes 2024, section 197.791, subdivision 4, is amended to read:

2.16 Subd. 4. **Eligibility.** (a) A person is eligible for educational assistance under subdivision
2.17 5 if:

2.18 (1) the person is:

2.19 (i) a veteran who is serving or has served honorably in any branch or unit of the United
2.20 States armed forces at any time;

2.21 (ii) a nonveteran who has served honorably for a total of five years or more cumulatively
2.22 as a member of the Minnesota National Guard or any other active or reserve component of
2.23 the United States armed forces, and any part of that service occurred on or after September
2.24 11, 2001;

2.25 (iii) the surviving spouse, whether unmarried or remarried, or child of a person who has
2.26 served in the military and who has died as a direct result of that military service, only if the
2.27 surviving spouse or child is eligible to receive federal education benefits under United States
2.28 Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as
2.29 amended; or

2.30 (iv) the spouse or child of a person who has served in the military at any time and who
2.31 has a total and permanent service-connected disability as rated by the United States Veterans

Administration, only if the spouse or child is eligible to receive federal education benefits under United States Code, title 38, chapter 33, as amended, or United States Code, title 38, chapter 35, as amended; and

(2) the person receiving the educational assistance is a Minnesota resident, as defined in section 136A.101, subdivision 8; and

(3) the person receiving the educational assistance:

(i) is an undergraduate or graduate student at an eligible institution;

(ii) is maintaining satisfactory academic progress as defined by the institution for students participating in federal Title IV programs;

(iii) is enrolled in an education program leading to a certificate, diploma, or degree at an eligible institution;

(iv) has applied for educational assistance under this section prior to the end of the academic term for which the assistance is being requested;

(v) is in compliance with child support payment requirements under section 136A.121, subdivision 2, clause (5); and

(vi) has completed the Free Application for Federal Student Aid (FAFSA).

(b) A person's eligibility terminates when the person becomes eligible for benefits under section 135A.52.

(c) To determine eligibility, the commissioner may require official documentation, including the person's federal form DD-214 or other official military discharge papers; correspondence from the United States Veterans Administration; birth certificate; marriage certificate; proof of enrollment at an eligible institution; signed affidavits; proof of residency; proof of identity; or any other official documentation the commissioner considers necessary to determine eligibility.

(d) The commissioner may deny eligibility or terminate benefits under this section to any person who has not provided sufficient documentation to determine eligibility for the program. An applicant may appeal the commissioner's eligibility determination or termination of benefits in writing to the commissioner at any time. The commissioner must rule on any application or appeal within 30 days of receipt of all documentation that the commissioner requires. The decision of the commissioner regarding an appeal is final. However, an applicant whose appeal of an eligibility determination has been rejected by the commissioner may submit an additional appeal of that determination in writing to the commissioner at

4.1 any time that the applicant is able to provide substantively significant additional information
4.2 regarding the applicant's eligibility for the program. An approval of an applicant's eligibility
4.3 by the commissioner following an appeal by the applicant is not retroactively effective for
4.4 more than one year or the semester of the person's original application, whichever is later.

4.5 (e) Upon receiving an application with insufficient documentation to determine eligibility,
4.6 the commissioner must notify the applicant within 30 days of receipt of the application that
4.7 the application is being suspended pending receipt by the commissioner of sufficient
4.8 documentation from the applicant to determine eligibility.