

HOUSE BILL No. 4608

April 29, 1999, Introduced by Reps. Cherry, Hale, Jacobs, Pestka, Martinez, Schauer, Bovin, Julian, Mortimer, Bogardus, Scott, Godchaux, LaSata, Green, Brewer, Schermesser, DeHart, Daniels, Caul, Frank, Neumann, Bob Brown, Toy, Pumford, Minore and Scranton and referred to the Committee on Appropriations.

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition act," by amending the title and sections 1, 2, 3, and 4 (MCL 390.1241, 390.1242, 390.1243, and 390.1244).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for a waiver of tuition at state public

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institutions of higher education for children and surviving

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spouses of Michigan police officers and ~~fire fighters~~

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FIREFIGHTERS killed in the line of duty; and to provide for an

6

appropriation.

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Sec. 1. This act shall be known and may be cited as the

8

"police officer's and ~~fire fighter's~~ FIREFIGHTER'S survivor

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tuition act".

1 Sec. 2. As used in this act:

2 (a) "Child" means an individual who is a natural or adopted
3 child of a deceased Michigan police officer or deceased Michigan
4 ~~fire fighter~~ FIREFIGHTER and who was under the age of 21 at the
5 time of the Michigan police officer's or Michigan ~~fire~~
6 ~~fighter's~~ FIREFIGHTER'S death.

7 (b) "Department" means the department of state police.

8 (c) "Killed" means that the Michigan police officer's or
9 Michigan ~~fire fighter's~~ FIREFIGHTER'S death is the direct and
10 proximate result of a traumatic injury incurred in the line of
11 duty.

12 (d) "Line of duty" means an action that a Michigan police
13 officer or Michigan ~~fire fighter~~ FIREFIGHTER is obligated or
14 authorized to perform by rule, regulation, condition of employ-
15 ment or service, or law, including, but not limited to, a social,
16 ceremonial, or athletic function that the Michigan police officer
17 or Michigan ~~fire fighter~~ FIREFIGHTER is assigned to or compen-
18 sated for by the public agency he or she serves.

19 (e) "Michigan police officer" means a sheriff or sheriff's
20 deputy of a sheriff's department in this state; village or town-
21 ship marshal of a village or township in this state; officer of
22 the police department of any city, village, or township in this
23 state; officer of the Michigan state police; or any other police
24 officer or law enforcement officer trained and certified pursuant
25 to the ~~Michigan law enforcement officers training council act of~~
26 ~~1965, Act No. 203 of the Public Acts of 1965, being sections~~

1 ~~28.601 to 28.616 of the Michigan Compiled Laws~~ COMMISSION ON LAW
2 ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616.

3 (f) "Michigan ~~fire fighter~~ FIREFIGHTER" means a member
4 including volunteer members and members paid on call of a fire
5 department, or other organization that provides fire suppression
6 and other fire-related services ~~—~~ OF THIS STATE OR of a city,
7 township, village, ~~or~~ county, AUTHORITY, OR OTHER GOVERNMENTAL
8 UNIT who is responsible for or is in a capacity that includes
9 responsibility for the extinguishment of fires. Michigan ~~fire~~
10 ~~fighter~~ FIREFIGHTER does not include a person whose job descrip-
11 tion, duties, or responsibilities do not include direct involve-
12 ment in fire suppression.

13 (g) "Occupational disease" means a disease that routinely
14 constitutes a special hazard in, or is commonly regarded as con-
15 comitant of, the Michigan police officer's or Michigan ~~fire~~
16 ~~fighter's~~ FIREFIGHTER'S occupation.

17 (h) "State institution of higher education" means a public
18 community or junior college established under section 7 of arti-
19 cle VIII of the state constitution of 1963 or part 25 of the
20 revised school code, ~~Act No. 451 of the Public Acts of 1976,~~
21 ~~being sections 380.1601 to 380.1607 of the Michigan Compiled~~
22 ~~Laws~~ 1976 PA 451, MCL 380.1601 TO 380.1607, or a state univer-
23 sity described in section 4, 5, or 6 of article VIII of the state
24 constitution of 1963.

25 (i) "Traumatic injury" means a wound or the condition of the
26 body caused by external force, including, but not limited to, an
27 injury inflicted by bullet, explosive, sharp instrument, blunt

1 object or other physical blow, fire, smoke, chemical,
2 electricity, climatic condition, infectious disease, radiation,
3 or bacteria, but excluding an injury resulting from stress,
4 strain, or occupational disease.

5 (j) "Tuition" means tuition at the rate charged for resi-
6 dents of this state.

7 Sec. 3. (1) Beginning in the 1996-1997 academic year, and
8 subject to the limitations in subsections (2), (3), and (4), a
9 state institution of higher education shall waive tuition for
10 each child and surviving spouse of a Michigan police officer or
11 Michigan ~~fire fighter~~ FIREFIGHTER who has been or is killed in
12 the line of duty if the child or surviving spouse meets all of
13 the following requirements:

14 (a) Applies, qualifies, and is admitted as a full-time,
15 part-time, or summer school student in a program of study leading
16 to a degree or certificate.

17 (b) Is a legal resident of the state for at least the 12
18 consecutive months immediately preceding his or her application.
19 For an individual who is a dependent of his or her parent, resi-
20 dency status shall be determined by the parent's residency. For
21 an individual who is not a dependent, residency status shall be
22 determined in the same manner as under title IV of the higher
23 education act of 1965, Public Law 89-329, 79 Stat. 1232.

24 (c) Applies to the department for tuition waiver under this
25 act and provides evidence satisfactory to the department that he
26 or she is the child or the surviving spouse of a Michigan police
27 officer or Michigan ~~fire fighter~~ FIREFIGHTER who was killed in

1 the line of duty, that the course or courses for which he or she
2 is seeking a tuition waiver meet the requirements of subsection
3 (2), and that he or she meets the other requirements of this
4 section.

5 (d) For a child of a Michigan police officer or Michigan
6 ~~fire fighter~~ FIREFIGHTER who was killed in the line of duty,
7 applies under subdivision (c) for the first time before the age
8 of 21.

9 ~~-(e) Is certified by the financial aid officer at the state~~
10 ~~institution of higher education as needing the tuition waiver in~~
11 ~~order to meet recognized educational expenses. If the child's or~~
12 ~~surviving spouse's family income, excluding any income from death~~
13 ~~benefits attributable to the Michigan police officer's or~~
14 ~~Michigan fire fighter's death, is below 400% of poverty level~~
15 ~~under federal poverty guidelines published by the United States~~
16 ~~department of health and human services, income from any death~~
17 ~~benefits accruing to the child or surviving spouse as a result of~~
18 ~~the Michigan police officer's or Michigan fire fighter's death~~
19 ~~shall not be counted as family income in determining financial~~
20 ~~need under this subdivision.~~

21 (E) ~~-(f)-~~ Maintains satisfactory academic progress, as
22 defined by the state institution of higher education, for each
23 term or semester in which he or she is enrolled. The satisfac-
24 tory progress definition used by an institution for federal stu-
25 dent assistance programs under title IV of the higher education
26 act of 1965, PUBLIC LAW 89-329, 79 STAT. 1232, is acceptable for
27 the purposes of this act.

1 (F) ~~(g)~~ Has not achieved a bachelor's degree and has
2 received tuition reimbursement under this act for less than 124
3 semester credits or 180 term credits at an institution of higher
4 education.

5 (2) A state institution of higher education shall waive
6 tuition under this act only for courses that are applicable
7 toward the degree or certificate requirements of the program in
8 which the child or surviving spouse is enrolled.

9 (3) A child or surviving spouse of a Michigan police officer
10 or Michigan ~~fire fighter~~ FIREFIGHTER who was killed in the line
11 of duty is eligible for tuition waiver under this section for not
12 more than a total of 9 semesters or the equivalent number of
13 terms or quarters.

14 (4) Tuition shall be waived only to the extent that the
15 tuition is not covered or paid by any scholarship, trust fund,
16 statutory benefit, or any other source of tuition coverage avail-
17 able to the person eligible for a waiver under this act.

18 Sec. 4. (1) Beginning in the 1996-1997 academic year, upon
19 receiving an application under section ~~3(e)~~ 3(1)(C), the
20 department shall determine whether the applicant and the courses
21 for which tuition waiver is sought meet the requirements of
22 section 3 and, if so, shall approve the application and notify
23 the state institution of higher education that the application
24 has been approved.

25 (2) Beginning in the 1996-1997 academic year, upon applica-
26 tion by the state institution of higher education, the department
27 ~~annually~~ shall reimburse each state institution of higher

1 education, IMMEDIATELY AFTER THE COMPLETION OF EACH TERM OR
2 SEMESTER, for the total amount of tuition waived during the imme-
3 diately preceding ~~fiscal year~~ TERM OR SEMESTER under
4 section 3. The department annually shall report to the legisla-
5 ture the number of individuals for whom tuition has been waived
6 at each state institution of higher education and the total
7 amounts to be paid under this act for that fiscal year.