

HOUSE BILL No. 5064

June 9, 2009, Introduced by Rep. Smith 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 section 3 (MCL 390.1243); and to repeal acts and parts
of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

8 (a) Applies, qualifies, and is admitted as a full-time, part-
9 time, or summer school student in a program of study leading to a

1 degree or certificate.

2 (b) Is a legal resident of the state for at least the 12
3 consecutive months immediately preceding his or her application.
4 For an individual who is a dependent of his or her parent,
5 residency status shall be determined by the parent's residency. For
6 an individual who is not a dependent, residency status shall be
7 determined in the same manner as under title IV of the higher
8 education act of 1965, Public Law 89-329, 79 Stat. 1232.

9 (c) Applies to the department for tuition waiver under this
10 act and provides evidence satisfactory to the department that he or
11 she is the child or the surviving spouse of a Michigan police
12 officer or Michigan fire fighter who was killed in the line of
13 duty, that the course or courses for which he or she is seeking a
14 tuition waiver meet the requirements of subsection (2), and that he
15 or she meets the other requirements of this section.

16 (d) For a child of a Michigan police officer or Michigan fire
17 fighter who was killed in the line of duty, applies under
18 subdivision (c) for the first time before the age of 21.

19 (e) Is certified by the financial aid officer at the state
20 institution of higher education as needing the tuition waiver in
21 order to meet recognized educational expenses. If the child's or
22 surviving spouse's family income, excluding any income from death
23 benefits attributable to the Michigan police officer's or Michigan
24 fire fighter's death, is below 400% of poverty level under federal
25 poverty guidelines published by the United States department of
26 health and human services, income from any death benefits accruing
27 to the child or surviving spouse as a result of the Michigan police

1 officer's or Michigan fire fighter's death shall not be counted as
2 family income in determining financial need under this subdivision.

3 (f) Maintains satisfactory academic progress, as defined by
4 the state institution of higher education, for each term or
5 semester in which he or she is enrolled. The satisfactory progress
6 definition used by an institution for federal student assistance
7 programs under title IV of the higher education act of 1965 is
8 acceptable for the purposes of this act.

9 (g) Has not achieved a bachelor's degree and has received
10 tuition reimbursement under this act for less than 124 semester
11 credits or 180 term credits at an institution of higher education.

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

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

20 (4) Tuition shall be waived only to the extent that the
21 tuition is not covered or paid by any scholarship, trust fund,
22 statutory benefit, or any other source of tuition coverage
23 available to the person eligible for a waiver under this act.

24 (5) **THIS SECTION DOES NOT APPLY AFTER THE 2008-2009 ACADEMIC**
25 **YEAR.**

26 (6) **BEGINNING ON THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT**
27 **ADDED THIS SUBSECTION, THE MICHIGAN HIGHER EDUCATION ASSISTANCE**

1 AUTHORITY CREATED BY 1960 PA 77, MCL 390.951 TO 390.961, SHALL
2 NOTIFY EACH STATE INSTITUTION OF HIGHER EDUCATION OF THE PENDING
3 REPEAL OF THIS ACT AND THE TIMETABLE DESCRIBED IN SUBSECTION (5).

4 Enacting section 1. The police officer's and fire fighter's
5 survivor tuition act, 1996 PA 195, MCL 390.1241 to 390.1246, is
6 repealed effective October 1, 2009.

7 Enacting section 2. This amendatory act does not take effect
8 unless Senate Bill No.____ or House Bill No.____ (request no.
9 00505'09) of the 95th Legislature is enacted into law.