

SUBSTITUTE FOR
HOUSE BILL NO. 5873

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, 4, and 5 (MCL 390.1241,
390.1242, 390.1243, 390.1244, and 390.1245).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 TITLE

2 An act to provide for a ~~waiver of tuition~~ **GRANT PROGRAM** at
3 state public institutions of higher education for children and
4 surviving spouses of Michigan police officers and fire fighters
5 killed in the line of duty; **TO PROVIDE FOR THE ADMINISTRATION OF**
6 **THAT TUITION GRANT PROGRAM; TO PRESCRIBE CERTAIN POWERS AND DUTIES**
7 **OF STATE OFFICERS, AGENCIES, AND DEPARTMENTS;** and to provide for an
8 appropriation.

9 Sec. 1. This act shall be known and may be cited as the
10 "police officer's and fire fighter's survivor tuition **GRANT** act".

1 Sec. 2. As used in this act:

2 **(A) "ACADEMIC YEAR" MEANS THE PERIOD FROM SEPTEMBER 1 OF A**
3 **CALENDAR YEAR TO AUGUST 31 OF THE NEXT CALENDAR YEAR.**

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

8 **(C) ~~(b)~~**"Department" means the department of ~~state~~
9 ~~police~~.**TREASURY.**

10 **(D) "ELIGIBLE STUDENT" MEANS A CHILD OR SURVIVING SPOUSE OF A**
11 **MICHIGAN POLICE OFFICER OR MICHIGAN FIRE FIGHTER WHO WAS OR IS**
12 **KILLED IN THE LINE OF DUTY.**

13 **(E) "ELIGIBLE TUITION" MEANS THE TUITION CHARGED BY A STATE**
14 **INSTITUTION OF HIGHER EDUCATION FOR AN UNDERGRADUATE CLASS.**

15 **(F) ~~(c)~~**"Killed" means that the Michigan police officer's or
16 Michigan fire fighter's death is the direct and proximate result of
17 a traumatic injury incurred in the line of duty.

18 **(G) ~~(d)~~**"Line of duty" means an action that a Michigan police
19 officer or Michigan fire fighter is obligated or authorized to
20 perform by rule, regulation, condition of employment or service, or
21 law, including, but not limited to, a social, ceremonial, or
22 athletic function that the Michigan police officer or Michigan fire
23 fighter is assigned to or compensated for by the public agency he
24 or she serves.

25 **(H) ~~(e)~~**"Michigan police officer" means a sheriff or sheriff's
26 deputy of a sheriff's department in this state; village or township
27 marshal of a village or township in this state; officer of the

1 police department of any city, village, or township in this state;
2 officer of the Michigan state police; or any other police officer
3 or law enforcement officer trained and certified pursuant to the
4 ~~Michigan law enforcement officers training council act of 1965, Act~~
5 ~~No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616~~
6 ~~of the Michigan Compiled Laws.~~ **UNDER THE COMMISSION ON LAW**
7 **ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL 28.601 TO 28.616.**

8 (I) ~~(f)~~ "Michigan fire fighter" means a member including
9 volunteer members and members paid on call of a fire department, or
10 other organization that provides fire suppression and other fire-
11 related services, of a city, township, village, or county who is
12 responsible for or is in a capacity that includes responsibility
13 for the extinguishment of fires. Michigan fire fighter does not
14 include a person whose job description, duties, or responsibilities
15 do not include direct involvement in fire suppression.

16 (J) ~~(g)~~ "Occupational disease" means a disease that routinely
17 constitutes a special hazard in, or is commonly regarded as
18 concomitant of, the Michigan police officer's or Michigan fire
19 fighter's occupation.

20 (K) ~~(h)~~ "State institution of higher education" means a public
21 community or junior college established under section 7 of article
22 VIII of the state constitution of 1963 or part 25 of the revised
23 school code, ~~Act No. 451 of the Public Acts of 1976, being sections~~
24 ~~380.1601 to 380.1607 of the Michigan Compiled Laws, 1976 PA 451,~~
25 **MCL 380.1601 TO 380.1607**, or a state university described in
26 section 4, 5, or 6 of article VIII of the state constitution of
27 1963.

(I) "SURVIVOR'S TUITION GRANT" MEANS A TUITION GRANT AWARDED TO AN ELIGIBLE STUDENT UNDER THIS ACT.

(M) ~~(i)~~—"Traumatic injury" means a wound or the condition of the body caused by external force, including, but not limited to, an injury inflicted by bullet, explosive, sharp instrument, blunt object or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but excluding an injury resulting from stress, strain, or occupational disease.

~~(j) "Tuition" means tuition at the rate charged for residents of this state.~~

(N) "UNDERGRADUATE CLASS" MEANS A CLASS OR COURSE THAT PROVIDES A STUDENT WITH ACADEMIC CREDIT APPLICABLE TOWARD A BACHELOR OR ASSOCIATE DEGREE FROM A STATE INSTITUTION OF HIGHER EDUCATION.

Sec. 3. (1) THE POLICE OFFICER'S AND FIRE FIGHTER'S SURVIVOR TUITION PROGRAM IS CREATED, TO BE ADMINISTERED BY THE DEPARTMENT.

(2) ~~(1)~~ Beginning in the ~~1996-1997~~ 2012-2013 academic year, and subject to the limitations in subsections (2), (3), and (4), a state institution of higher education shall waive tuition for each child and surviving spouse of a Michigan police officer or Michigan fire fighter who has been or is killed in the line of duty if the child or surviving spouse meets THE DEPARTMENT SHALL PROVIDE A SURVIVOR'S TUITION GRANT IN AN AMOUNT DETERMINED BY THE DEPARTMENT UNDER SUBSECTION (3) TO EACH ELIGIBLE STUDENT IF all of the following requirements ARE MET:

(a) ~~Applies,~~ THE STUDENT APPLIES, qualifies, and is admitted

House Bill No. 5873 (H-3) as amended September 19, 2012

as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate **AT A STATE INSTITUTION OF HIGHER EDUCATION.**

(b) ~~Is~~ **THE STUDENT IS** a legal resident of the state for at least the 12 consecutive months immediately preceding his or her application. For an individual who is a dependent of his or her parent, residency status shall be determined by the parent's residency. For an individual who is not a dependent, residency status ~~shall be~~ **IS** determined in the same manner as under title IV of the ~~higher education act of 1965, Public Law 89-329, 79 Stat. 1232-20~~ **USC 1070 TO 1070H.**

(c) ~~Applies~~ **THE STUDENT APPLIES** to the department for **A SURVIVOR'S** tuition ~~waiver~~ **GRANT** under this act and provides evidence satisfactory to the department that he or she is ~~the child or the surviving spouse of a Michigan police officer or Michigan fire fighter who was killed in the line of duty,~~ **AN ELIGIBLE STUDENT,** that the course or courses for which he or she is seeking a **SURVIVOR'S** tuition ~~waiver~~ **GRANT** meet the requirements of subsection ~~(2), (3),~~ and that he or she meets the other requirements of this section.

(d) ~~For~~ **IF THE STUDENT IS** a child of a Michigan police officer or Michigan fire fighter who was killed in the line of duty, **HE OR SHE** applies **FOR A SURVIVOR'S TUITION GRANT** under subdivision (c) for the first time before the age of ~~[21-26]~~.

(e) ~~Is certified by the~~ **THE** financial aid officer at the state institution of higher education ~~as needing the~~ **CERTIFIES TO THE DEPARTMENT THAT THE STUDENT NEEDS THE SURVIVOR'S** tuition ~~waiver~~

1 ~~GRANT~~ in order to meet ~~recognized educational expenses~~ **ELIGIBLE**
 2 **TUITION EXPENSES; CERTIFIES THE AMOUNT THAT THE STUDENT NEEDS FOR**
 3 **THOSE TUITION EXPENSES; AND CERTIFIES THAT THE TUITION RATE OR**
 4 **RATES USED TO DETERMINE THE AMOUNT OF THOSE EXPENSES DO NOT EXCEED**
 5 **THE RATE OR RATES CHARGED TO RESIDENTS OF THIS STATE.** If the
 6 ~~child's or surviving spouse's~~ **ELIGIBLE STUDENT'S** family income,
 7 excluding any income from death benefits attributable to the
 8 Michigan police officer's or Michigan fire fighter's death, is
 9 below 400% of poverty level under federal poverty guidelines
 10 published by the United States department of health and human
 11 services, **THE INSTITUTION SHALL NOT INCLUDE** income from any death
 12 benefits accruing to the ~~child or surviving spouse~~ **ELIGIBLE STUDENT**
 13 as a result of the Michigan police officer's or Michigan fire
 14 fighter's death ~~shall not be counted as~~ family income in
 15 determining financial need under this subdivision.

16 (f) ~~Maintains~~ **THE STUDENT MAINTAINS** satisfactory academic
 17 progress, as defined by the state institution of higher education,
 18 for each term or semester in which he or she is enrolled. The
 19 satisfactory progress definition used by an institution for federal
 20 student assistance programs under ~~title IV of the higher education~~
 21 ~~act of 1965~~ **20 USC 1070 TO 1070H** is acceptable for the purposes of
 22 this act.

23 (g) ~~Has not achieved~~ **THE STUDENT HAS NOT RECEIVED** a bachelor's
 24 degree and has received tuition ~~reimbursement~~ **ASSISTANCE** under this
 25 act for ~~less~~ **FEWER** than 124 semester credits or 180 term credits at
 26 an institution of higher education.

27 ~~—— (2) A state institution of higher education shall waive~~

~~tuition under this act only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.~~

(H) ~~(3) A child or surviving spouse of a Michigan police officer or Michigan fire fighter who was killed in the line of duty is eligible for~~ **THE STUDENT HAS NOT RECEIVED A SURVIVOR'S** ~~tuition waiver under this section for not~~ **GRANT IN** more than a total of 9 semesters or the equivalent number of terms or quarters.

(3) ~~(4) Tuition shall be waived only to the extent that the tuition~~ **THE AMOUNT OF A SURVIVOR'S TUITION GRANT IN AN ACADEMIC YEAR IS THE AMOUNT OF THE STUDENT'S ELIGIBLE TUITION IN THAT ACADEMIC YEAR THAT** is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available to the ~~person eligible for a waiver under this act.~~ **ELIGIBLE STUDENT. THE DEPARTMENT MAY REDUCE THE AMOUNT OF A SURVIVOR'S TUITION GRANT IF IT DETERMINES THAT THE TUITION RATE OR RATES USED TO DETERMINE THE AMOUNT THAT THE STATE INSTITUTION OF HIGHER EDUCATION CERTIFIES UNDER SUBSECTION (2) (E) THAT THE STUDENT NEEDS EXCEED THE TUITION RATE OR RATES CHARGED BY THE INSTITUTION IN THAT ACADEMIC YEAR TO RESIDENTS OF THIS STATE.**

Sec. 4. (1) Beginning in the ~~1996-1997-2012-2013~~ academic year, ~~upon receiving~~ **IF IT RECEIVES** an application under section ~~3(e),~~ **3(2) (C) AND SUBJECT TO SUBSECTION (4),** the department shall determine whether the applicant and the courses for which **A SURVIVOR'S** ~~tuition waiver~~ **GRANT** is sought meet the requirements of section 3 and, if so, shall approve the application and notify the state institution of higher education that **IT HAS APPROVED** the

1 application. ~~has been approved.~~

2 (2) ~~Beginning in the 1996-1997 academic year, upon application~~
3 ~~by the state institution of higher education, the department~~
4 ~~annually shall reimburse each state institution of higher education~~
5 ~~for the total amount of tuition waived during the immediately~~
6 ~~preceding fiscal year under section 3.~~ ALL OF THE FOLLOWING APPLY

7 IF THE DEPARTMENT APPROVES A SURVIVOR'S TUITION GRANT UNDER
8 SUBSECTION (1):

9 (A) THE DEPARTMENT SHALL DISBURSE THE SURVIVOR'S TUITION GRANT
10 MONEY TO THE STATE INSTITUTION OF HIGHER EDUCATION THAT THE STUDENT
11 ATTENDS, ACCORDING TO A PAYMENT PROCEDURE ESTABLISHED BY THE
12 DEPARTMENT.

13 (B) THE INSTITUTION SHALL ONLY APPLY MONEY RECEIVED UNDER
14 SUBDIVISION (A) ON A STUDENT'S BEHALF TO THE STUDENT'S OUTSTANDING
15 INDEBTEDNESS FOR ELIGIBLE TUITION.

16 (3) The department annually shall report to the legislature
17 the number of individuals ~~for whom tuition has been waived at each~~
18 ~~state institution of higher education and the total amounts to be~~
19 ~~paid under this act for that fiscal year.~~ WHO RECEIVED SURVIVOR'S
20 TUITION GRANTS IN THE PRECEDING ACADEMIC YEAR AND THE TOTAL AMOUNT
21 OF THOSE GRANTS; WHICH STATE INSTITUTIONS OF HIGHER EDUCATION THOSE
22 STUDENTS ATTENDED; AND THE TOTAL AMOUNT DISBURSED TO EACH
23 INSTITUTION.

24 (4) IF IT RECEIVES AN APPLICATION UNDER SECTION 3(2)(C), THE
25 DEPARTMENT SHALL SUBMIT THE EVIDENCE PROVIDED BY THE APPLICANT THAT
26 HE OR SHE IS AN ELIGIBLE STUDENT TO THE DEPARTMENT OF STATE POLICE
27 FOR A DETERMINATION OF WHETHER THE MICHIGAN POLICE OFFICER'S OR

1 MICHIGAN FIRE FIGHTER'S DEATH WAS THE DIRECT AND PROXIMATE RESULT
2 OF A TRAUMATIC INJURY INCURRED IN THE LINE OF DUTY. THE DEPARTMENT
3 SHALL NOT AWARD A SURVIVOR'S TUITION GRANT UNLESS THE DEPARTMENT OF
4 STATE POLICE DETERMINES THAT THE DEATH WAS THE DIRECT AND PROXIMATE
5 RESULT OF A TRAUMATIC INJURY INCURRED IN THE LINE OF DUTY.

6 Sec. 5. (1) The department shall ~~provide the necessary~~ DO ALL
7 OF THE FOLLOWING:

8 (A) ADMINISTER THE SURVIVOR'S TUITION GRANT PROGRAM.

9 (B) VERIFY THE TUITION RATES CERTIFIED BY STATE INSTITUTIONS
10 OF HIGHER EDUCATION UNDER SECTION 3(2)(E).

11 (C) DEVELOP AND PROVIDE forms and applications ~~and shall~~
12 ~~cooperate~~ FOR USE BY SURVIVOR'S TUITION GRANT APPLICANTS, STATE
13 INSTITUTIONS OF HIGHER EDUCATION, THE DEPARTMENT OF STATE POLICE,
14 AND THE DEPARTMENT UNDER THIS ACT.

15 (D) COOPERATE WITH THE DEPARTMENT OF STATE POLICE AND with the
16 state institutions of higher education in developing efficient
17 procedures for implementing the purposes of this act.

18 (2) THE DEPARTMENT OF STATE POLICE SHALL DEVELOP APPROPRIATE
19 PROCEDURES FOR MEETING ITS RESPONSIBILITIES UNDER SECTION 4. THE
20 DEPARTMENT OF STATE POLICE SHALL CONSULT WITH THE DEPARTMENT IN
21 DEVELOPING THOSE PROCEDURES.