

HOUSE BILL No. 5471

March 13, 2012, Introduced by Reps. Hovey-Wright, Ananich, Lindberg, Bauer, Townsend, Womack, Cavanagh, Slavens, Dillon, Hobbs, Geiss and Meadows and referred to the Committee on Government Operations.

A bill to establish an educational grant program for eligible resident students who attend public community colleges and universities in this state; to provide for the administration of the program; to create the Michigan higher education grant trust fund; and to provide for the powers and duties of certain state governmental officers and entities.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "Michigan higher education grant act".

3 Sec. 3. As used in this act:

4 (a) "Academic year" means the period from September 1 of a
5 calendar year to August 31 of the next calendar year.

6 (b) "Authority" means the Michigan higher education assistance

1 authority created by 1960 PA 77, MCL 390.951 to 390.961.

2 (c) "Community college" means a community college organized
3 under the community college act of 1966, 1966 PA 331, MCL 389.1 to
4 389.195, or a federal tribally controlled community college that is
5 recognized under the tribally controlled colleges and universities
6 assistance act of 1978, 25 USC 1801 to 1864, and is determined by
7 the department of education to meet the requirements for
8 accreditation by a recognized regional accrediting body.

9 (d) "Eligible expenses" means all of the following:

10 (i) Tuition and fees charged by a state educational
11 institution.

12 (ii) A student's cost of attendance, expenses for books,
13 supplies, transportation, and miscellaneous personal expenses,
14 including a reasonable allowance for the documented rental or
15 purchase of a personal computer, as described in 20 USC 1087l(2),
16 as determined by the authority.

17 (e) "FAFSA" means the free application for federal student aid
18 developed under 20 USC 1082.

19 (f) "Fiscal year" means the fiscal year of this state.

20 (g) "Michigan higher education grant" means a grant awarded by
21 the authority under section 7.

22 (h) "Public university" means a university described in
23 section 4, 5, or 6 of article VIII of the state constitution of
24 1963.

25 (i) "Qualified program" means a bachelor's degree, associate's
26 degree, or postsecondary vocational training program at a state
27 educational institution.

1 (j) "State educational institution" means a degree- or
2 certificate-granting public university or community college in this
3 state.

4 (k) "Trust fund" means the Michigan higher education grant
5 trust fund established in section 11.

6 Sec. 5. (1) The Michigan higher education grant program is
7 established. The authority shall administer the Michigan higher
8 education grant program.

9 (2) The authority shall do all of the following:

10 (a) Award grants to eligible students under this act.

11 (b) Develop a grant agreement to be entered into by a grant
12 recipient and the authority that contains the terms of a grant made
13 under this act and the rights and obligations of the grant
14 recipient and the authority.

15 (c) Conduct periodic audits of grant recipients to ensure
16 compliance with the terms of the grant agreement and take necessary
17 steps to enforce the terms of the grant agreement.

18 (d) Promulgate any rules that it determines are necessary to
19 implement and administer this act under the administrative
20 procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

21 Sec. 7. Beginning in the 2012-2013 academic year, the
22 authority shall award a grant under this act to an individual if
23 the authority determines that he or she meets all of the following
24 eligibility criteria:

25 (a) Continuously resided in this state for the 12 months
26 immediately preceding the date of his or her application and is not
27 a resident of any other state.

1 (b) Received a high school diploma from a school district,
2 nonpublic school, or home school located in this state or
3 successfully completed the general educational development (GED)
4 test and received a GED certificate from this state.

5 (c) Received the diploma or GED certificate described in
6 subdivision (b) in the 2-year period preceding the date of the
7 student's application to receive Michigan higher education grant
8 money. If the student became a member of the United States armed
9 forces or peace corps during this 2-year period and served for 4
10 years or less, the authority shall extend the 2-year period by a
11 period equal to the number of days the student served as a member
12 of the United States armed forces or peace corps. The authority may
13 also extend the 2-year period if the authority determines that an
14 extension is warranted because of an illness, disability, or other
15 family emergency of the student or in the student's immediate
16 family.

17 (d) Is enrolled or has been accepted into a qualified program.

18 (e) Signs a written grant agreement with the authority.

19 (f) Provides proof satisfactory to the authority that he or
20 she has done both of the following:

21 (i) Submitted a FAFSA to the United States department of
22 education to determine his or her eligibility for federal grants or
23 scholarships.

24 (ii) Applied for any grants or scholarships offered by this
25 state for which he or she is eligible.

26 (g) If the student received a Michigan higher education grant
27 in the preceding academic year, the student made satisfactory

1 academic progress, as defined by the state educational institution
2 in which the student is enrolled, since receiving the previous
3 Michigan higher education grant.

4 (h) Is in compliance with this act and the rules promulgated
5 under this act.

6 (i) Meets any other eligibility criteria established in rules
7 promulgated by the authority under section 5.

8 Sec. 9. All of the following apply to the award of a Michigan
9 higher education grant under this act:

10 (a) In the 2012-2013 academic year, the base amount of the
11 grant is an amount equal to the median cost of tuition for a full-
12 time student enrolled at a public university in the 2011-2012
13 academic year, as determined by the department. For each subsequent
14 academic year, the authority shall adjust the base amount of the
15 grant to reflect the cumulative annual percentage change in the
16 Detroit consumer price index in the preceding 1-year period, as
17 determined by the state treasurer. As used in this subdivision,
18 "Detroit consumer price index" means the most comprehensive index
19 of consumer prices available for the Detroit area by the bureau of
20 labor statistics of the United States department of labor.

21 (b) The authority shall determine the amount of a student's
22 grant for an academic year by subtracting the amount of any other
23 state or federal grants or scholarships he or she is eligible to
24 receive in that academic year from the base amount established
25 under subdivision (a).

26 (c) A student shall use the grant money he or she receives in
27 an academic year to pay for his or her tuition and fees at the

1 state educational institution. If the amount of his or her grant
2 exceeds the amount of his or her tuition and fees, the student may
3 use the grant money to pay other eligible expenses related to that
4 academic year. If the amount of his or her grant exceeds the amount
5 of his or her fees and other eligible expenses in an academic year,
6 the student shall return the remaining balance to the authority.

7 (d) A student attending a state educational institution as a
8 full-time student may not receive a grant in more than 5 academic
9 years. If a student is attending a state educational institution as
10 at least a half-time student but is not a full-time student, the
11 authority shall determine the number of academic years for which
12 the student may receive a grant. A student attending an state
13 educational institution less than half-time shall not receive a
14 grant.

15 (e) The authority shall disburse a student's grant money to
16 the state educational institution in which he or she is enrolled on
17 the student's behalf, according to a payment procedure established
18 by the authority by rule.

19 (f) The annual cost of the total number of grants paid in a
20 fiscal year shall not exceed the amount appropriated by the
21 legislature for Michigan higher education grants in that fiscal
22 year. If there are not sufficient funds appropriated by the
23 legislature to provide each student with a grant in the amount to
24 which those students are eligible in an academic year, the
25 authority shall establish a maximum grant level for that academic
26 year. In any fiscal year, the authority may adjust the amount of a
27 Michigan higher education grant available to eligible students,

1 based upon its determination of available resources and amounts
2 appropriated.

3 Sec. 11. (1) The Michigan higher education grant trust fund is
4 established in the department of treasury. The trust fund shall
5 consist of the following:

6 (a) Money allocated to the trust fund as provided by law.

7 (b) Money appropriated to the trust fund.

8 (c) Donations of money made to the trust fund from any source.

9 (d) Interest and earnings from trust fund investments.

10 (2) Money in the trust fund at the close of a fiscal year
11 shall remain in the trust fund and shall not revert to the general
12 fund.

13 (3) The state treasurer shall direct the investment of the
14 trust fund.

15 (4) The department of treasury is the administrator of the
16 trust fund for auditing purposes.

17 Sec. 13. The department of treasury shall establish and
18 administer a restricted account in the general fund for the
19 Michigan higher education grant program. All of the following apply
20 to the account:

21 (a) The department of treasury shall credit to the account
22 money appropriated from the trust fund or received from any other
23 source, including, but not limited to, interest and earnings from
24 account investments and any money returned to the authority under
25 section 9(c).

26 (b) The department of treasury shall use the money in the
27 account only to provide money to the authority for grants awarded

1 under this act.

2 (c) Money in the account at the end of a fiscal year shall not
3 revert to the general fund but shall be carried over in the account
4 to the next fiscal year.

5 (d) The state treasurer shall direct the investment of the
6 account.

7 (e) The department of treasury is the administrator of the
8 account for auditing purposes.

9 Sec. 15. By November 1 of each year, the authority shall
10 submit a report on its activities under this act to the senate and
11 house fiscal agencies and the state budget director. The report
12 shall contain at least the number of Michigan higher education
13 grants awarded, the maximum amount of a Michigan higher education
14 grant paid, and the total amount paid out for Michigan higher
15 education grants in the immediately preceding fiscal year.

16 Enacting section 1. It is the intent of the legislature that
17 the first \$1,800,000,000.00 savings realized from the elimination
18 of tax expenditures identified by the legislative tax expenditure
19 review commission described in chapter 7C of the legislative
20 council act, 1986 PA 268, MCL 4.1771 to 4.1772, shall be used to
21 fund the Michigan higher education grant trust fund created in
22 section 11 of this act.

23 Enacting section 2. This act does not take effect unless all
24 of the following bills of the 96th Legislature are enacted into
25 law:

26 (a) Senate Bill No. ____ or House Bill No. ____ (request no.
27 01581'11).

1 (b) Senate Bill No.____ or House Bill No.____ (request no.
2 03891'11).