

# HOUSE BILL No. 5873

September 11, 2012, Introduced by Rep. Forlini 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, 4, and 5 (MCL 390.1241,  
390.1242, 390.1243, 390.1244, and 390.1245).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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### TITLE

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

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

1 "police officer's and fire fighter's survivor tuition **GRANT** act".

2 Sec. 2. As used in this act:

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

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

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

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

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

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

24 (G) ~~(e)~~—"Michigan police officer" means a sheriff or sheriff's  
25 deputy of a sheriff's department in this state; village or township  
26 marshal of a village or township in this state; officer of the  
27 police department of any city, village, or township in this state;

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

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

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

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

27 (K) **"SURVIVOR'S TUITION GRANT" MEANS A TUITION GRANT AWARDED**

1 TO AN ELIGIBLE STUDENT UNDER THIS ACT.

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

9 (M) ~~(j)~~—"Tuition" means tuition at the rate charged for  
10 ~~residents~~ TO A RESIDENT of this state BY A STATE INSTITUTION OF  
11 HIGHER EDUCATION.

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

14 (2) ~~(1)~~ Beginning in the ~~1996-1997~~ 2012-2013 academic year,  
15 and subject to the limitations in subsections ~~(2), (3), and (4), a~~  
16 ~~state institution of higher education shall waive tuition for each~~  
17 ~~child and surviving spouse of a Michigan police officer or Michigan~~  
18 ~~fire fighter who has been or is killed in the line of duty if the~~  
19 ~~child or surviving spouse meets~~ (3), (4), AND (5) AND SECTION 4(4),  
20 THE DEPARTMENT SHALL PROVIDE A SURVIVOR'S TUITION GRANT IN AN  
21 AMOUNT DETERMINED BY THE DEPARTMENT TO EACH ELIGIBLE STUDENT IF all  
22 of the following requirements ARE MET:

23 (a) ~~Applies,~~ THE STUDENT APPLIES, qualifies, and is admitted  
24 as a full-time, part-time, or summer school student in a program of  
25 study leading to a degree or certificate AT A STATE INSTITUTION OF  
26 HIGHER EDUCATION.

27 (b) ~~Is~~ THE STUDENT IS a legal resident of the state for at

1 least the 12 consecutive months immediately preceding his or her  
 2 application. For an individual who is a dependent of his or her  
 3 parent, residency status shall be determined by the parent's  
 4 residency. For an individual who is not a dependent, residency  
 5 status ~~shall be~~ **IS** determined in the same manner as under title IV  
 6 of the higher education act of 1965, Public Law 89-329, 79 Stat.  
 7 ~~1232-20~~ **USC 1070 TO 1070H.**

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

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

21 (e) ~~Is certified by the~~ **THE** financial aid officer at the state  
 22 institution of higher education ~~as needing the~~ **CERTIFIES TO THE**  
 23 **DEPARTMENT THAT THE STUDENT NEEDS THE SURVIVOR'S** tuition ~~waiver~~  
 24 **GRANT** in order to meet ~~recognized educational expenses~~ **TUITION**  
 25 **EXPENSES; CERTIFIES THE AMOUNT THAT THE STUDENT NEEDS FOR THOSE**  
 26 **TUITION EXPENSES; AND CERTIFIES THAT THE TUITION RATE OR RATES USED**  
 27 **TO DETERMINE THE AMOUNT OF THOSE EXPENSES DO NOT EXCEED THE RATE OR**

1 **RATES CHARGED TO RESIDENTS OF THIS STATE.** If the ~~child's or~~  
 2 ~~surviving spouse's~~ **ELIGIBLE STUDENT'S** family income, excluding any  
 3 income from death benefits attributable to the Michigan police  
 4 officer's or Michigan fire fighter's death, is below 400% of  
 5 poverty level under federal poverty guidelines published by the  
 6 United States department of health and human services, **THE**  
 7 **INSTITUTION SHALL NOT INCLUDE** income from any death benefits  
 8 accruing to the ~~child or surviving spouse~~ **ELIGIBLE STUDENT** as a  
 9 result of the Michigan police officer's or Michigan fire fighter's  
 10 death ~~shall not be counted as~~ family income in determining  
 11 financial need under this subdivision.

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

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

23 (3) ~~(2) A state institution of higher education shall waive~~  
 24 ~~tuition under this act~~ **THE DEPARTMENT SHALL PROVIDE A SURVIVOR'S**  
 25 **TUITION GRANT** only for courses that are applicable toward the  
 26 degree or certificate requirements of the program in which the  
 27 ~~child or surviving spouse~~ **ELIGIBLE STUDENT** is enrolled.

~~(4) (3) A child or surviving spouse of a Michigan police officer or Michigan fire fighter who was killed in the line of duty~~  
**AN ELIGIBLE STUDENT** is eligible for **A SURVIVOR'S** tuition waiver  
~~under this section GRANT~~ for not more than a total of 9 semesters  
 or the equivalent number of terms or quarters.

~~(5) (4) Tuition shall be waived only to the extent that the~~  
~~tuition~~ **THE AMOUNT OF A SURVIVOR'S TUITION GRANT IS LIMITED TO THE**  
**AMOUNT OF THE ELIGIBLE STUDENT'S TUITION 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  
 application. ~~has been approved.~~

~~(2) Beginning in the 1996-1997 academic year, upon application~~  
~~by the state institution of higher education, the department~~

~~annually shall reimburse each state institution of higher education  
for the total amount of tuition waived during the immediately  
preceding fiscal year under section 3.~~ ALL OF THE FOLLOWING APPLY

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

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

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

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

(4) IF IT RECEIVES AN APPLICATION UNDER SECTION 3(2)(C), THE  
DEPARTMENT SHALL SUBMIT THE EVIDENCE PROVIDED BY THE APPLICANT THAT  
HE OR SHE IS AN ELIGIBLE STUDENT TO THE DEPARTMENT OF STATE POLICE  
FOR A DETERMINATION OF WHETHER THE MICHIGAN POLICE OFFICER'S OR  
MICHIGAN FIRE FIGHTER'S DEATH WAS THE DIRECT AND PROXIMATE RESULT  
OF A TRAUMATIC INJURY INCURRED IN THE LINE OF DUTY. THE DEPARTMENT  
SHALL NOT AWARD A SURVIVOR'S TUITION GRANT UNLESS THE DEPARTMENT OF

1 STATE POLICE DETERMINES THAT THE DEATH WAS THE DIRECT AND PROXIMATE  
2 RESULT OF A TRAUMATIC INJURY INCURRED IN THE LINE OF DUTY.

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

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

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

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

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

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