

Act No. 470
Public Acts of 2012
Approved by the Governor
December 22, 2012
Filed with the Secretary of State
December 27, 2012
EFFECTIVE DATE: December 27, 2012

STATE OF MICHIGAN
96TH LEGISLATURE
REGULAR SESSION OF 2012

Introduced by Rep. Forlini

ENROLLED HOUSE BILL No. 5873

AN ACT to amend 1996 PA 195, entitled “An act to provide for a waiver of tuition 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; and to provide for an appropriation,” 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:

TITLE

An act to provide for a 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 “police officer’s and fire fighter’s survivor tuition grant act”.

Sec. 2. As used in this act:

(a) “Academic year” means the period from September 1 of a calendar year to August 31 of the next calendar year.

(b) “Child” means an individual who is a natural or adopted child of a deceased Michigan police officer or deceased Michigan fire fighter and who was under the age of 21 at the time of the Michigan police officer’s or Michigan fire fighter’s death.

(c) “Department” means the department of treasury.

(d) “Eligible student” means a child or surviving spouse of a Michigan police officer or Michigan fire fighter who was or is killed in the line of duty.

(e) “Eligible tuition” means the tuition charged by a state institution of higher education for an undergraduate class.

(f) “Killed” means that the Michigan police officer’s or Michigan fire fighter’s death is the direct and proximate result of a traumatic injury incurred in the line of duty.

(g) “Line of duty” means an action that a Michigan police officer or Michigan fire fighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including, but not limited to, a social, ceremonial, or athletic function that the Michigan police officer or Michigan fire fighter is assigned to or compensated for by the public agency he or she serves.

(h) “Michigan police officer” means a sheriff or sheriff’s deputy of a sheriff’s department in this state; village or township marshal of a village or township in this state; officer of the police department of any city, village, or township

in this state; officer of the Michigan state police; or any other police officer or law enforcement officer trained and certified under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

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

(j) "Occupational disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the Michigan police officer's or Michigan fire fighter's occupation.

(k) "State institution of higher education" means a public community or junior college established under section 7 of article VIII of the state constitution of 1963 or part 25 of the revised school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a state university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

(l) "Survivor's tuition grant" means a tuition grant awarded to an eligible student under this act.

(m) "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.

(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) Beginning in the 2012-2013 academic year, 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) The student applies, qualifies, and is admitted 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) 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 is determined in the same manner as under title IV of 20 USC 1070 to 1070h.

(c) The student applies to the department for a survivor's tuition grant under this act and provides evidence satisfactory to the department that he or she is an eligible student, that the course or courses for which he or she is seeking a survivor's tuition grant meet the requirements of subsection (3), and that he or she meets the other requirements of this section.

(d) 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 26.

(e) The financial aid officer at the state institution of higher education certifies to the department that the student needs the survivor's tuition grant in order to meet eligible tuition expenses; certifies the amount that the student needs for those tuition expenses; and certifies that the tuition rate or rates used to determine the amount of those expenses do not exceed the rate or rates charged to residents of this state. If the eligible student's family income, excluding any income from death benefits attributable to the Michigan police officer's or Michigan fire fighter's death, is below 400% of poverty level under federal poverty guidelines published by the United States department of health and human services, the institution shall not include income from any death benefits accruing to the eligible student as a result of the Michigan police officer's or Michigan fire fighter's death as family income in determining financial need under this subdivision.

(f) The student maintains satisfactory academic progress, as defined by the state institution of higher education, for each term or semester in which he or she is enrolled. The satisfactory progress definition used by an institution for federal student assistance programs under 20 USC 1070 to 1070h is acceptable for the purposes of this act.

(g) The student has not received a bachelor's degree and has received tuition assistance under this act for fewer than 124 semester credits or 180 term credits at an institution of higher education.

(h) The student has not received a survivor's tuition grant in more than a total of 9 semesters or the equivalent number of terms or quarters.

(3) 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 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 2012-2013 academic year, if it receives an application under section 3(2)(c) and subject to subsection (4), the department shall determine whether the applicant and the courses for which a survivor's tuition 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.

(2) 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 eligible tuition.

(3) The department annually shall report to the legislature the number of individuals 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 state police determines that the death was the direct and proximate result of a traumatic injury incurred in the line of duty.

Sec. 5. (1) The department shall do all of the following:

(a) Administer the survivor's tuition grant program.

(b) Verify the tuition rates certified by state institutions of higher education under section 3(2)(e).

(c) Develop and provide forms and applications for use by survivor's tuition grant applicants, state institutions of higher education, the department of state police, and the department under this act.

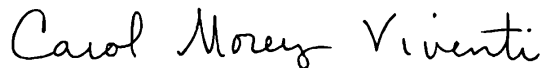
(d) Cooperate with the department of state police and with the state institutions of higher education in developing efficient procedures for implementing the purposes of this act.

(2) The department of state police shall develop appropriate procedures for meeting its responsibilities under section 4. The department of state police shall consult with the department in developing those procedures.

This act is ordered to take immediate effect.



Clerk of the House of Representatives



Secretary of the Senate

Approved

Governor