

SUBSTITUTE FOR
HOUSE BILL NO. 5608

A bill to amend 2004 PA 46, entitled
"Public safety officers benefit act,"
by amending the title and section 2 (MCL 28.632) and by adding
section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to provide compensation **AND OTHER BENEFITS** to
dependents of public safety officers who are killed or who are
permanently and totally disabled in the line of duty; to create the
public safety officers benefit fund; to prescribe the duties and
responsibilities of certain state officers; and to make an
appropriation.

Sec. 2. As used in this act:

1 (a) "Commission" means the commission on law enforcement
2 standards created under the commission on law enforcement standards
3 act, 1965 PA 203, MCL 28.601 to 28.616.

4 (b) "Dependent" means any individual who was substantially
5 reliant for support upon the income of the deceased public safety
6 officer.

7 (c) "Direct and proximate" means that the antecedent event is
8 a substantial factor in the result.

9 (d) "Firefighter" means a regularly employed member of a fire
10 department of a city, county, township, village, state university,
11 or community college **OR ANY AUTHORITY, DISTRICT, BOARD, OR OTHER**
12 **ENTITY CREATED IN WHOLE OR IN PART BY 1 OR MORE CITIES, COUNTIES,**
13 **VILLAGES, OR TOWNSHIPS,** or a member of the department of natural
14 resources who is employed to fight fires. Firefighter includes a
15 volunteer member of a fire department.

16 (e) "Law enforcement officer" means an individual involved in
17 crime and juvenile delinquency control or reduction or enforcement
18 of the criminal law. Law enforcement officer includes police,
19 corrections, probation, parole, bailiffs, or other similar court
20 officers.

21 (f) "Line of duty" means either of the following:

22 (i) Any action which an officer whose primary function is crime
23 control or reduction, enforcement of the criminal law, or
24 suppression of fires is obligated or authorized by rule,
25 regulations, condition of employment or service, or law to perform,
26 including those social, ceremonial, or athletic functions to which
27 the officer is assigned, or for which the officer is compensated,

1 by the public agency he or she serves. For other officers, line of
2 duty means any action the officer is so obligated or authorized to
3 perform in the course or controlling or reducing crime, enforcing
4 the criminal law, or suppressing fires.

5 (ii) Any action which an officially recognized or designated
6 public employee member of a rescue squad or ambulance crew is
7 obligated or authorized by rule, regulation, condition of
8 employment or service, or law to perform.

9 (G) **"MEDICAL BENEFIT PLAN" MEANS A PLAN TO PROVIDE FOR THE**
10 **PAYMENT OF MEDICAL, OPTICAL, OR DENTAL BENEFITS, INCLUDING, BUT NOT**
11 **LIMITED TO, HOSPITAL AND PHYSICIAN SERVICES, PRESCRIPTION DRUGS,**
12 **AND RELATED BENEFITS.**

13 (H) ~~(g)~~—"Member of a rescue squad or ambulance crew" means **AN**
14 **EMERGENCY MEDICAL TECHNICIAN, A MEDICAL FIRST RESPONDER, OR A**
15 **PARAMEDIC, AS THOSE TERMS ARE DEFINED IN SECTIONS 20904, 20906, AND**
16 **20908 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20904,**
17 **333.20906, AND 333.20908, OR** an officially recognized or designated
18 employee or volunteer member of a rescue squad or ambulance crew.

19 (I) ~~(h)~~—"Permanent and total disability" means medically
20 determinable consequences of a catastrophic, line-of-duty injury
21 that permanently prevent a former public safety officer from
22 performing any gainful work.

23 (J) ~~(i)~~—"Public safety officer" **OR "OFFICER"** means any
24 individual serving a public agency **OR ANY AUTHORITY, DISTRICT,**
25 **BOARD, OR OTHER ENTITY CREATED IN WHOLE OR IN PART BY 1 OR MORE**
26 **CITIES, COUNTIES, VILLAGES, OR TOWNSHIPS,** in an official capacity,
27 with or without compensation, as a law enforcement officer,

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1 firefighter, ~~rescue squad member, or ambulance crew member.~~OR

2 **MEMBER OF A RESCUE SQUAD OR AMBULANCE CREW.**

3 (K) ~~(j)~~-"Surviving spouse" means the husband or wife of the
4 deceased officer at the time of the officer's death, and includes a
5 spouse living apart from the officer at the time of the officer's
6 death for any reason.

7 SEC. 4A. (1) IF A PUBLIC SAFETY OFFICER DIES AS A DIRECT AND
8 PROXIMATE RESULT OF A PERSONAL INJURY SUSTAINED IN THE LINE OF DUTY
9 ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
10 THIS SECTION, THIS STATE SHALL PROVIDE TO THE DECEDENT'S SURVIVING
11 SPOUSE AND DEPENDENT CHILDREN A COMPARABLE MEDICAL BENEFIT PLAN ON
12 COMPARABLE TERMS TO THE MEDICAL BENEFIT PLAN OFFERED TO MICHIGAN
13 STATE POLICE TROOPER RETIREES, INCLUDING ANY CHANGE TO THE MEDICAL
14 BENEFIT PLAN AFTER THE PUBLIC SAFETY OFFICER'S DEATH. COVERAGE
15 UNDER THIS SECTION IS NOT REQUIRED TO BE PROVIDED DURING ANY PERIOD
16 DURING WHICH THE SURVIVING SPOUSE OR DEPENDENT CHILD, RESPECTIVELY,
17 HAS QUALIFIED FOR AND IS COVERED BY A [] MEDICAL BENEFIT
18 PLAN FROM ANOTHER SOURCE. COVERAGE PROVIDED UNDER THIS SECTION ENDS
19 FOR A SURVIVING SPOUSE UPON MEDICARE ELIGIBILITY. COVERAGE FOR A
20 DEPENDENT CHILD IS NOT REQUIRED TO BE PROVIDED UNDER THIS SECTION
21 AFTER THE LIMITING AGE FOR A DEPENDENT CHILD OR ANOTHER TERMINATING
22 EVENT THAT IS PROVIDED IN THE MEDICAL BENEFIT PLAN FOR MICHIGAN
23 STATE POLICE TROOPER RETIREES. HOWEVER, IF 42 USC 300GG-14 REQUIRES
24 THAT DEPENDENT CHILD ELIGIBILITY BE APPLIED MORE BROADLY, THIS
25 STATE SHALL MAKE THE COVERAGE AVAILABLE IN COMPLIANCE WITH THAT
26 LAW.

27 (2) THIS SECTION DOES NOT REQUIRE THIS STATE TO PROVIDE

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1 MEDICAL BENEFITS TO A SURVIVING SPOUSE OR DEPENDENT CHILD WHO, AS A
2 RESULT OF THE PUBLIC SAFETY OFFICER'S DEATH AND INDEPENDENT OF THIS
3 SECTION, WOULD RECEIVE BENEFITS UNDER A MEDICAL BENEFIT PLAN
4 THROUGH A RETIREMENT SYSTEM ADMINISTERED BY THIS STATE.

5 (3) THE OFFICE OF RETIREMENT SERVICES SHALL ADMINISTER
6 BENEFITS PROVIDED UNDER THIS SECTION. THE OFFICE OF RETIREMENT
7 SERVICES SHALL DETERMINE, IN ITS SOLE DISCRETION, IF A MEDICAL
8 BENEFIT PLAN IS COMPARABLE AND OFFERED ON COMPARABLE TERMS TO THE
9 MEDICAL BENEFIT PLAN OFFERED TO MICHIGAN STATE POLICE TROOPER
10 RETIREES FOR PURPOSES OF DETERMINING THE MEDICAL BENEFIT PLAN THAT
11 WILL BE OFFERED UNDER THIS SECTION.

12 (4) FOR PURPOSES OF THIS SECTION, "DEPENDENT CHILD" MEANS ANY
13 OF THE FOLLOWING [DEPENDENTS] WITH RESPECT TO THE DECEASED PUBLIC SAFETY
14 OFFICER:

15 (A) HIS OR HER UNMARRIED NATURAL OR ADOPTED CHILD.

16 (B) A CHILD LAWFULLY PLACED FOR ADOPTION WITH THE PUBLIC
17 SAFETY OFFICER.

18 (C) HIS OR HER STEPCHILD.

19 (D) A CHILD UNDER THE AGE OF 18 IF FULL LEGAL GUARDIANSHIP WAS
20 AWARDED TO THE PUBLIC SAFETY OFFICER.

21 (5) IF A DEPENDENT CHILD OF A DECEASED PUBLIC SAFETY OFFICER
22 IS RECEIVING COVERAGE UNDER THIS SECTION, A CHILD OF THE DEPENDENT
23 CHILD IS NOT ALSO A DEPENDENT CHILD FOR PURPOSES OF THIS SECTION.

24 Enacting section 1. This amendatory act takes effect 90 days
25 after the date it is enacted into law.