

# HOUSE BILL No. 5608

May 28, 2014, Introduced by Reps. Schmidt, Foster, Haveman, Lori, McCready, Denby, Outman, MacGregor, Kowall, Schor, Lane, Haugh, Yanez, Cochran, Dianda, Driskell, Rendon, Kesto and Zorn and referred to the Committee on Appropriations.

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:

(a) "Commission" means the commission on law enforcement

1 standards created under the commission on law enforcement standards  
2 act, 1965 PA 203, MCL 28.601 to 28.616.

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

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

8 (D) **"EMERGENCY FIRST RESPONDER" MEANS AN INDIVIDUAL LICENSED**  
9 **UNDER SECTION 20950 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**  
10 **333.20950.**

11 (E) ~~(d)~~—"Firefighter" means a regularly employed member of a  
12 fire department of a city, county, township, village, state  
13 university, or community college or a member of the department of  
14 natural resources who is employed to fight fires. Firefighter  
15 includes a volunteer member of a fire department.

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

21 (G) ~~(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 (H) ~~(g)~~—"Member of a rescue squad or ambulance crew" means an  
10 officially recognized or designated employee or volunteer member of  
11 a rescue squad or ambulance crew.

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

16 (J) ~~(i)~~—"Public safety officer" OR "OFFICER" means any  
17 individual serving a public agency in an official capacity, with or  
18 without compensation, as a law enforcement officer, firefighter,  
19 **EMERGENCY FIRST RESPONDER**, rescue squad member, or ambulance crew  
20 member.

21 (K) ~~(j)~~—"Surviving spouse" means the husband or wife of the  
22 deceased officer at the time of the officer's death, and includes a  
23 spouse living apart from the officer at the time of the officer's  
24 death for any reason.

25 **SEC. 4A. IF A FIREFIGHTER, LAW ENFORCEMENT OFFICER, OR**  
26 **EMERGENCY FIRST RESPONDER DIES IN THE LINE OF DUTY ON OR AFTER THE**  
27 **EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE**

1 STATE SHALL PROVIDE TO THE SURVIVING SPOUSE AND THE DECEDENT'S  
2 DEPENDENTS HEALTH INSURANCE COMPARABLE TO, AND ON COMPARABLE TERMS  
3 TO, THE INSURANCE COVERAGE THE DECEDENT RECEIVED FROM ANY SOURCE AT  
4 THE TIME OF HIS OR HER DEATH. COVERAGE PROVIDED UNDER THIS SECTION  
5 ENDS FOR A SPOUSE IF HE OR SHE QUALIFIES FOR AND OBTAINS COMPARABLE  
6 HEALTH INSURANCE FROM ANOTHER SOURCE. COVERAGE PROVIDED UNDER THIS  
7 SECTION ENDS FOR A NONSPOUSE DEPENDENT IF ANY OF THE FOLLOWING  
8 OCCUR:

9 (A) THE DEPENDENT QUALIFIES FOR AND OBTAINS COMPARABLE HEALTH  
10 INSURANCE FROM ANOTHER SOURCE.

11 (B) THE LATER OF THE DEPENDENT'S EIGHTEENTH BIRTHDAY OR, IF HE  
12 OR SHE IS ENROLLED AS A FULL-TIME STUDENT IN HIGH SCHOOL OR AN  
13 ACCREDITED UNIVERSITY OR COLLEGE, HIS OR HER TWENTY-SIXTH BIRTHDAY.