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EXPAND POLICE OFFICER AND FIREFIGHTER SURVIVOR'S TUITION ACT

House Bill 5786 (Substitute H-1) First Analysis (5-14-98)

Sponsor: Rep. Bob Brown
Committee: Colleges and Universities

THE APPARENT PROBLEM:

Public Act 195 of 1996 created the Police Officer's and Firefighter's Survivor Tuition Act to require Michigan public colleges to waive tuition under certain circumstances for children and surviving spouses of state or local Michigan police officers or Michigan firefighters who have been killed in the line of duty. (For more information, see the House Legislative Analysis Section's analysis on House Bill 4382 dated 6-11-96.) Apparently, however, the definition of "Michigan police officers" contained in the act excludes officers of the Motor Carrier Division of the state police and the Capitol Security officers. A motor carrier officer is part of the Michigan State Police Motor Carrier Division and is charged with the responsibility of enforcing the laws of the state as they pertain to commercial vehicles. Capitol Security officers protect state owned and leased property in Lansing and Windsor Township in Eaton County. Motor carrier officers and Capitol Security officers have limited arrest powers but can be authorized to carry firearms by the department director. It has been pointed out that the potential exists for these officers to encounter the same dangers in the performance of their duties as those faced by police officers. Therefore, legislation has been offered to amend the act to extend eligibility for the tuition waiver to the survivors of a motor carrier officer or Capitol Security officer killed in the line of duty.

THE CONTENT OF THE BILL:

House Bill 5786 would amend the act to include the survivors of officers of the Motor Carrier Enforcement Division of the Department of the State Police and Capitol Security officers as those eligible to receive tuition waivers under the act.

MCL 390.1241, 390.1242, and 390.1243

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Michigan has 120 motor carrier officers who patrol the state's highways to enforce the laws as they pertain to commercial vehicles, and so face dangers in dealing with drunk drivers and potentially armed commercial truckers and others. The 27 Capitol Security officers patrol the Capitol grounds and other state complexes. It has been pointed out that officers of the motor carrier division and the Capitol Security officers face similar hazards in the course of their duties as those encountered by state police, sheriff's deputies, and other law enforcement officers. To date, no motor carrier officers have been killed in the line of duty (one officer was shot last year but survived) and two Capitol Security officers were killed last year. The bill would recognize the fact that motor carrier and Capitol Security officers face the same life threatening conditions as other law enforcement officers in the state and so would remedy a currently unfair situation.

Against:

Some have argued that the act as a whole may raise constitutional questions as it requires colleges and universities to waive the tuition for eligible children and spouses of deceased officers and firefighters; they maintain that this should be a state obligation.

Response:

Though the act requires colleges and universities to waive tuition for eligible survivors, it also provides that colleges and universities be reimbursed by the Department of State Police for the total amount of tuition waived during the preceding fiscal year. In turn, the legislature is required to annually appropriate the necessary funds to implement the waiver program.

House Bill 5786 (5-14-98)

POSITIONS:

The Michigan State Employees Association supports the bill. (5-13-98)

The Presidents Council, representing the state universities and colleges of Michigan, supports the bill as long as current funding mechanisms remain in place. (5-13-98)

Analyst: S. Stutzky

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.