

SUBSTITUTE FOR
HOUSE BILL NO. 5786

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, and 3 (MCL 390.1241, 390.1242, and 390.1243).

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide for a waiver of tuition at state public

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institutions of higher education for children and surviving

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spouses of Michigan police officers, MOTOR CARRIER OFFICERS, CAP-

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ITOL SECURITY OFFICERS, and fire fighters killed in the line of

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duty; and to provide for an appropriation.

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

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"police officer's, MOTOR CARRIER OFFICER'S, CAPITOL SECURITY

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OFFICER'S, and fire fighter's survivor tuition act".

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1 Sec. 2. As used in this act:

2 (a) "Child" means an individual who is a natural or adopted
3 child of a deceased Michigan police officer, DECEASED MICHIGAN
4 MOTOR CARRIER OFFICER, DECEASED MICHIGAN CAPITOL SECURITY
5 OFFICER, or deceased Michigan fire fighter and who was under the
6 age of 21 at the time of the Michigan police officer's, MICHIGAN
7 MOTOR CARRIER OFFICER'S, MICHIGAN CAPITOL SECURITY OFFICER'S, or
8 Michigan fire fighter's death.

9 (b) "Department" means the department of state police.

10 (c) "Killed" means that the Michigan police officer's,
11 MICHIGAN MOTOR CARRIER OFFICER'S, MICHIGAN CAPITOL SECURITY
12 OFFICER'S, or Michigan fire fighter's death is the direct and
13 proximate result of a traumatic injury incurred in the line of
14 duty.

15 (d) "Line of duty" means an action that a Michigan police
16 officer, MICHIGAN MOTOR CARRIER OFFICER, MICHIGAN CAPITOL SECUR-
17 ITY OFFICER, or Michigan fire fighter is obligated or authorized
18 to perform by rule, regulation, condition of employment or serv-
19 ice, or law, including, but not limited to, a social, ceremonial,
20 or athletic function that the Michigan police officer, MICHIGAN
21 MOTOR CARRIER OFFICER, MICHIGAN CAPITOL SECURITY OFFICER, or
22 Michigan fire fighter is assigned to or compensated for by the
23 public agency he or she serves.

24 (e) "MICHIGAN CAPITOL SECURITY OFFICER" MEANS THE SECURITY
25 PERSONNEL EMPLOYED BY THE STATE AS DESCRIBED IN SECTION 6C OF
26 1935 PA 59, MCL 28.6C.

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1 (F) "MICHIGAN MOTOR CARRIER OFFICER" MEANS AN OFFICER OF THE
2 MOTOR CARRIER ENFORCEMENT DIVISION OF THE DEPARTMENT OF THE
3 MICHIGAN STATE POLICE AS DESCRIBED IN SECTION 6D OF 1935 PA 59,
4 MCL 28.6D.

5 (G) ~~(e)~~ "Michigan police officer" means a sheriff or
6 sheriff's deputy of a sheriff's department in this state; village
7 or township marshal of a village or township in this state; offi-
8 cer of the police department of any city, village, or township in
9 this state; officer of the Michigan state police; or any other
10 police officer or law enforcement officer trained and certified
11 pursuant to the Michigan law enforcement officers training coun-
12 cil act of 1965, ~~Act No. 203 of the Public Acts of 1965, being~~
13 ~~sections 28.601 to 28.616 of the Michigan Compiled Laws~~ 1965 PA
14 203, MCL 28.601 TO 28.616.

15 (H) ~~(f)~~ "Michigan fire fighter" means a member including
16 volunteer members and members paid on call of a fire department,
17 or other organization that provides fire suppression and other
18 fire-related services, of a city, township, village, or county
19 who is responsible for or is in a capacity that includes respon-
20 sibility for the extinguishment of fires. Michigan fire fighter
21 does not include a person whose job description, duties, or
22 responsibilities do not include direct involvement in fire
23 suppression.

24 (I) ~~(g)~~ "Occupational disease" means a disease that rou-
25 tinely constitutes a special hazard in, or is commonly regarded
26 as concomitant of, the Michigan police officer's, MICHIGAN MOTOR

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1 CARRIER OFFICER'S, MICHIGAN CAPITOL SECURITY OFFICER'S, or
2 Michigan fire fighter's occupation.

3 (J) ~~(h)~~ "State institution of higher education" means a
4 public community or junior college established under section 7 of
5 article VIII of the state constitution of 1963 or part 25 of the
6 revised school code, ~~Act No. 451 of the Public Acts of 1976,~~
7 ~~being sections 380.1601 to 380.1607 of the Michigan Compiled~~
8 ~~Laws~~ 1976 PA 451, MCL 380.1601 TO 380.1607, or a state univer-
9 sity described in section 4, 5, or 6 of article VIII of the state
10 constitution of 1963.

11 (K) ~~(i)~~ "Traumatic injury" means a wound or the condition
12 of the body caused by external force, including, but not limited
13 to, an injury inflicted by bullet, explosive, sharp instrument,
14 blunt object or other physical blow, fire, smoke, chemical, elec-
15 tricity, climatic condition, infectious disease, radiation, or
16 bacteria, but excluding an injury resulting from stress, strain,
17 or occupational disease.

18 (l) ~~(j)~~ "Tuition" means tuition at the rate charged for
19 residents of this state.

20 Sec. 3. (1) Beginning in the 1996-1997 academic year, and
21 subject to the limitations in subsections (2), (3), and (4), a
22 state institution of higher education shall waive tuition for
23 each child and surviving spouse of a Michigan police officer,
24 MICHIGAN MOTOR CARRIER OFFICER, MICHIGAN CAPITOL SECURITY
25 OFFICER, or Michigan fire fighter who has been or is killed in
26 the line of duty if the child or surviving spouse meets all of
27 the following requirements:

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1 (a) Applies, qualifies, and is admitted as a full-time,
2 part-time, or summer school student in a program of study leading
3 to a degree or certificate.

4 (b) Is a legal resident of ~~the~~ THIS state for at least the
5 12 consecutive months immediately preceding his or her
6 application. For an individual who is a dependent of his or her
7 parent, residency status shall be determined by the parent's
8 residency. For an individual who is not a dependent, residency
9 status shall be determined in the same manner as under title IV
10 of the higher education act of 1965, Public Law 89-329, 79
11 Stat. 1232.

12 (c) Applies to the department for tuition waiver under this
13 act and provides evidence satisfactory to the department that he
14 or she is the child or the surviving spouse of a Michigan police
15 officer, MICHIGAN MOTOR CARRIER OFFICER, MICHIGAN CAPITOL SECUR-
16 ITY OFFICER, or Michigan fire fighter who was killed in the line
17 of duty, that the course or courses for which he or she is seek-
18 ing a tuition waiver meet the requirements of subsection (2), and
19 that he or she meets the other requirements of this section.

20 (d) For a child of a Michigan police officer, MICHIGAN MOTOR
21 CARRIER OFFICER, MICHIGAN CAPITOL SECURITY OFFICER, or Michigan
22 fire fighter who was killed in the line of duty, applies under
23 subdivision (c) for the first time before the age of 21.

24 (e) Is certified by the financial aid officer at the state
25 institution of higher education as needing the tuition waiver in
26 order to meet recognized educational expenses. If the child's or
27 surviving spouse's family income, excluding any income from death

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1 benefits attributable to the Michigan police officer's, MICHIGAN
2 MOTOR CARRIER OFFICER'S, MICHIGAN CAPITOL SECURITY OFFICER'S, or
3 Michigan fire fighter's death, is below 400% of poverty level
4 under federal poverty guidelines published by the United States
5 department of health and human services, income from any death
6 benefits accruing to the child or surviving spouse as a result of
7 the Michigan police officer's, MICHIGAN MOTOR CARRIER OFFICER'S,
8 MICHIGAN CAPITOL SECURITY OFFICER'S, or Michigan fire fighter's
9 death shall not be counted as family income in determining finan-
10 cial need under this subdivision.

11 (f) Maintains satisfactory academic progress, as defined by
12 the state institution of higher education, for each term or
13 semester in which he or she is enrolled. The satisfactory
14 progress definition used by an institution for federal student
15 assistance programs under title IV of the higher education act of
16 1965, PUBLIC LAW 89-329, 79 STAT. 1232, is acceptable for the
17 purposes of this act.

18 (g) Has not achieved a bachelor's degree and has received
19 tuition reimbursement under this act for less than 124 semester
20 credits or 180 term credits at an institution of higher
21 education.

22 (2) A state institution of higher education shall waive
23 tuition under this act only for courses that are applicable
24 toward the degree or certificate requirements of the program in
25 which the child or surviving spouse is enrolled.

26 (3) A child or surviving spouse of a Michigan police
27 officer, MICHIGAN MOTOR CARRIER OFFICER, MICHIGAN CAPITOL

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1 SECURITY OFFICER, or Michigan fire fighter who was killed in the
2 line of duty is eligible for tuition waiver under this section
3 for not more than a total of 9 semesters or the equivalent number
4 of terms or quarters.

5 (4) ~~Tuition shall be waived~~ A STATE INSTITUTION OF HIGHER
6 EDUCATION SHALL WAIVE TUITION UNDER THIS ACT to the extent that
7 the tuition is not covered or paid by any scholarship, trust
8 fund, statutory benefit, or any other source of tuition coverage
9 available to the person eligible for a waiver under this act.