



House Office Building, 9 South
Lansing, Michigan 48909
Phone: 517/373-6466

EXTEND POLICE AND FIREFIGHTER SURVIVORS' TUITION ACT

House Bill 4242
Sponsor: Rep. Bob Brown
Committee: Education

Complete to 3-30-01

A SUMMARY OF HOUSE BILL 4242 AS INTRODUCED 2-14-01

The bill would amend the Police Officer's and Firefighter's Survivor Tuition Act, Public Act 195 of 1996, to extend its provisions to the children and surviving spouses of more kinds of law enforcement officers and firefighters killed in the line of duty than the law currently allows. Under the bill, the act would be renamed the Law Enforcement Officer's and Firefighter's Survivor Tuition Act.

Specifically, House Bill 4242 would require Michigan public colleges to waive tuition under certain circumstances, for children and surviving spouses of certain law enforcement officers who had been killed in the line of duty. The bill would define "law enforcement officer" to mean a capitol security officer, conservation officer, motor carrier officer, or police officer. Under the bill, each of these four terms is further defined. "Capitol security officer" would be defined to mean a security employee employed by the state as described in the Michigan State Police Act. "Conservation officer" would mean a conservation officer appointed by the Department of Natural Resources or the Department of Environmental Quality. A "motor carrier officer" would mean an officer of the motor carrier enforcement division of the Department of the Michigan State Police, also as described in the Michigan State Police Act. A "police officer" would mean 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 pursuant to the Commission of Law Enforcement Standards Act. The bill also would extend the term "occupational disease" to include the occupation of a law enforcement officer, and retain the definition of "firefighter."

Under the bill, the current act's provisions would be retained with one exception. Currently, in order to receive a tuition waiver, applicants have to meet criteria that demonstrate financial need, as certified by the financial aid officer of the institution of higher education. Further, the act requires that in determining financial need, death benefits attributable to the officer's death are not counted as "family income", if other family income is below 400 percent of the poverty level, as determined under federal poverty guidelines. Under the bill, these requirements to demonstrate financial need would be eliminated.

[The Police Officer's and Fire Fighter's Survivor Tuition Act applies to a surviving spouse, and to his or her natural or adopted children who are under the age of 21 at the time of the first application for a tuition waiver. Further, it applies only to the family of an individual whose death is directly caused by a traumatic injury that occurs in the line of duty, including assigned social,

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ceremonial, or athletic functions. (A traumatic injury includes wounds caused by external force, including but not limited to an injury inflicted by a bullet, explosive, sharp instrument, blunt object or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria. The definition specifically excludes any injuries caused by stress, strain, or occupational disease.)

In addition, under the act an eligible student must be admitted as a full-time, part-time, or summer school student in a program of study that leads to a degree or certificate; must have been a legal resident of the state for the prior 12 consecutive months (the residence of an individual who is dependent on his or her parent would be determined by the parent's residency, while the residency of an individual who is not a dependent is determined under title IV of the higher education act of 1965); and, must have applied to the Department of State Police (which administers the act), and provided evidence that he or she is the child or surviving spouse of a slain officer. Under the law, a tuition waiver is not available for otherwise eligible individuals who have already achieved a bachelor's degree and/or have already received tuition reimbursement under the act for 124 semester credits or 180 term credits at an institution of higher learning.

Under the act, tuition is waived only for those courses applying to the degree or certificate being sought by the student, and a tuition waiver is available to a student for not more than nine semesters (or the equivalent number of terms or quarters). Additionally, the student is required to maintain satisfactory academic progress, as defined by the state institution of higher education or by an institution for federal student assistance programs under title IV of the higher education act of 1965, for each term or semester. Finally, if a student's tuition is covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available to the student, the act only allows for the waiver of an amount that exceeds the other source of tuition.]

MCL 390.1241, 390.1242, and 390.1243

Analyst: J. Hunault

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