

SENATE BILL No. 429

April 26, 2001, Introduced by Senators MC COTTER, HOFFMAN, BULLARD, NORTH, LELAND, MC MANUS, DINGELL, GAST, YOUNG, STILLE, KOIVISTO, SCOTT, GARCIA and BENNETT and referred to the Committee on Appropriations.

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
3 institutions of higher education for children and surviving
4 spouses of ~~Michigan police~~ CERTAIN LAW ENFORCEMENT officers and
5 ~~fire fighters~~ FIREFIGHTERS killed in the line of duty; and to
6 provide for an appropriation.

7 Sec. 1. This act shall be known and may be cited as the
8 ~~"police"~~ "LAW ENFORCEMENT officer's and ~~fire fighter's~~
9 FIREFIGHTER'S survivor tuition act".

1 Sec. 2. As used in this act:

2 (A) "CAPITOL SECURITY OFFICER" MEANS A SECURITY EMPLOYEE
3 EMPLOYED BY THIS STATE AS DESCRIBED IN SECTION 6C OF 1935 PA 59,
4 MCL 28.6C.

5 (B) ~~(a)~~ "Child" means an individual who is a natural or
6 adopted child of a deceased ~~Michigan police officer or deceased~~
7 ~~Michigan fire fighter~~ LAW ENFORCEMENT OFFICER OR FIREFIGHTER and
8 who was under the age of 21 at the time of the ~~Michigan police~~
9 ~~officer's or Michigan fire fighter's~~ death OF THE LAW ENFORCE-
10 MENT OFFICER OR FIREFIGHTER.

11 (C) "CONSERVATION OFFICER" MEANS A CONSERVATION OFFICER
12 APPOINTED BY THE DEPARTMENT OF NATURAL RESOURCES OR THE DEPART-
13 MENT OF ENVIRONMENTAL QUALITY.

14 (D) ~~(b)~~ "Department" means the department of state
15 police.

16 (E) "FIREFIGHTER" MEANS A MEMBER, INCLUDING VOLUNTEER MEM-
17 BERS AND MEMBERS PAID ON CALL, OF A FIRE DEPARTMENT OR OTHER
18 ORGANIZATION THAT PROVIDES FIRE SUPPRESSION AND OTHER
19 FIRE-RELATED SERVICES, OF A CITY, TOWNSHIP, VILLAGE, OR COUNTY IN
20 THIS STATE WHO IS RESPONSIBLE FOR OR IS IN A CAPACITY THAT
21 INCLUDES RESPONSIBILITY FOR THE EXTINGUISHMENT OF FIRES.
22 FIREFIGHTER DOES NOT INCLUDE A PERSON WHOSE JOB DESCRIPTION,
23 DUTIES, OR RESPONSIBILITIES DO NOT INCLUDE DIRECT INVOLVEMENT IN
24 FIRE SUPPRESSION.

25 (F) ~~(c)~~ "Killed" means that the ~~Michigan police officer's~~
26 ~~or Michigan fire fighter's~~ death OF THE LAW ENFORCEMENT OFFICER

1 OR FIREFIGHTER is the direct and proximate result of a traumatic
2 injury incurred in the line of duty.

3 (G) "LAW ENFORCEMENT OFFICER" MEANS A CAPITOL SECURITY OFFI-
4 CER, CONSERVATION OFFICER, MOTOR CARRIER OFFICER, OR POLICE
5 OFFICER.

6 (H) ~~(d)~~ "Line of duty" means an action that a ~~Michigan~~
7 ~~police officer or Michigan fire fighter~~ LAW ENFORCEMENT OFFICER
8 OR FIREFIGHTER is obligated or authorized to perform by rule,
9 regulation, condition of employment or service, or law, includ-
10 ing, but not limited to, a social, ceremonial, or athletic func-
11 tion that the ~~Michigan police officer or Michigan fire fighter~~
12 LAW ENFORCEMENT OFFICER OR FIREFIGHTER is assigned to or compen-
13 sated for by the public agency he or she serves.

14 (I) "MOTOR CARRIER OFFICER" MEANS AN OFFICER OF THE MOTOR
15 CARRIER ENFORCEMENT DIVISION OF THE DEPARTMENT OF THE MICHIGAN
16 STATE POLICE AS DESCRIBED IN SECTION 6D OF 1935 PA 59, MCL 28.6D.

17 (J) "OCCUPATIONAL DISEASE" MEANS A DISEASE THAT ROUTINELY
18 CONSTITUTES A SPECIAL HAZARD IN, OR IS COMMONLY REGARDED AS CON-
19 COMITANT OF, THE OCCUPATION OF A LAW ENFORCEMENT OFFICER OR
20 FIREFIGHTER.

21 (K) ~~(e)~~ ~~Michigan police~~ "POLICE officer" means a sheriff
22 or sheriff's deputy of a sheriff's department in this state; vil-
23 lage or township marshal of a village or township in this state;
24 officer of the police department of any city, village, or town-
25 ship in this state; officer of the Michigan state police; or any
26 other police officer or law enforcement officer trained and
27 certified pursuant to the ~~Michigan law enforcement officers~~

1 ~~training council act of 1965, Act No. 203 of the Public Acts of~~
2 ~~1965, being sections 28.601 to 28.616 of the Michigan Compiled~~
3 ~~Laws~~ COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203,
4 MCL 28.601 TO 28.616.

5 ~~(f) "Michigan fire fighter" means a member including volun-~~
6 ~~teer members and members paid on call of a fire department, or~~
7 ~~other organization that provides fire suppression and other~~
8 ~~fire-related services, of a city, township, village, or county~~
9 ~~who is responsible for or is in a capacity that includes respon-~~
10 ~~sibility for the extinguishment of fires. Michigan fire fighter~~
11 ~~does not include a person whose job description, duties, or~~
12 ~~responsibilities do not include direct involvement in fire~~
13 ~~suppression.~~

14 ~~(g) "Occupational disease" means a disease that routinely~~
15 ~~constitutes a special hazard in, or is commonly regarded as con-~~
16 ~~comitant of, the Michigan police officer's or Michigan fire~~
17 ~~fighter's occupation.~~

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

26 (M) ~~(i)~~ "Traumatic injury" means a wound or the condition
27 of the body caused by external force, including, but not limited

1 to, an injury inflicted by bullet, explosive, sharp instrument,
2 blunt object or other physical blow, fire, smoke, chemical, elec-
3 tricity, climatic condition, infectious disease, radiation, or
4 bacteria, but excluding an injury resulting from stress, strain,
5 or occupational disease.

6 (N) ~~(j)~~ "Tuition" means tuition at the rate charged for
7 residents of this state.

8 Sec. 3. (1) ~~Beginning in the 1996-1997 academic year, and~~
9 ~~subject~~ SUBJECT to the limitations in subsections (2), (3), and
10 (4), a state institution of higher education shall waive tuition
11 for each child and surviving spouse of a ~~Michigan police officer~~
12 ~~or Michigan fire fighter~~ LAW ENFORCEMENT OFFICER OR FIREFIGHTER
13 who has been or is killed ~~in the line of duty~~ if the child or
14 surviving spouse meets all of the following requirements:

15 (a) ~~Applies~~ HE OR SHE APPLIES, qualifies, and is admitted
16 as a full-time, part-time, or summer school student in a program
17 of study leading to a degree or certificate.

18 (b) ~~Is~~ HE OR SHE IS a legal resident of ~~the~~ THIS state
19 for at least the 12 consecutive months immediately preceding his
20 or her application. For an individual who is a dependent of his
21 or her parent, residency status shall be determined by the
22 parent's residency. For an individual who is not a dependent,
23 residency status shall be determined in the same manner as under
24 title IV of the higher education act of 1965, Public Law 89-329,
25 79 Stat. 1232.

26 (c) ~~Applies~~ HE OR SHE APPLIES to the department for
27 tuition waiver under this act and provides evidence satisfactory

1 to the department that he or she is the child or the surviving
2 spouse of a ~~Michigan police officer or Michigan fire fighter~~
3 LAW ENFORCEMENT OFFICER OR FIREFIGHTER who was killed, ~~in the~~
4 ~~line of duty,~~ that the course or courses for which he or she is
5 seeking a tuition waiver meet the requirements of subsection (2),
6 and that he or she meets the other requirements of this section.

7 (d) For a child of a ~~Michigan police officer or Michigan~~
8 ~~fire fighter who was killed in the line of duty~~ LAW ENFORCEMENT
9 OFFICER OR FIREFIGHTER, HE OR SHE applies under subdivision (c)
10 for the first time before the age of 21.

11 ~~(e) Is certified by the financial aid officer at the state~~
12 ~~institution of higher education as needing the tuition waiver in~~
13 ~~order to meet recognized educational expenses. If the child's or~~
14 ~~surviving spouse's family income, excluding any income from death~~
15 ~~benefits attributable to the Michigan police officer's or~~
16 ~~Michigan fire fighter's death, is below 400% of poverty level~~
17 ~~under federal poverty guidelines published by the United States~~
18 ~~department of health and human services, income from any death~~
19 ~~benefits accruing to the child or surviving spouse as a result of~~
20 ~~the Michigan police officer's or Michigan fire fighter's death~~
21 ~~shall not be counted as family income in determining financial~~
22 ~~need under this subdivision.~~

23 (E) ~~(f) Maintains~~ HE OR SHE MAINTAINS satisfactory aca-
24 demic progress, as defined by the state institution of higher
25 education, for each term or semester in which he or she is
26 enrolled. The satisfactory progress definition used by an
27 institution for federal student assistance programs under title

1 IV of the higher education act of 1965, PUBLIC LAW 89-329, 79
2 STAT. 1232, is acceptable for the purposes of this act.

3 (F) ~~(g) Has~~ HE OR SHE HAS not achieved a bachelor's degree
4 and has received tuition reimbursement under this act for less
5 than 124 semester credits or 180 term credits at an institution
6 of higher education.

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

11 (3) A child or surviving spouse of a ~~Michigan police offi-~~
12 ~~cer or Michigan fire fighter~~ LAW ENFORCEMENT OFFICER OR
13 FIREFIGHTER who was killed ~~in the line of duty~~ is eligible for
14 tuition waiver under this section for not more than a total of 9
15 semesters or the equivalent number of terms or quarters.

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