

# SENATE BILL No. 1140

November 8, 2018, Introduced by Senators HERTEL, GREGORY, HOOD, CONYERS, SCHMIDT and ANANICH and referred to the Committee on Appropriations.

A bill to amend 1996 PA 195, entitled "Police officer's and fire fighter's survivor tuition grant act," by amending sections 2 and 3 (MCL 390.1242 and 390.1243), section 2 as amended by 2016 PA 295 and section 3 as amended by 2012 PA 470.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1           Sec. 2. As used in this act:

2           (a) "Academic year" means the period from September 1 of a  
3 calendar year to August 31 of the next calendar year.

4           (b) "Child" means an individual who is a natural or adopted  
5 child of a deceased Michigan police officer or deceased Michigan  
6 fire fighter and who was under the age of 21 at the time of the  
7 Michigan police officer's or Michigan fire fighter's death.

8           (c) "Department" means the department of treasury.

1 (d) "Eligible student" means a child or surviving spouse of a  
2 Michigan police officer or Michigan fire fighter who was or is  
3 killed in the line of duty.

4 (e) "Eligible tuition" means the tuition charged by a state  
5 institution of higher education for an undergraduate class.

6 **(F) "GIFT AID" MEANS FORMAL SCHOLARSHIPS OR GRANTS FROM**  
7 **SOURCES THAT DO NOT REQUIRE REPAYMENT.**

8 (G) ~~(f)~~—"Killed" means that the Michigan police officer's or  
9 Michigan fire fighter's death is the direct and proximate result of  
10 a traumatic injury incurred in the line of duty.

11 (H) ~~(g)~~—"Line of duty" means an action that a Michigan police  
12 officer or Michigan fire fighter is obligated or authorized to  
13 perform by rule, regulation, condition of employment or service, or  
14 law, including, but not limited to, a social, ceremonial, or  
15 athletic function that the Michigan police officer or Michigan fire  
16 fighter is assigned to or compensated for by the public agency he  
17 or she serves.

18 (I) ~~(h)~~—"Michigan police officer" means a sheriff or sheriff's  
19 deputy of a sheriff's department in this state; village or township  
20 marshal of a village or township in this state; officer of the  
21 police department of any city, village, or township in this state;  
22 officer of the Michigan state police; or any other police officer  
23 or law enforcement officer trained and licensed or certified under  
24 the Michigan commission on law enforcement standards act, 1965 PA  
25 203, MCL 28.601 to 28.615.

26 (J) ~~(i)~~—"Michigan fire fighter" means a member including  
27 volunteer members and members paid on call of a fire department, or

1 other organization that provides fire suppression and other fire-  
2 related services, of a city, township, village, or county who is  
3 responsible for or is in a capacity that includes responsibility  
4 for the extinguishment of fires. Michigan fire fighter does not  
5 include a person whose job description, duties, or responsibilities  
6 do not include direct involvement in fire suppression.

7 (K) ~~(j)~~—"Occupational disease" means a disease that routinely  
8 constitutes a special hazard in, or is commonly regarded as  
9 concomitant of, the Michigan police officer's or Michigan fire  
10 fighter's occupation.

11 (I) ~~(k)~~—"State institution of higher education" means a public  
12 community or junior college established under section 7 of article  
13 VIII of the state constitution of 1963 or part 25 of the revised  
14 school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a state  
15 university described in section 4, 5, or 6 of article VIII of the  
16 state constitution of 1963.

17 (M) ~~(l)~~—"Survivor's tuition grant" means a tuition grant  
18 awarded to an eligible student under this act.

19 (N) ~~(m)~~—"Traumatic injury" means a wound or the condition of  
20 the body caused by external force, including, but not limited to,  
21 an injury inflicted by bullet, explosive, sharp instrument, blunt  
22 object or other physical blow, fire, smoke, chemical, electricity,  
23 climatic condition, infectious disease, radiation, or bacteria, but  
24 excluding an injury resulting from stress, strain, or occupational  
25 disease.

26 (O) ~~(n)~~—"Undergraduate class" means a class or course that  
27 provides a student with academic credit applicable toward a

1 bachelor or associate degree from a state institution of higher  
2 education.

3       Sec. 3. (1) The police officer's and fire fighter's survivor  
4 tuition program is created, to be administered by the department.

5       (2) Beginning in the 2012-2013 academic year, the department  
6 shall provide a survivor's tuition grant in an amount determined by  
7 the department under subsection (3) to each eligible student if all  
8 of the following requirements are met:

9       (a) The student applies, qualifies, and is admitted as a full-  
10 time, part-time, or summer school student in a program of study  
11 leading to a degree or certificate at a state institution of higher  
12 education.

13       (b) The student is a legal resident of the state for at least  
14 the 12 consecutive months immediately preceding his or her  
15 application. For an individual who is a dependent of his or her  
16 parent, residency status shall be determined by the parent's  
17 residency. For an individual who is not a dependent, residency  
18 status is determined in the same manner as under title IV of 20 USC  
19 1070 to 1070h.

20       (c) The student applies to the department for a survivor's  
21 tuition grant under this act and provides evidence satisfactory to  
22 the department that he or she is an eligible student, that the  
23 course or courses for which he or she is seeking a survivor's  
24 tuition grant meet the requirements of subsection (3), and that he  
25 or she meets the other requirements of this section.

26       (d) If the student is a child of a Michigan police officer or  
27 Michigan fire fighter who was killed in the line of duty, he or she

1 applies for a survivor's tuition grant under subdivision (c) for  
2 the first time before the age of 26.

3 (e) The financial aid officer at the state institution of  
4 higher education certifies to the department that the ~~student needs~~  
5 ~~the survivor's tuition grant in order to meet~~ **STUDENT'S** eligible  
6 tuition expenses **EXCEED THE TOTAL OF ALL OTHER GIFT AID AVAILABLE**  
7 **TO THE STUDENT**; certifies the amount **OF** that ~~the student needs for~~  
8 ~~those tuition expenses,~~ **EXCESS**; and certifies that the tuition rate  
9 or rates used to determine the amount of ~~those expenses do not~~  
10 ~~exceed~~ **THAT EXCESS ARE NOT GREATER THAN** the rate or rates charged  
11 to residents of this state. ~~If the eligible student's family~~  
12 ~~income, excluding any income from death benefits attributable to~~  
13 ~~the Michigan police officer's or Michigan fire fighter's death, is~~  
14 ~~below 400% of poverty level under federal poverty guidelines~~  
15 ~~published by the United States department of health and human~~  
16 ~~services, the institution shall not include income from any death~~  
17 ~~benefits accruing to the eligible student as a result of the~~  
18 ~~Michigan police officer's or Michigan fire fighter's death as~~  
19 ~~family income in determining financial need under this subdivision.~~

20 (f) The student maintains satisfactory academic progress, as  
21 defined by the state institution of higher education, for each term  
22 or semester in which he or she is enrolled. The satisfactory  
23 progress definition used by an institution for federal student  
24 assistance programs under 20 USC 1070 to 1070h is acceptable for  
25 the purposes of this act.

26 (g) The student has not received a bachelor's degree and has  
27 received tuition assistance under this act for fewer than 124

1 semester credits or 180 term credits at an institution of higher  
2 education.

3 (h) The student has not received a survivor's tuition grant in  
4 more than a total of 9 semesters or the equivalent number of terms  
5 or quarters.

6 (3) The amount of a survivor's tuition grant in an academic  
7 year is the amount of the student's eligible tuition in that  
8 academic year ~~that is not covered or paid by any scholarship, trust~~  
9 ~~fund, statutory benefit, or any other source of tuition coverage~~  
10 **LESS ALL OTHER GIFT AID** available to the eligible student. The  
11 department may reduce the amount of a survivor's tuition grant if  
12 it determines that the tuition rate or rates used ~~to determine the~~  
13 ~~amount that~~ **BY** the state institution of higher education ~~certifies~~  
14 under subsection (2)(e) ~~that the student needs exceed~~ **TO DETERMINE**  
15 **THE AMOUNT OF THE SURVIVOR'S TUITION GRANT ARE GREATER THAN** the  
16 tuition rate or rates charged by the institution in that academic  
17 year to residents of this state.