



SENATE BILL No. 985

April 30, 1996, Introduced by Senators CISKY, DINGELL, GOUGEON, MC MANUS, BYRUM, STALLINGS, VAUGHN, NORTH, BOUCHARD, STEIL, BENNETT, SCHUETTE, CHERRY, KOIVISTO, A. SMITH and SHUGARS and referred to the Committee on Appropriations.

A bill to provide for a waiver of tuition at state public institutions of higher education for children and spouses of Michigan veterans missing in action, totally disabled with a service related disability, or killed in the line of duty; to create the veterans' survivor tuition fund and to provide for the administration of that fund; to impose certain duties on certain departments; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "veterans' survivor tuition act".

3 Sec. 2. As used in this act:

4 (a) "Child" means an individual who is a natural or adopted
5 child of a deceased, totally disabled, or missing in action
6 Michigan veteran and who was under the age of 21 at the time the

1 Michigan veteran died, was declared missing in action, or was
2 determined to be totally disabled.

3 (b) "Department" means the department of military affairs.

4 (c) "Killed" means that the Michigan veteran's death is the
5 direct and proximate result of a traumatic injury incurred in the
6 line of duty.

7 (d) "Line of duty" means an action that a Michigan veteran
8 is obligated or authorized to perform by rule, regulation, condi-
9 tion of employment or service, or law.

10 (e) "Michigan veteran" means an individual in active service
11 in the armed forces of the United States who was a resident of
12 this state immediately before entering that active service. As
13 used in this subdivision, "active service" includes any training
14 period provided by the armed forces of the United States.

15 (f) "Missing in action" means officially listed by the
16 United States government as missing in action in a foreign
17 country.

18 (g) "State institution of higher education" means a public
19 community or junior college established under section 7 of arti-
20 cle 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, or a state university described in section 4, 5, or 6 of
24 article VIII of the state constitution of 1963.

25 (h) "Totally disabled" means 100% disabled as a result of a
26 service-connected illness or injury, regardless of whether the

1 individual subsequently dies from a cause unrelated to that
2 illness or injury.

3 (i) "Traumatic injury" means a wound or the condition of the
4 body caused by external force, including, but not limited to, an
5 injury inflicted by bullet, explosive, sharp instrument, blunt
6 object or other physical blow, fire, smoke, chemical, electrici-
7 ty, climatic condition, infectious disease, radiation, or bacter-
8 ia, but excluding an injury resulting from stress or strain.

9 (j) "Tuition" means tuition at the rate charged for resi-
10 dents of this state.

11 Sec. 3. (1) Beginning in the 1996-1997 academic year, and
12 subject to the limitations in subsections (2), (3), and (4), a
13 state institution of higher education shall waive tuition for the
14 lawful spouse and each child of a Michigan veteran who is missing
15 in action, is totally disabled or was totally disabled before his
16 or her death, or has been or is killed in the line of duty, if
17 the child or spouse meets all of the following requirements:

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

21 (b) Is a legal resident of the state for at least the 12
22 consecutive months immediately preceding his or her application.
23 For an individual who is a dependent of his or her parent, resi-
24 dency status shall be determined by the parent's residency. For
25 an individual who is not a dependent, residency status shall be
26 determined in the same manner as under title IV of the higher
27 education act of 1965, Public Law 89-329.

1 (c) Applies to the department for tuition waiver under this
2 act and provides evidence satisfactory to the department of all
3 of the following:

4 (i) That he or she is the child or the spouse of a Michigan
5 veteran who is missing in action, is totally disabled or was
6 totally disabled before his or her death, or was killed in the
7 line of duty.

8 (ii) That the course or courses for which he or she is seek-
9 ing a tuition waiver meet the requirements of subsection (2).

10 (iii) That he or she meets the other requirements of this
11 section.

12 (d) For a child of a Michigan veteran who was killed in the
13 line of duty, applies under subdivision (c) for the first time
14 before the age of 21.

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

26 (f) Maintains satisfactory academic progress, as defined by
27 the state institution of higher education, for each term or

1 semester in which he or she is enrolled. The satisfactory
2 progress definition used by an institution for federal student
3 assistance programs under title IV of the higher education act of
4 1965 is acceptable for the purposes of this act.

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

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

13 (3) A child or spouse of a Michigan veteran who is missing
14 in action, is totally disabled or was totally disabled before his
15 or her death, or was killed in the line of duty is eligible for
16 tuition waiver under this section for not more than a total of 9
17 semesters or a total of terms or quarters equivalent to 9
18 semesters.

19 (4) Tuition shall be waived only to the extent that the
20 tuition is not covered or paid by any scholarship, trust fund,
21 statutory benefit, or any other source of tuition coverage avail-
22 able to the person eligible for a waiver under this act.

23 Sec. 4. (1) Beginning in the 1996-1997 academic year, upon
24 receiving an application under section 3(1)(c), the department
25 shall determine whether the applicant and the courses for which
26 tuition waiver is sought meet the requirements of section 3 and,
27 if so, shall approve the application and notify the state

1 institution of higher education that the application has been
2 approved.

3 (2) Beginning in the 1996-1997 academic year, upon applica-
4 tion by the state institution of higher education, the department
5 annually shall reimburse each state institution of higher educa-
6 tion for the total amount of tuition waived during the immedi-
7 ately preceding fiscal year under section 3. The reimbursement
8 shall be paid from the veterans' survivor tuition fund created
9 under section 6. The department annually shall report to the
10 legislature the number of individuals for whom tuition has been
11 waived at each state institution of higher education, the total
12 amounts to be paid under this act for that fiscal year, and the
13 amount that remains in the veterans' survivor tuition fund after
14 those amounts are paid.

15 Sec. 5. The department shall provide the necessary forms
16 and applications and shall cooperate with the state institutions
17 of higher education in developing efficient procedures for imple-
18 menting the purposes of this act.

19 Sec. 6. (1) The veterans' survivor tuition fund is created
20 within the state treasury.

21 (2) The state treasurer shall receive money appropriated by
22 the legislature for deposit into the fund, and may receive money
23 or other assets from any source for deposit into the fund. The
24 state treasurer shall direct the investment of the fund. The
25 state treasurer shall credit to the fund interest and earnings
26 from fund investments.

1 (3) Money in the fund shall remain in the fund and shall not
2 lapse to the general fund.

3 Sec. 7. Act No. 245 of the Public Acts of 1935, being sec-
4 tions 35.111 to 35.112 of the Michigan Compiled Laws, is
5 repealed.