

HOUSE BILL No. 5786

April 28, 1998, Introduced by Reps. Brown, Galloway, Tesanovich, Callahan, Wojno, Hale, Schermesser, Prusi, McBryde, Nye and McNutt and referred to the Committee on Colleges and Universities.

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:

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TITLE

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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, and

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fire fighters killed in the line of duty; and to provide for an

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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, and fire fighter's

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survivor tuition act".

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, or deceased Michigan fire fighter and who
5 was under the age of 21 at the time of the Michigan police
6 officer's, MICHIGAN MOTOR CARRIER OFFICER'S, or Michigan fire
7 fighter's death.

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

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

13 (d) "Line of duty" means an action that a Michigan police
14 officer, MICHIGAN MOTOR CARRIER OFFICER, or Michigan fire fighter
15 is obligated or authorized to perform by rule, regulation, condi-
16 tion of employment or service, or law, including, but not limited
17 to, a social, ceremonial, or athletic function that the Michigan
18 police officer, MICHIGAN MOTOR CARRIER OFFICER, or Michigan fire
19 fighter is assigned to or compensated for by the public agency he
20 or she serves.

21 (E) "MICHIGAN MOTOR CARRIER OFFICER" MEANS AN OFFICER OF THE
22 MOTOR CARRIER ENFORCEMENT DIVISION OF THE DEPARTMENT OF THE
23 MICHIGAN STATE POLICE AS DESCRIBED IN SECTION 6D OF 1935 PA 59,
24 MCL 28.6D.

25 (F) ~~(e)~~ "Michigan police officer" means a sheriff or
26 sheriff's deputy of a sheriff's department in this state; village
27 or township marshal of a village or township in this state;

1 officer of the police department of any city, village, or
2 township in this state; officer of the Michigan state police; or
3 any other police officer or law enforcement officer trained and
4 certified pursuant to the Michigan law enforcement officers
5 training council act of 1965, ~~Act No. 203 of the Public Acts of~~
6 ~~1965, being sections 28.601 to 28.616 of the Michigan Compiled~~
7 ~~Laws~~ 1965 PA 203, MCL 28.601 TO 28.616.

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

17 (H) ~~(g)~~ "Occupational disease" means a disease that rou-
18 tinely constitutes a special hazard in, or is commonly regarded
19 as concomitant of, the Michigan police officer's, MICHIGAN MOTOR
20 CARRIER OFFICER'S, or Michigan fire fighter's occupation.

21 (I) ~~(h)~~ "State institution of higher education" means a
22 public community or junior college established under section 7 of
23 article VIII of the state constitution of 1963 or part 25 of the
24 revised school code, ~~Act No. 451 of the Public Acts of 1976,~~
25 ~~being sections 380.1601 to 380.1607 of the Michigan Compiled~~
26 ~~Laws~~ 1976 PA 451, MCL 380.1601 TO 380.1607, or a state

1 university described in section 4, 5, or 6 of article VIII of the
2 state constitution of 1963.

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

10 (K) ~~(j)~~ "Tuition" means tuition at the rate charged for
11 residents of this state.

12 Sec. 3. (1) Beginning in the 1996-1997 academic year, and
13 subject to the limitations in subsections (2), (3), and (4), a
14 state institution of higher education shall waive tuition for
15 each child and surviving spouse of a Michigan police officer,
16 MICHIGAN MOTOR CARRIER OFFICER, or Michigan fire fighter who has
17 been or is killed in the line of duty if the child or surviving
18 spouse meets all of the following requirements:

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

22 (b) Is a legal resident of the state for at least the 12
23 consecutive months immediately preceding his or her application.
24 For an individual who is a dependent of his or her parent, resi-
25 dency status shall be determined by the parent's residency. For
26 an individual who is not a dependent, residency status shall be

1 determined in the same manner as under title IV of the higher
2 education act of 1965, Public Law 89-329, 79 Stat. 1232.

3 (c) Applies to the department for tuition waiver under this
4 act and provides evidence satisfactory to the department that he
5 or she is the child or the surviving spouse of a Michigan police
6 officer, MICHIGAN MOTOR CARRIER OFFICER, or Michigan fire fighter
7 who was killed in the line of duty, that the course or courses
8 for which he or she is seeking a tuition waiver meet the require-
9 ments of subsection (2), and that he or she meets the other
10 requirements of this section.

11 (d) For a child of a Michigan police officer, MICHIGAN MOTOR
12 CARRIER OFFICER, or Michigan fire fighter 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 surviving spouse's family income, excluding any income from death
19 benefits attributable to the Michigan police officer's, MICHIGAN
20 MOTOR CARRIER OFFICER'S, or Michigan fire fighter's death, is
21 below 400% of poverty level under federal poverty guidelines pub-
22 lished by the United States department of health and human serv-
23 ices, income from any death benefits accruing to the child or
24 surviving spouse as a result of the Michigan police officer's,
25 MICHIGAN MOTOR CARRIER OFFICER'S, or Michigan fire fighter's
26 death shall not be counted as family income in determining
27 financial need under this subdivision.

1 (f) Maintains satisfactory academic progress, as defined by
2 the state institution of higher education, for each term or
3 semester in which he or she is enrolled. The satisfactory
4 progress definition used by an institution for federal student
5 assistance programs under title IV of the higher education act of
6 1965, PUBLIC LAW 89-329, 79 STAT. 1232, is acceptable for the
7 purposes of this act.

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

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

16 (3) A child or surviving spouse of a Michigan police
17 officer, MICHIGAN MOTOR CARRIER OFFICER, or Michigan fire fighter
18 who was killed in the line of duty is eligible for tuition waiver
19 under this section for not more than a total of 9 semesters or
20 the equivalent number of terms or quarters.

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