



Olds Plaza Building, 10th Floor
Lansing, Michigan 48909
Phone: 517/373-6466

POLICE OFFICER AND FIREFIGHTER SURVIVOR'S TUITION ACT

House Bill 4382 as enrolled
Public Act 195 of 1996
Third Analysis (6-11-96)

Sponsor: Rep. James McNutt
First Committee: Higher Education
Second Committee: Appropriations

THE APPARENT PROBLEM:

Most police officers have pensions provided by the government entity that they work for, e.g., either the township, county or city; only state troopers or conservation officers working for the DNR are eligible for state pensions or death benefits. Most of the pensions provided by local governments are relatively low, and may have loopholes, such as stopping payment if the surviving spouse remarries. The federal government provides a \$130,000 lump sum payment to the surviving spouse of a fallen officer, but this is a one-time payment and there is no adjustment if the officer leaves any children behind. Furthermore, although a slain officer's children may receive Social Security benefits, the officer's spouse does not. Of the fifty states, only five do not offer some sort of college tuition exemption for spouses and/or children of slain police officers.

There are some who feel that the inherently hazardous nature of police work subjects the families of police officers to higher economic risks than the rest of society. The same is true of firefighters. Because police officers and firefighters are subjected to these increased risks for the benefit of the rest of society, it is felt the state has a greater burden to provide for the well being of the families of police officers and firefighters who are killed in the line of duty.

In addition, some communities have established combined police and fire protection systems, where the officers, called public safety officers, take on the responsibilities of both police officers and firefighters. It is suggested that any legislation benefitting the families of fallen police officers should also include the families of fallen firefighters.

THE CONTENT OF THE BILL:

The bill would create the Police Officer's and Firefighter's Survivor Tuition Act to require Michigan public colleges, beginning in the 1996-97 academic year, to waive tuition under certain circumstances, for children and surviving

spouses of state or local Michigan police officers or Michigan firefighters who had been killed in the line of duty. The bill would define a Michigan police officer as any sheriff, deputy, marshal or any other law enforcement officer trained and certified under the Michigan Law Enforcement Officers Training Council Act. The definition of Michigan firefighter would include volunteers and paid on call members of a fire department, or other organization that provides for fire suppression and other fire related services and is responsible for the extinguishment of fires; however, the definition would not include a person whose job description, duties, or responsibilities did not include direct involvement in fire suppression. The provisions of the bill would apply to a Michigan police officer's or firefighter's surviving spouse, and to his or her natural or adopted children who were under the age of 21 at the time of the first application for a tuition waiver. The provisions of the bill would apply only to the family of an individual whose death was directly caused by a traumatic injury that occurred in the line of duty, including assigned social, ceremonial, or athletic functions. A traumatic injury would include injuries stemming from physical attacks as well as those due, among other things, to climatic conditions, smoke, fire, chemicals, electricity, infectious diseases, radiation, or bacteria. However, the definition would specifically exclude any injuries caused by stress, strain, or occupational disease.

In order to receive a tuition waiver, applicants would have to meet criteria for financial need, as certified by the financial aid officer of the institution of higher education. In determining financial need, death benefits attributable to the officer or firefighter's death would not be counted as "family income", if other family income was below 400 percent of the poverty level, as determined under federal poverty guidelines. In addition, a student would have to be admitted as a full-time, part-time, or summer school student in a program of study that would lead to a degree or certificate; would have to have been a legal resident of the state for the prior 12 consecutive months (the

House Bill 4382 (6-11-96)

residence of an individual who was dependent on his or her parent would be determined by the parent's residency, while the residency of an individual who was not a dependent would be determined under title IV of the higher education act of 1965); and would have to have applied to the department, and provided evidence that he or she was the child or surviving spouse of a slain police officer or firefighter. Furthermore, a tuition waiver would not be available for otherwise eligible individuals who had already achieved a bachelor's degree and/or had already received tuition reimbursement under the act for 124 semester credits or 180 term credits at an institution of higher learning.

Tuition would be waived only for those courses applying to the degree or certificate being sought by the student, and a tuition waiver would be available to a student for not more than nine semesters (or the equivalent number of terms or quarters). Additionally, the student would be 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 was covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available to the student, the bill would only allow for the waiver of an amount that exceeded the other source of tuition.

Under the bill, the Department of State Police would develop the procedures for implementing the tuition waiver in cooperation with the state institutions of higher education and would provide the necessary forms and applications. Beginning in the 1996-97 academic year, the department would notify the appropriate college or university when an application had been approved; reimburse each institution for the total amount of tuition waived for the preceding fiscal year; and provide the legislature with an annual report on the number of waivers and total amount paid for that fiscal year.

The legislature would make an annual appropriation to fund the tuition waiver program.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill could result in an increase of costs of about \$225,000 annually to the Department of State Police. In addition, the agency notes that 74 firefighters have been killed in the line of duty since 1972 and 26 since 1986. Since these numbers are approximately half the number of police officers killed in the line of duty, it is assumed that the tuition participation and cost would be about \$75,000 per year.

The agency also notes that the Department of State Police would incur certain administrative costs relating to the administration of the bill's provisions and the costs could be absorbed within existing department resources.

In addition, the governor's fiscal year 1996-1997 budget recommendation has included \$500,000 for a tuition program for children and surviving spouses of Michigan police officers. (4-29-96)

ARGUMENTS:

For:

Michigan is one of only five states that lacks a tuition waiver for dependents of police officers killed in the line of duty. Moreover, most other states provide surviving spouses and children of fallen police officers not only with tuition but also cover living expenses and money for books. Police officers are routinely put at risk in today's increasingly violent society. The amount of money most surviving spouses receive as compensation is hardly enough to get by, much less enough to provide for the officer's children to get an postsecondary education. In many cases, the officer's spouse may need the opportunity for further education in order to attempt to fill the loss of family income resulting from the officer's death. For the years of 1985 through 1993, 36 married police officers were killed in the line of duty in Michigan. These 36 officers were survived by 61 children; of these 61 children only 12 of them are currently between the ages of 18 and 22, and 24 others are under 18.

Similarly, firefighters also face grave risks on behalf of the citizens of this state. Because some communities have established combined police and fire protection systems, where the officers, called public safety officers, take on the responsibilities of both police officers and firefighters, it would be unfair for any legislation benefitting the families of fallen police officers not to include the families of fallen firefighters. If the legislation did not include firefighters, the children and/or spouses of firefighters whose communities had maintained separate police and fire departments would not be eligible for the tuition exemption, while the families of public safety officers killed fulfilling exactly the same duties would be eligible.

Given the risks faced by police officers and firefighters in serving and protecting the citizens of this state, the relatively small expense of this bill is certainly warranted. Even if every person currently eligible took advantage of this opportunity the estimated cost (according to the House and Senate Fiscal Agencies) would still be less than \$300,000 -- a small price to pay when one considers that the long term effect will be to provide better opportunities for those who can take advantage of the program.

It should also be noted that the governor's budget recommendation for fiscal year 1996-97 included \$500,000 to fund the bill.

Against:

Police officers and firefighters are not the only public service workers whose lives are placed at risk in the course of their work for the good of the public. The bill should offer the same opportunities for families of other individuals who risk their lives so that average citizens can be safe.

Against:

The "means test" described in the bill would prevent income from the slain police officer's or firefighter's death benefits from being included in the family's income when calculating the family's need for a tuition waiver, where the family's income was below 400 percent of the federal poverty level. By this test, a single person would have to make more than \$29,880 per year to have the death benefits included as income, while a family of four would have to make more than \$60,600 per year before death benefits would be included as part of the family's income. This would create an overly generous program that would seem to include most families, regardless of need.

Against:

The bill fails to take into account the difficulty of proving or disproving claims of paternity instituted after a male officer's or firefighter's death. In cases involving slain male officers or firefighters, to what extent would paternity need to be established in order for a child to be eligible for the tuition waiver? As written, the bill would apparently provide for illegitimate children to be eligible for the tuition waiver along with legitimate children. This leaves an opening for unsubstantiated claims of paternity made after the death of an officer.

Analyst: W. Flory

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.