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House Bill 4382 (Substitute H-2 as reported by the Senate Appropriations Subcommittee on State Police and Military Affairs)

Sponsor: Representative James McNutt

House Committee: Appropriations

Senate Committee: Appropriations

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CONTENT

The bill would create the "Police Officer's and Fire Fighter's Survivor Tuition Act" to provide tuition at State institutions of higher education for children and surviving spouses of State or local Michigan police officers and fire fighters who had been killed in the line of duty.

"Michigan police officer" would mean any law enforcement officer in the State trained and certified pursuant to the Michigan Law Enforcement Training Council Act, Public Act 203 of 1965. A "Michigan fire fighter" would be a member, volunteer or paid, of a fire department of other organization that provided fire suppression and other fire-related services to a unit of government. A "Michigan fire fighter" would not include a person whose duties did not include direct involvement in fire suppression.

Under the bill, a police officer's or fire fighter's death would have to be from the direct result of a traumatic injury incurred in the line of duty and not from stress, strain, or occupational disease to qualify a surviving spouse or child for tuition benefits. "Line of duty" would mean any function that the officer or fire fighter was assigned to do or compensated for by the public agency he or she served.

Beginning in the 1996-1997 academic year, tuition at a State institution of higher education would be paid for by the Department of State Police for each child and surviving spouse of a Michigan police officer or Michigan fire fighter if all of the following conditions were met:

- The child or spouse was admitted to a program of study leading to a degree or certificate.
- The child or spouse was a legal resident of the State at least the 12 months prior to application. For an individual who was dependant on his or her parent, residency would be determined by the parent's residency. For nondependants, residency would be determined in the same manner as under the Federal Higher Education Act.
- The child or spouse provided evidence to the Department of State Police that he or she met tuition program requirements.
- If a child survivor, he or she applied for the tuition program prior to age 21.
- The child or spouse was certified by the school's financial aid officer as needing a tuition waiver in order to meet educational expenses. The bill provides that, if a child's or surviving spouse's family income, excluding income from death benefits, were below 400% of poverty level (per Federal poverty guidelines), income accruing from death benefits could not be counted as family income in determining financial need.

- The child or spouse maintained satisfactory academic progress.
- The child or spouse had not achieved a bachelor's degree and had received tuition reimbursement under the bill for less than 124 semester credits or 180 term credits.

A State institution of higher education would have to waive tuition only for courses that would be applicable toward the degree or certificate requirements of the program in which a person receiving a benefit under the bill was enrolled. A person would be eligible for a tuition waiver for not more than a total of nine semesters or its equivalent. Tuition would be waived only to the extent that it was not covered or paid by a scholarship, trust fund, statutory benefit, or other source of tuition coverage.

The Department of State Police would be responsible for approving tuition waiver applications and notifying State institutions of higher learning when an application was approved. Upon application by a State institution of higher education, the Department of State Police would be required to reimburse each institution for the total amount of tuition waived during the immediately preceding fiscal year. The Department would be required to report to the Legislature annually the number of individuals receiving tuition waivers under the bill and the total amounts paid to institutions for that fiscal year.

The bill also would require the Legislature to appropriate the funds necessary to implement the bill.

FISCAL IMPACT

The bill could result in added GF/GP costs of approximately \$225,000 annually to the Department of State Police, depending on a number of factors. There have been 57 Michigan police officers and 26 Michigan fire fighters killed in the line of duty since 1986. The 57 police officers left behind 36 spouses and 61 children. Under the bill, each of the 36 spouses would be eligible for a tuition waiver. Of the 61 surviving children, 12 could be currently eligible for the tuition waiver and 36 could eventually become eligible. Though it is not possible to predict the number of potential eligible persons who are survivors of a police officer killed in the line of duty, if all 48 who were eligible for the 1996-97 academic year participated and attended the Michigan university with the highest annual resident tuition (\$5,842), it would result in a cost to the Department of \$280,000. A more likely scenario, however, would be that all those eligible attended a mixture of community colleges and universities in a similar pattern and frequency as those who now participate in the veterans tuition grant program. (Public Act 245 of 1935 provides tuition payments for children of veterans who suffered a service-related death or 100% disability.) For FY 1995-96, participants in the veterans tuition grant program averaged approximately \$2,200 in reimbursement payments. If this average were applied to police officer survivors eligible for tuition payments for 1996-97, the annual cost to the Department would be \$105,600. It should be noted that this assumption is based on available data on the number of police officers killed on duty which can only be accurately tracked back to 1985. It is not known how many spouses and children may be eligible under the bill from previous years. Surviving children born as far back as 1976 could be eligible for the program and spouses of any age could also be eligible. Therefore, \$125,000 to \$150,000 is the estimated annual cost of tuition payments to survivors of police officers under the bill.

As far as Michigan fire fighters killed in the line of duty, little biographical data exist, although it is known that 74 have been killed in the line of duty since 1972 and 26 since 1986. Since the number of Michigan fire fighter deaths in the line of duty have approximated half that of Michigan police officers, it is assumed that tuition participation and costs would be approximately half of the survivors of police officers, or approximately \$75,000 per year.

Data available from the Michigan Concerns of Police Survivors Organization suggest the number of children who could be eligible under the bill would increase from the current 12 to 21 in 2000 as more became college age, so tuition program costs would be likely to rise. It is also unknown how many more police officers and fire fighters will be killed in the line of duty. Already this year, four Michigan police officers have been killed in the line of duty. Another factor that could increase program costs in future years is the increased costs in community college and university tuition. Over the past five years, community college tuition has increased at an annual rate of 5% and university tuition at 9%.

The Department of State Police would incur certain administrative costs relating to the administration of the bill's provision. The Department has stated that these costs could be absorbed within existing Department resources.

In addition, the Governor's FY 1996-97 budget recommendation has included \$500,000 in GF/GP funds for a tuition program for children and surviving spouses of Michigan police officers.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.