

Act No. 195
Public Acts of 1996
Approved by the Governor
May 13, 1996
Filed with the Secretary of State
May 15, 1996

STATE OF MICHIGAN
88TH LEGISLATURE
REGULAR SESSION OF 1996

Introduced by Reps. McNutt, Bush, Profit, Dalman, Porreca and Galloway
Reps. Bodem, Hill and Llewellyn named co-sponsors

ENROLLED HOUSE BILL No. 4382

AN ACT to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan police officers and fire fighters killed in the line of duty; and to provide for an appropriation.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the "police officer's and fire fighter's survivor tuition act".

Sec. 2. As used in this act:

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

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

(c) "Killed" means that the Michigan police officer's or Michigan fire fighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.

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

(e) "Michigan police officer" means a sheriff or sheriff's deputy of a sheriff's department in this state; village or township marshal of a village or township in this state; officer of the police department of any city, village, or township in this state; officer of the Michigan state police; or any other police officer or law enforcement officer trained and certified pursuant to the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.

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

(g) "Occupational disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the Michigan police officer's or Michigan fire fighter's occupation.

(h) "State institution of higher education" means a public community or junior college established under section 7 of article VIII of the state constitution of 1963 or part 25 of the revised school code, Act No. 451 of the Public Acts of 1976,

being sections 380.1601 to 380.1607 of the Michigan Compiled Laws, or a state university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.

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

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

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

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

(b) Is a legal resident of the state for at least the 12 consecutive months immediately preceding his or her application. For an individual who is a dependent of his or her parent, residency status shall be determined by the parent's residency. For an individual who is not a dependent, residency status shall be determined in the same manner as under title IV of the higher education act of 1965, Public Law 89-329, 79 Stat. 1232.

(c) Applies to the department for tuition waiver under this act and provides evidence satisfactory to the department that he or she is the child or the surviving spouse of a Michigan police officer or Michigan fire fighter who was killed in the line of duty, that the course or courses for which he or she is seeking a tuition waiver meet the requirements of subsection (2), and that he or she meets the other requirements of this section.

(d) For a child of a Michigan police officer or Michigan fire fighter who was killed in the line of duty, applies under subdivision (c) for the first time before the age of 21.

(e) Is certified by the financial aid officer at the state institution of higher education as needing the tuition waiver in order to meet recognized educational expenses. If the child's or surviving spouse's family income, excluding any income from death benefits attributable to the Michigan police officer's or Michigan fire fighter's death, is below 400% of poverty level under federal poverty guidelines published by the United States department of health and human services, income from any death benefits accruing to the child or surviving spouse as a result of the Michigan police officer's or Michigan fire fighter's death shall not be counted as family income in determining financial need under this subdivision.

(f) Maintains satisfactory academic progress, as defined by the state institution of higher education, for each term or semester in which he or she is enrolled. The satisfactory progress definition used by an institution for federal student assistance programs under title IV of the higher education act of 1965 is acceptable for the purposes of this act.

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

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

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

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

Sec. 4. (1) Beginning in the 1996-1997 academic year, upon receiving an application under section 3(c), the department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of section 3 and, if so, shall approve the application and notify the state institution of higher education that the application has been approved.

(2) Beginning in the 1996-1997 academic year, upon application by the state institution of higher education, the department annually shall reimburse each state institution of higher education for the total amount of tuition waived during the immediately preceding fiscal year under section 3. The department annually shall report to the legislature the number of individuals for whom tuition has been waived at each state institution of higher education and the total amounts to be paid under this act for that fiscal year.

Sec. 5. The department shall provide the necessary forms and applications and shall cooperate with the state institutions of higher education in developing efficient procedures for implementing the purposes of this act.

Sec. 6. The legislature annually shall appropriate the funds necessary to implement this act.

This act is ordered to take immediate effect.

Clerk of the House of Representatives.

Secretary of the Senate.

Approved -----

Governor.