



SENATE BILL No. 1140

September 12, 1996, Introduced by Senators NORTH, YOUNG, SCHWARZ, HART, HOFFMAN, GOUGEON, BOUCHARD and STALLINGS and referred to the Committee on Appropriations.

A bill to amend the title and sections 1, 2, and 3 of Act No. 195 of the Public Acts of 1996, entitled "Police officer's and fire fighter's survivor tuition act," being sections 390.1241, 390.1242, and 390.1243 of the Michigan Compiled Laws.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Section 1. The title and sections 1, 2, and 3 of Act
2 No. 195 of the Public Acts of 1996, being sections 390.1241,
3 390.1242, and 390.1243 of the Michigan Compiled Laws, are amended
4 to read as follows:

5 TITLE

6 An act to provide for a waiver of tuition at state public
7 institutions of higher education for children and surviving
8 spouses of Michigan police officers, CORRECTIONS OFFICERS, and

1 fire fighters killed in the line of duty; and to provide for an
2 appropriation.

3 Sec. 1. This act shall be known and may be cited as the
4 "police officer's, CORRECTIONS OFFICER'S, and fire fighter's sur-
5 vivor tuition act".

6 Sec. 2. As used in this act:

7 (a) "Child" means an individual who is a natural or adopted
8 child of a deceased Michigan police officer, DECEASED MICHIGAN
9 CORRECTIONS OFFICER, or deceased Michigan fire fighter and who
10 was under the age of 21 at the time of the Michigan police
11 officer's, MICHIGAN CORRECTIONS OFFICER'S, or Michigan fire
12 fighter's death.

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

14 (c) "Killed" means that the Michigan police officer's,
15 MICHIGAN CORRECTIONS OFFICER'S or Michigan fire fighter's death
16 is the direct and proximate result of a traumatic injury incurred
17 in the line of duty.

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

26 (E) "MICHIGAN CORRECTIONS OFFICER" MEANS A STATE
27 CORRECTIONAL OFFICER OR LOCAL CORRECTIONAL OFFICER, AS THOSE

1 TERMS ARE DEFINED IN SECTION 2 OF THE CORRECTIONAL OFFICERS'
2 TRAINING ACT OF 1982, ACT NO. 415 OF THE PUBLIC ACTS OF 1982,
3 BEING SECTION 791.502 OF THE MICHIGAN COMPILED LAWS.

4 (F) ~~(e)~~ "Michigan police officer" means a sheriff or
5 sheriff's deputy of a sheriff's department in this state; village
6 or township marshal of a village or township in this state; offi-
7 cer of the police department of any city, village, or township in
8 this state; officer of the Michigan state police; or any other
9 police officer or law enforcement officer trained and certified
10 pursuant to the Michigan law enforcement officers training coun-
11 cil act of 1965, Act No. 203 of the Public Acts of 1965, being
12 sections 28.601 to 28.616 of the Michigan Compiled Laws.

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

22 (H) ~~(g)~~ "Occupational disease" means a disease that rou-
23 tinely constitutes a special hazard in, or is commonly regarded
24 as concomitant of, the Michigan police officer's, MICHIGAN COR-
25 RECTIONS OFFICER'S, or Michigan fire fighter's occupation.

26 (I) ~~(h)~~ "State institution of higher education" means a
27 public community or junior college established under section 7 of

1 article VIII of the state constitution of 1963 or part 25 of the
2 revised school code, Act No. 451 of the Public Acts of 1976,
3 being sections 380.1601 to 380.1607 of the Michigan Compiled
4 Laws, or a state university described in section 4, 5, or 6 of
5 article VIII of the state constitution of 1963.

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

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

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

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

25 (b) Is a legal resident of the state for at least the 12
26 consecutive months immediately preceding his or her application.
27 For an individual who is a dependent of his or her parent,

1 residency status shall be determined by the parent's residency.
2 For an individual who is not a dependent, residency status shall
3 be determined in the same manner as under title IV of the higher
4 education act of 1965, Public Law 89-329, 79 Stat. 1232.

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

13 (d) For a child of a Michigan police officer, MICHIGAN COR-
14 RECTIONS OFFICER, or Michigan fire fighter who was killed in the
15 line of duty, applies under subdivision (c) for the first time
16 before the age of 21.

17 (e) Is certified by the financial aid officer at the state
18 institution of higher education as needing the tuition waiver in
19 order to meet recognized educational expenses. If the child's or
20 surviving spouse's family income, excluding any income from death
21 benefits attributable to the Michigan police officer's, MICHIGAN
22 CORRECTIONS OFFICER'S, or Michigan fire fighter's death, is below
23 400% of poverty level under federal poverty guidelines published
24 by the United States department of health and human services,
25 income from any death benefits accruing to the child or surviving
26 spouse as a result of the Michigan police officer's, MICHIGAN
27 CORRECTIONS OFFICER'S, or Michigan fire fighter's death shall not

1 be counted as family income in determining financial need under
2 this subdivision.

3 (f) Maintains satisfactory academic progress, as defined by
4 the state institution of higher education, for each term or
5 semester in which he or she is enrolled. The satisfactory
6 progress definition used by an institution for federal student
7 assistance programs under title IV of the higher education act of
8 1965 is acceptable for the purposes of this act.

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

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

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

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