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EXTEND POLICE AND FIREFIGHTER SURVIVORS' TUITION ACT

House Bill 4792 as passed by the House Second Analysis (6-21-00)

Sponsor: Rep. Bob Brown
Committee: Education

THE APPARENT PROBLEM:

Public Act 195 of 1996, the Police Officer's and Firefighter's Survivor Tuition Act, requires Michigan public colleges to waive tuition for the children and surviving spouses of state or local Michigan police officers or Michigan firefighters who have been killed in the line of duty. (For more information, see the House Legislative Analysis Section's analysis of House Bill 4382 dated 6-11-96.) However, the definition of "Michigan police officer" contained in the act did not include conservation officers, officers of the Motor Carrier Division of the Department of State Police, or Capitol security officers.

According to committee testimony, about 400 conservation officers employed by the Departments of Natural Resources and Environmental Quality investigate environmental crime and enforce hunting and fishing laws. About 130 motor carrier officers are part of the Michigan State Police Motor Carrier Division, and they are charged with the responsibility of enforcing the laws of the state as they pertain to commercial vehicles. About 26 Capitol security officers protect state-owned and leased property in Lansing and Windsor Township in Eaton County. Capitol security officers, who also protect those who work in or visit the State Capitol, responded to 450 complaints during the last year.

Conservation officers, motor carrier officers, and Capitol security officers have limited arrest powers but are authorized to carry firearms, and customarily do. Consequently, the potential exists for these officers to encounter the same dangers in the performance of their duties as those faced by police officers. Therefore, legislation has been offered to amend the act to extend eligibility for the tuition waiver to the survivors of a conservation officer, a motor carrier officer, or a Capitol security officer killed in the line of duty.

THE CONTENT OF THE BILL:

House Bill 4792 would amend the Police Officer's and Firefighter's Survivor Tuition Act, Public Act 195 of 1996, to extend its provisions to the children and surviving spouses of conservation officers, motor carrier division officers, and Capitol security officers killed in the line of duty beginning in the 1996-97 academic year.

Specifically, House Bill 4792 would require Michigan public colleges to waive tuition under certain circumstances, for children and surviving spouses of motor carrier officers and Capitol security officers who had been killed in the line of duty. The bill would define a "Michigan Capitol security officer" to mean a security employee employed by the state as described in the Michigan State Police Act, and a "Michigan motor carrier officer" to mean an officer of the motor carrier enforcement division of the Department of State Police, also as described in the Michigan State Police Act. The bill also would define "Michigan police officer" to include a conservation officer of the Department of Natural Resources or Department of Environmental Quality (thus making the survivors of these officers eligible for the tuition waiver program).

House Bill 4792 would extend the existing higher education tuition waiver program, and eliminate the provision that applicants be able to demonstrate financial need. Under the bill, the already existing program would apply to a conservation officer's, Michigan motor carrier division officer's, or a Capitol security officer'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

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functions. A traumatic injury would include wounds caused by external force, including but not limited to an injury inflicted by a bullet, explosive, sharp instrument, blunt object or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria. However, the definition would specifically exclude any injuries caused by stress, strain, or occupational disease.

House Bill 4792 would remove the requirement that an applicant be able to demonstrate financial need. Historically, in order to receive a tuition waiver, applicants have had 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'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. This provision would be eliminated under the bill.

To be eligible, 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 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 federal Higher Education Act of 1965); and would have to have applied to the Department of State Police, and provided evidence that he or she was the child or surviving spouse of a slain officer. 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.

MCL 390.1241, 390.1242, and 390.1243

BACKGROUND INFORMATION:

Police and Firefighters' Survivors Tuition Waivers. Since 1996 when the legislature passed House Bill 4382 (Public Act 195 of 1996), Michigan has provided a higher education tuition waiver to the survivors of fallen police officers and firefighters. At that time, Michigan was one of only five states that lacked a tuition waiver for dependents of police officers killed in the line of duty. According to the House Legislative Analysis Section's analysis of House Bill 4382 dated 6-11-96, in the nine-year period from 1985-93, thirty-six married police officers were killed in the line of duty in Michigan, and they were survived by 61 children. From 1986-95, twenty-six firefighters were killed and the number of their survivors was unknown.

Veterans' Survivor Tuition Waivers. In addition, the Department of Military Affairs administers a tuition grant program for the survivors of military veterans, a program established by Public Act 245 of 1935, and revised when the legislature enacted Public Act 335 of 1996.

FISCAL IMPLICATIONS:

Fiscal information is not available.

ARGUMENTS:

For:

Michigan has 400 conservation officers who investigate environmental crime and keep parks safe. Further, 130 motor carrier officers patrol the state's highways to enforce the laws as they pertain to commercial vehicles, and so face dangers in dealing with drunk drivers and potentially armed commercial truckers and others. In addition, 26 Capitol security officers patrol the Capitol grounds and other state complexes. These officers face similar hazards in the course of their duties as those encountered by state police, sheriff's deputies, and other law enforcement officers. To date, no motor carrier officers have been killed in the line of duty (although one officer was reported to have been shot in 1997 year but survived), and two Capitol security officers were killed during 1997. The bill would recognize the fact that motor carrier, Capitol security, and conservation officers face the same life

threatening conditions as other law enforcement officers in the state and so would remedy what is currently an unfair situation.

POSITIONS:

The Michigan State Police Capitol Post supports the bill. (6-19-00)

The Michigan State Police Motor Carrier Division supports the bill. (6-19-00)

The Police Officers Association of Michigan supports the bill. (6-21-00)

The Michigan Education Association supports the bill. (6-19-00)

Analyst: J. Hunault

■ 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.