

**SENATE BILL NO. 144**

January 27, 1999, Introduced by Senator STILLE and referred to the Committee on Appropriations.

A bill to provide for a waiver of tuition at state public institutions of higher education for children and spouses of Michigan veterans missing in action, totally disabled with a service related disability, or killed in the line of duty; to create the veterans' survivor tuition fund and to provide for the administration of that fund; to impose certain duties on certain departments; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

1       Sec. 1. This act shall be known and may be cited as the  
2 "veterans' survivor tuition act".

3       Sec. 2. As used in this act:

4       (a) "Child" means an individual who is a natural or adopted  
5 child of a deceased, totally disabled, or missing in action  
6 Michigan veteran and who was under the age of 21 at the time the

1 Michigan veteran died, was declared missing in action, or was  
2 determined to be totally disabled.

3 (b) "Department" means the department of military affairs.

4 (c) "Killed" means that the Michigan veteran's death is the  
5 direct and proximate result of a traumatic injury incurred in the  
6 line of duty.

7 (d) "Line of duty" means an action that a Michigan veteran  
8 is obligated or authorized to perform by rule, regulation, condi-  
9 tion of employment or service, or law.

10 (e) "Michigan veteran" means an individual in active service  
11 in the armed forces of the United States who was a resident of  
12 this state immediately before entering that active service. As  
13 used in this subdivision, "active service" includes any training  
14 period provided by the armed forces of the United States.

15 (f) "Missing in action" means officially listed by the  
16 United States government as missing in action in a foreign  
17 country.

18 (g) "State institution of higher education" means a public  
19 community or junior college established under section 7 of arti-  
20 cle VIII of the state constitution of 1963 or part 25 of the  
21 revised school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a  
22 state university described in section 4, 5, or 6 of article VIII  
23 of the state constitution of 1963.

24 (h) "Totally disabled" means 100% disabled as a result of a  
25 service-connected illness or injury, regardless of whether the  
26 individual subsequently dies from a cause unrelated to that  
27 illness or injury.

1 (i) "Traumatic injury" means a wound or the condition of the  
2 body caused by external force, including, but not limited to, an  
3 injury inflicted by bullet, explosive, sharp instrument, blunt  
4 object or other physical blow, fire, smoke, chemical, electrici-  
5 ty, climatic condition, infectious disease, radiation, or bacter-  
6 ia, but excluding an injury resulting from stress or strain.

7 (j) "Tuition" means tuition at the rate charged for resi-  
8 dents of this state.

9 Sec. 3. (1) Beginning in the 1999-2000 academic year, and  
10 subject to the limitations in subsections (2), (3), and (4), a  
11 state institution of higher education shall waive tuition for the  
12 lawful spouse and each child of a Michigan veteran who is missing  
13 in action, is totally disabled or was totally disabled before his  
14 or her death, or has been or is killed in the line of duty, if  
15 the child or spouse meets all of the following requirements:

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

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

1 (c) Applies to the department for tuition waiver under this  
2 act and provides evidence satisfactory to the department of all  
3 of the following:

4 (i) That he or she is the child or the spouse of a Michigan  
5 veteran who is missing in action, is totally disabled or was  
6 totally disabled before his or her death, or was killed in the  
7 line of duty.

8 (ii) That the course or courses for which he or she is seek-  
9 ing a tuition waiver meet the requirements of subsection (2).

10 (iii) That he or she meets the other requirements of this  
11 section.

12 (d) For a child of a Michigan veteran who was killed in the  
13 line of duty, applies under subdivision (c) for the first time  
14 before the age of 21.

15 (e) Is certified by the financial aid officer at the state  
16 institution of higher education as needing the tuition waiver in  
17 order to meet recognized educational expenses. If the child's or  
18 spouse's family income, excluding any income from death or dis-  
19 ability benefits attributable to the Michigan veteran's death or  
20 disability, is below 400% of poverty level under federal poverty  
21 guidelines published by the United States department of health  
22 and human services, income from any death or disability benefits  
23 accruing to the child or spouse as a result of the Michigan  
24 veteran's death or disability shall not be counted as family  
25 income in determining financial need under this subdivision.

26 (f) Maintains satisfactory academic progress, as defined by  
27 the state institution of higher education, for each term or

1 semester in which he or she is enrolled. The satisfactory  
2 progress definition used by an institution for federal student  
3 assistance programs under title IV of the higher education act of  
4 1965, Public Law 89-329, is acceptable for the purposes of this  
5 act.

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

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

14 (3) A child or spouse of a Michigan veteran who is missing  
15 in action, is totally disabled or was totally disabled before his  
16 or her death, or was killed in the line of duty is eligible for  
17 tuition waiver under this section for not more than a total of 9  
18 semesters or a total of terms or quarters equivalent to 9  
19 semesters.

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

24 Sec. 4. (1) Beginning in the 1999-2000 academic year, upon  
25 receiving an application under section 3(1)(c), the department  
26 shall determine whether the applicant and the courses for which  
27 tuition waiver is sought meet the requirements of section 3 and,

1 if so, shall approve the application and notify the state  
2 institution of higher education that the application has been  
3 approved.

4 (2) Beginning in the 1999-2000 academic year, upon applica-  
5 tion by the state institution of higher education, the department  
6 annually shall reimburse each state institution of higher educa-  
7 tion for the total amount of tuition waived during the immedi-  
8 ately preceding fiscal year under section 3. The reimbursement  
9 shall be paid from the veterans' survivor tuition fund created  
10 under section 6. The department annually shall report to the  
11 legislature the number of individuals for whom tuition has been  
12 waived at each state institution of higher education, the total  
13 amounts to be paid under this act for that fiscal year, and the  
14 amount that remains in the veterans' survivor tuition fund after  
15 those amounts are paid.

16 Sec. 5. The department shall provide the necessary forms  
17 and applications and shall cooperate with the state institutions  
18 of higher education in developing efficient procedures for imple-  
19 menting the purposes of this act.

20 Sec. 6. (1) The veterans' survivor tuition fund is created  
21 within the state treasury.

22 (2) The state treasurer shall receive money appropriated by  
23 the legislature for deposit into the fund, and may receive money  
24 or other assets from any source for deposit into the fund. The  
25 state treasurer shall direct the investment of the fund. The  
26 state treasurer shall credit to the fund interest and earnings  
27 from fund investments.

1           (3) Money in the fund shall remain in the fund and shall not  
2 lapse to the general fund.

3           Sec. 7. 1935 PA 245, MCL 35.111 to 35.112, is repealed.