

SUBSTITUTE FOR
HOUSE BILL NO. 4821

A bill to amend 2004 PA 46, entitled
"Public safety officers benefit act,"
by amending the title and section 2 (MCL 28.632) and by adding
section 4a.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1

TITLE

2

An act to provide compensation **AND OTHER BENEFITS** to
dependents of public safety officers who are killed or who are
permanently and totally disabled in the line of duty; to create the
public safety officers benefit fund; to prescribe the duties and
responsibilities of certain state officers; and to make an
appropriation.

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Sec. 2. As used in this act:

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(a) "Commission" means the commission on law enforcement

standards created under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

(b) "Dependent" means any individual who was substantially reliant for support upon the income of the deceased public safety officer.

(c) "Direct and proximate" means that the antecedent event is a substantial factor in the result.

(D) "EMERGENCY FIRST RESPONDER" MEANS AN INDIVIDUAL LICENSED UNDER SECTION 20950 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20950.

(E) ~~(d)~~—"Firefighter" means a regularly employed member of a fire department of a city, county, township, village, state university, or community college or a member of the department of natural resources who is employed to fight fires. Firefighter includes a volunteer member of a fire department.

(F) ~~(e)~~—"Law enforcement officer" means an individual involved in crime and juvenile delinquency control or reduction or enforcement of the criminal law. Law enforcement officer includes police, corrections, probation, parole, bailiffs, or other similar court officers.

(G) ~~(f)~~—"Line of duty" means either of the following:

(i) Any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer is compensated,

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by the public agency he or she serves. For other officers, line of duty means any action the officer is so obligated or authorized to perform in the course or controlling or reducing crime, enforcing the criminal law, or suppressing fires.

(ii) Any action which an officially recognized or designated public employee member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.

(H) ~~(g)~~—"Member of a rescue squad or ambulance crew" means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew.

(I) ~~(h)~~—"Permanent and total disability" means medically determinable consequences of a catastrophic, line-of-duty injury that permanently prevent a former public safety officer from performing any gainful work.

(J) ~~(i)~~—"Public safety officer" means any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, **EMERGENCY FIRST RESPONDER**, rescue squad member, or ambulance crew member.

(K) ~~(j)~~—"Surviving spouse" means the husband or wife of the deceased officer at the time of the officer's death, and includes a spouse living apart from the officer at the time of the officer's death for any reason.

SEC. 4A. [(1)] IF A FIREFIGHTER, LAW ENFORCEMENT OFFICER, OR EMERGENCY FIRST RESPONDER DIES IN THE LINE OF DUTY [ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION], THE STATE SHALL PROVIDE TO THE SURVIVING SPOUSE AND THE DECEDENT'S DEPENDENTS HEALTH INSURANCE COMPARABLE TO, AND ON COMPARABLE TERMS TO, THE

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1 INSURANCE COVERAGE THE DECEDENT RECEIVED FROM ANY SOURCE AT THE

2 TIME OF HIS OR HER DEATH. COVERAGE PROVIDED UNDER THIS SECTION

3 SHALL END FOR A SPOUSE IF HE OR SHE QUALIFIES FOR AND OBTAINS

4 COMPARABLE HEALTH INSURANCE FROM ANOTHER SOURCE. COVERAGE PROVIDED

5 UNDER THIS SECTION SHALL END FOR A NONSPOUSE DEPENDENT UPON THE

6 OCCURRENCE OF ANY OF THE FOLLOWING:

7 (A) THE DEPENDENT QUALIFIES FOR AND OBTAINS COMPARABLE HEALTH

8 INSURANCE FROM ANOTHER SOURCE.

9 (B) THE LATER OF THE DEPENDENT'S EIGHTEENTH BIRTHDAY OR, IF HE

10 OR SHE IS ENROLLED AS A FULL-TIME STUDENT IN HIGH SCHOOL OR AN

11 ACCREDITED UNIVERSITY OR COLLEGE, HIS OR HER TWENTY-SIXTH BIRTHDAY.

[(2) THE STATE SHALL ALSO PROVIDE HEALTH COVERAGE ON THE TERMS
INDICATED IN SUBSECTION (1) TO THE SPOUSE AND DEPENDENTS OF A LAW
ENFORCEMENT OFFICER WHO DIED IN THE LINE OF DUTY BETWEEN OCTOBER 1, 2003
AND AUGUST 1, 2007 AND WHOSE SURVIVING SPOUSE AND DEPENDENT HEALTH
COVERAGE WAS NOT CONTINUED BY THE PUBLIC AGENCY HE OR SHE SERVED.]