

# HOUSE BILL No. 5370

September 15, 2009, Introduced by Reps. Angerer, Neumann, Roy Schmidt, Geiss, Griffin, Gregory and Dean and referred to the Committee on Intergovernmental and Regional Affairs.

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:**

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TITLE

An act to provide compensation **AND OTHER BENEFITS** to **THE SPOUSE AND** 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.

1           Sec. 2. As used in this act:

2           (a) "Commission" means the commission on law enforcement  
3 standards created under the commission on law enforcement standards  
4 act, 1965 PA 203, MCL 28.601 to 28.616.

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

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

10           (D) **"EMERGENCY FIRST RESPONDER" MEANS AN INDIVIDUAL LICENSED**  
11 **UNDER SECTION 20950 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**  
12 **333.20950.**

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

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

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

24           (i) Any action ~~which~~ **THAT** an officer whose primary function is  
25 crime control or reduction, enforcement of the criminal law, or  
26 suppression of fires is obligated or authorized by rule,  
27 regulations, condition of employment or service, or law to perform,

1 including those social, ceremonial, or athletic functions to which  
2 the officer is assigned, or for which the officer is compensated,  
3 by the public agency he or she serves. For other officers, line of  
4 duty means any action the officer is so obligated or authorized to  
5 perform in the course ~~or~~**OF** controlling or reducing crime,  
6 enforcing the criminal law, or suppressing fires.

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

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

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

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

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

26 **SEC. 4A. (1) IF A FIREFIGHTER, LAW ENFORCEMENT OFFICER, OR**  
27 **EMERGENCY FIRST RESPONDER DIES IN THE LINE OF DUTY ON OR AFTER THE**

1 EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED THIS SECTION, THE  
2 STATE SHALL PROVIDE THE SURVIVING SPOUSE AND THE DECEDENT'S  
3 DEPENDENTS WITH HEALTH COVERAGE COMPARABLE TO, AND ON COMPARABLE  
4 TERMS WITH, THE HEALTH COVERAGE THE DECEDENT RECEIVED FROM ANY  
5 SOURCE AT THE TIME OF HIS OR HER DEATH. COVERAGE PROVIDED UNDER  
6 THIS SECTION SHALL END FOR A SPOUSE IF HE OR SHE QUALIFIES FOR AND  
7 OBTAINS COMPARABLE HEALTH COVERAGE FROM ANOTHER SOURCE. COVERAGE  
8 PROVIDED UNDER THIS SECTION SHALL END FOR A NONSPOUSE DEPENDENT  
9 UPON THE OCCURRENCE OF ANY OF THE FOLLOWING:

10 (A) THE DEPENDENT QUALIFIES FOR AND OBTAINS COMPARABLE HEALTH  
11 COVERAGE FROM ANOTHER SOURCE.

12 (B) THE LATER OF THE DEPENDENT'S EIGHTEENTH BIRTHDAY OR, IF HE  
13 OR SHE IS ENROLLED AS A FULL-TIME STUDENT IN HIGH SCHOOL OR AN  
14 ACCREDITED UNIVERSITY OR COLLEGE, HIS OR HER TWENTY-SIXTH BIRTHDAY.

15 (2) THE STATE SHALL ALSO PROVIDE HEALTH COVERAGE ON THE TERMS  
16 INDICATED IN SUBSECTION (1) TO THE SPOUSE AND DEPENDENTS OF A LAW  
17 ENFORCEMENT OFFICER WHO DIED IN THE LINE OF DUTY BETWEEN OCTOBER 1,  
18 2003 AND AUGUST 1, 2007 AND WHOSE SURVIVING SPOUSE AND DEPENDENT  
19 HEALTH COVERAGE WAS NOT CONTINUED BY THE PUBLIC AGENCY HE OR SHE  
20 SERVED.