

SUBSTITUTE FOR
HOUSE BILL NO. 5608

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
3 dependents of public safety officers who are killed or who are
4 permanently and totally disabled in the line of duty; to create the
5 public safety officers benefit fund; to prescribe the duties and
6 responsibilities of certain state officers; and to make an
7 appropriation.

8 Sec. 2. As used in this act:

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

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

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

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

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

19 (f) "Line of duty" means either of the following:

20 (i) Any action which an officer whose primary function is crime
21 control or reduction, enforcement of the criminal law, or
22 suppression of fires is obligated or authorized by rule,
23 regulations, condition of employment or service, or law to perform,
24 including those social, ceremonial, or athletic functions to which
25 the officer is assigned, or for which the officer is compensated,
26 by the public agency he or she serves. For other officers, line of
27 duty means any action the officer is so obligated or authorized to

1 perform in the course or controlling or reducing crime, enforcing
2 the criminal law, or suppressing fires.

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

7 (G) "MEDICAL BENEFIT PLAN" MEANS A PLAN THAT IS ESTABLISHED
8 AND MAINTAINED BY A CARRIER OR 1 OR MORE PUBLIC EMPLOYERS TO
9 PROVIDE FOR THE PAYMENT OF MEDICAL, OPTICAL, OR DENTAL BENEFITS,
10 INCLUDING, BUT NOT LIMITED TO, HOSPITAL AND PHYSICIAN SERVICES,
11 PRESCRIPTION DRUGS, AND RELATED BENEFITS, TO PUBLIC EMPLOYEES.

12 (H) ~~(g)~~—"Member of a rescue squad or ambulance crew" means AN
13 EMERGENCY MEDICAL TECHNICIAN, A MEDICAL FIRST RESPONDER, OR A
14 PARAMEDIC, AS THOSE TERMS ARE DEFINED IN SECTIONS 20904, 20906, AND
15 20908 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20904,
16 333.20906, AND 333.20908, OR an officially recognized or designated
17 employee or volunteer member of a rescue squad or ambulance crew.

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

22 (J) ~~(i)~~—"Public safety officer" OR "OFFICER" means any
23 individual serving a public agency in an official capacity, with or
24 without compensation, as a law enforcement officer, firefighter,
25 ~~rescue squad member, or ambulance crew member.~~ OR MEMBER OF A RESCUE
26 SQUAD OR AMBULANCE CREW.

27 (K) ~~(j)~~—"Surviving spouse" means the husband or wife of the

1 deceased officer at the time of the officer's death, and includes a
2 spouse living apart from the officer at the time of the officer's
3 death for any reason.

4 SEC. 4A. IF A PUBLIC SAFETY OFFICER DIES IN THE LINE OF DUTY
5 ON OR AFTER THE EFFECTIVE DATE OF THE AMENDATORY ACT THAT ADDED
6 THIS SECTION, THIS STATE SHALL PROVIDE TO THE SURVIVING SPOUSE AND
7 THE DECEDENT'S DEPENDENTS A MEDICAL BENEFIT PLAN COMPARABLE TO, AND
8 ON COMPARABLE TERMS TO, THE MEDICAL BENEFIT PLAN RECEIVED BY
9 MICHIGAN STATE POLICE TROOPERS, IF THE DECEDENT HAD A MEDICAL
10 BENEFIT PLAN FROM ANY SOURCE AT THE TIME OF HIS OR HER DEATH.
11 COVERAGE PROVIDED UNDER THIS SECTION ENDS FOR A SPOUSE IF HE OR SHE
12 QUALIFIES FOR AND OBTAINS A COMPARABLE MEDICAL BENEFIT PLAN FROM
13 ANOTHER SOURCE. COVERAGE PROVIDED UNDER THIS SECTION ENDS FOR A
14 NONSPOUSE DEPENDENT IF ANY OF THE FOLLOWING OCCUR:

15 (A) THE DEPENDENT QUALIFIES FOR AND OBTAINS A COMPARABLE
16 MEDICAL BENEFIT PLAN FROM ANOTHER SOURCE.

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