

**SENATE BILL NO. 204**

February 2, 1999, Introduced by Senator GOUGEON and referred  
to the Committee on Appropriations.

A bill to amend 1996 PA 195, entitled  
"Police officer's and fire fighter's survivor tuition act,"  
by amending the title and sections 1, 2, and 3 (MCL 390.1241,  
390.1242, and 390.1243).

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

1 TITLE

2 An act to provide for a waiver of tuition at state public  
3 institutions of higher education for children and surviving  
4 spouses of Michigan police officers, MICHIGAN EMERGENCY MEDICAL  
5 WORKERS, and MICHIGAN fire fighters killed in the line of duty;  
6 and to provide for an appropriation.

7 Sec. 1. This act shall be known and may be cited as the  
8 "police officer's, EMERGENCY MEDICAL WORKER'S, and fire fighter's  
9 survivor tuition act".

1       Sec. 2. As used in this act:

2       (a) "Child" means an individual who is a natural or adopted  
3 child of a deceased Michigan police officer, DECEASED MICHIGAN  
4 EMERGENCY MEDICAL WORKER, or deceased Michigan fire fighter and  
5 who was under the age of 21 at the time of the Michigan police  
6 officer's, MICHIGAN EMERGENCY MEDICAL WORKER'S, or Michigan fire  
7 fighter's death.

8       (b) "Department" means the department of state police.

9       (c) "EMERGENCY MEDICAL SERVICES PERSONNEL" MEANS THAT TERM  
10 AS DEFINED IN SECTION 20904 OF THE PUBLIC HEALTH CODE, 1978 PA  
11 368, MCL 333.20904.

12       (d) ~~-(e)-~~ "Killed" means that the Michigan police officer's,  
13 MICHIGAN EMERGENCY MEDICAL WORKER'S, or Michigan fire fighter's  
14 death is the direct and proximate result of a traumatic injury  
15 incurred in the line of duty.

16       (e) ~~-(d)-~~ "Line of duty" means an action that a Michigan  
17 police officer, MICHIGAN EMERGENCY MEDICAL WORKER, or Michigan  
18 fire fighter is obligated or authorized to perform by rule, regu-  
19 lation, condition of employment or service, or law, including ~~—~~  
20 but not limited to ~~—~~, a social, ceremonial, or athletic function  
21 that the Michigan police officer, MICHIGAN EMERGENCY MEDICAL  
22 WORKER, or Michigan fire fighter is assigned to or compensated  
23 for by the public ~~agency~~ BODY he or she serves.

24       (f) "MICHIGAN EMERGENCY MEDICAL WORKER" MEANS A MEMBER OF A  
25 PUBLIC BODY'S EMERGENCY MEDICAL SERVICES PERSONNEL.

26       (g) ~~-(e)-~~ "Michigan police officer" means a sheriff or  
27 sheriff's deputy of a sheriff's department in this state; village

1 or township marshal of a village or township in this state;  
2 officer of the police department of any city, village, or town-  
3 ship in this state; officer of the Michigan state police; or any  
4 other police officer or law enforcement officer trained and cer-  
5 tified pursuant to the Michigan law enforcement officers training  
6 council act of 1965, ~~Act No. 203 of the Public Acts of 1965,~~  
7 ~~being sections 28.601 to 28.616 of the Michigan Compiled Laws~~  
8 1965 PA 203, MCL 28.601 TO 28.616.

9 (H) ~~-(f)-~~ "Michigan fire fighter" means a member ~~including~~  
10 ~~volunteer members and members paid on call~~ of a fire department  
11 ~~,~~ or other organization that provides fire suppression and  
12 other fire-related services ~~,~~ of a city, township, village, or  
13 county, ~~who is responsible for or is in a capacity that includes~~  
14 ~~responsibility for the extinguishment of fires~~ AND INCLUDES A  
15 VOLUNTEER OR PAID-ON-CALL MEMBER OF THAT FIRE DEPARTMENT OR  
16 ORGANIZATION. Michigan fire fighter does not include a person  
17 whose job description, duties, or responsibilities do not include  
18 direct involvement in fire suppression.

19 (I) ~~-(g)-~~ "Occupational disease" means a disease that rou-  
20 tinely constitutes a special hazard in, or is commonly regarded  
21 as concomitant of, the Michigan police officer's, MICHIGAN EMER-  
22 GENCY MEDICAL WORKER'S, or Michigan fire fighter's occupation.

23 (J) "PUBLIC BODY" MEANS THIS STATE, A DEPARTMENT OR AGENCY  
24 OF THIS STATE, A COUNTY, CITY, VILLAGE, OR TOWNSHIP IN THIS  
25 STATE, OR ANY OTHER AUTHORITY IN THIS STATE CREATED BY 1 OR MORE  
26 UNITS OF GOVERNMENT IN ACCORDANCE WITH STATE LAW.

1       (K) ~~-(h)-~~ "State institution of higher education" means a  
 2 public community or junior college established under section 7 of  
 3 article VIII of the state constitution of 1963 or part 25 of the  
 4 revised school code, ~~Act No. 451 of the Public Acts of 1976,~~  
 5 ~~being sections 380.1601 to 380.1607 of the Michigan Compiled~~  
 6 ~~Laws~~ 1976 PA 451, MCL 380.1601 TO 380.1607, or a state univer-  
 7 sity described in section 4, 5, or 6 of article VIII of the state  
 8 constitution of 1963.

9       (l) ~~-(i)-~~ "Traumatic injury" means a wound or the condition  
 10 of the body caused by external force, including ~~—~~ but not  
 11 limited to ~~—~~ an injury inflicted by bullet, explosive, sharp  
 12 instrument, blunt object or other physical blow, fire, smoke,  
 13 chemical, electricity, climatic condition, infectious disease,  
 14 radiation, or bacteria. ~~—, but excluding~~ TRAUMATIC INJURY DOES  
 15 NOT INCLUDE an injury resulting from stress, strain, or occupa-  
 16 tional disease.

17       (M) ~~-(j)-~~ "Tuition" means tuition at the rate charged for  
 18 residents of this state.

19       Sec. 3. (1) Beginning in the 1996-1997 academic year, and  
 20 subject to the limitations in ~~subsections (2), (3), and (4)-~~  
 21 THIS SECTION, a state institution of higher education shall waive  
 22 tuition for each child and surviving spouse of a Michigan police  
 23 officer or Michigan fire fighter who has been or is killed in the  
 24 line of duty if the child or surviving spouse meets THE REQUIRE-  
 25 MENTS SPECIFIED IN SUBSECTION (2). BEGINNING IN THE 1999-2000  
 26 ACADEMIC YEAR, AND SUBJECT TO THE LIMITATIONS IN THIS SECTION, A  
 27 STATE INSTITUTION OF HIGHER EDUCATION SHALL WAIVE TUITION FOR

1 EACH CHILD AND SURVIVING SPOUSE OF A MICHIGAN EMERGENCY MEDICAL  
2 WORKER WHO HAS BEEN OR IS KILLED IN THE LINE OF DUTY IF THE CHILD  
3 OR SURVIVING SPOUSE MEETS THE REQUIREMENTS SPECIFIED IN SUBSEC-  
4 TION (2).

5 (2) THIS SECTION APPLIES TO A CHILD OR SURVIVING SPOUSE WHO  
6 MEETS all of the following requirements:

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

10 (b) Is a legal resident of the state for at least the 12  
11 consecutive months immediately preceding his or her application.  
12 For an individual who is a dependent of his or her parent, resi-  
13 dency status shall be determined by the parent's residency. For  
14 an individual who is not a dependent, residency status shall be  
15 determined in the same manner as under title IV of the higher  
16 education act of 1965, Public Law 89-329. ~~—, 79 Stat. 1232.—~~

17 (c) Applies to the department for tuition waiver under this  
18 act and provides evidence satisfactory to the department that he  
19 or she is the child or the surviving spouse of a Michigan police  
20 officer, MICHIGAN EMERGENCY MEDICAL WORKER, or Michigan fire  
21 fighter who was killed in the line of duty, that the course or  
22 courses for which he or she is seeking a tuition waiver meet the  
23 requirements of subsection (2), and that he or she meets the  
24 other requirements of this section.

25 (d) For a child of a Michigan police officer, MICHIGAN EMER-  
26 GENCY MEDICAL WORKER, or Michigan fire fighter who was killed in

1 the line of duty, applies under subdivision (c) for the first  
2 time before the age of 21.

3 (e) Is certified by the financial aid officer at the state  
4 institution of higher education as needing the tuition waiver in  
5 order to meet recognized educational expenses. If the child's or  
6 surviving spouse's family income, excluding any income from death  
7 benefits attributable to the Michigan police officer's, MICHIGAN  
8 EMERGENCY MEDICAL WORKER'S, or Michigan fire fighter's death, is  
9 below 400% of poverty level under federal poverty guidelines pub-  
10 lished by the United States department of health and human serv-  
11 ices, income from any death benefits accruing to the child or  
12 surviving spouse as a result of the Michigan police officer's,  
13 MICHIGAN EMERGENCY MEDICAL WORKER'S, or Michigan fire fighter's  
14 death shall not be counted as family income in determining finan-  
15 cial need under this subdivision.

16 (f) Maintains satisfactory academic progress, as defined by  
17 the state institution of higher education, for each term or  
18 semester in which he or she is enrolled. The satisfactory  
19 progress definition used by an institution for federal student  
20 assistance programs under title IV of the higher education act of  
21 1965, PUBLIC LAW 89-329, is acceptable for the purposes of this  
22 act.

23 (g) Has not achieved a bachelor's degree and has received  
24 tuition reimbursement under this act for less than 124 semester  
25 credits or 180 term credits at ~~an~~ A STATE institution of higher  
26 education.

1       (3) ~~-(2)-~~ A state institution of higher education shall  
2 waive tuition under this act only for courses that are applicable  
3 toward the degree or certificate requirements of the program in  
4 which the child or surviving spouse is enrolled.

5       (4) ~~-(3)-~~ A child or surviving spouse of a Michigan police  
6 officer, MICHIGAN EMERGENCY MEDICAL WORKER, or Michigan fire  
7 fighter who was killed in the line of duty is eligible for  
8 tuition waiver under this section for not more than a total of 9  
9 semesters or the equivalent number of terms or quarters.

10       (5) ~~-(4)- Tuition shall be waived-~~ A STATE INSTITUTION OF  
11 HIGHER EDUCATION SHALL WAIVE TUITION UNDER THIS ACT only to the  
12 extent that the tuition is not covered or paid by any scholar-  
13 ship, trust fund, statutory benefit, or any other source of  
14 tuition coverage available to the person eligible for a waiver  
15 under this act.