

# HOUSE BILL No. 4219

February 8, 2005, Introduced by Reps. Vagnozzi, Spade, Sheltroun, Kehrl, Gleason, Plakas, Gonzales, Polidori, Leland, Donigan, Hopgood and Condino and referred to the Committee on Higher Education and Career Preparation.

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 spouses  
4 of ~~Michigan police officers and fire fighters~~ **FIRST RESPONDERS**  
5 killed in the line of duty; and to provide for an appropriation.

6 Sec. 1. This act shall be known and may be cited as the  
7 ~~"police officer's and fire fighter's~~ **"FIRST RESPONDER'S** survivor

1 tuition act".

2 Sec. 2. As used in this act:

3 (a) "Child" means an individual who is a natural or adopted  
4 child of a deceased ~~Michigan police officer or deceased Michigan~~  
5 ~~fire fighter~~ **FIRST RESPONDER** and who was under the age of 21 at the  
6 time of the ~~Michigan police officer's or Michigan fire fighter's~~  
7 **FIRST RESPONDER'S** death.

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

9 (C) **"FIREFIGHTER" MEANS A MEMBER, INCLUDING VOLUNTEER MEMBERS**  
10 **AND MEMBERS PAID ON CALL, OF A FIRE DEPARTMENT, OR OTHER**  
11 **ORGANIZATION THAT PROVIDES FIRE SUPPRESSION AND OTHER FIRE-RELATED**  
12 **SERVICES, OF A CITY, TOWNSHIP, VILLAGE, OR COUNTY WHO IS**  
13 **RESPONSIBLE FOR OR IS IN A CAPACITY THAT INCLUDES RESPONSIBILITY**  
14 **FOR THE EXTINGUISHMENT OF FIRES. FIREFIGHTER DOES NOT INCLUDE A**  
15 **PERSON WHOSE JOB DESCRIPTION, DUTIES, OR RESPONSIBILITIES DO NOT**  
16 **INCLUDE DIRECT INVOLVEMENT IN FIRE SUPPRESSION.**

17 (D) **"FIRST RESPONDER" MEANS A POLICE OFFICER, FIREFIGHTER, OR**  
18 **MEDICAL FIRST RESPONDER.**

19 (E) ~~-(e)-~~ "Killed" means that the ~~Michigan police officer's or~~  
20 ~~Michigan fire fighter's~~ **FIRST RESPONDER'S** death is the direct and  
21 proximate result of a traumatic injury incurred in the line of  
22 duty.

23 (F) ~~-(d)-~~ "Line of duty" means an action that a ~~Michigan~~  
24 ~~police officer or Michigan fire fighter~~ **FIRST RESPONDER** is  
25 obligated or authorized to perform by rule, regulation, condition  
26 of employment or service, or law, including, but not limited to, a  
27 social, ceremonial, or athletic function that the ~~Michigan police~~

~~officer or Michigan fire fighter~~ **FIRST RESPONDER** is assigned to or compensated for by the public agency he or she serves.

~~—— (e) "Michigan police officer" means a sheriff or sheriff's deputy of a sheriff's department in this state; village or township marshal of a village or township in this state; officer of the police department of any city, village, or township in this state; officer of the Michigan state police; or any other police officer or law enforcement officer trained and certified pursuant to the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.~~

~~—— (f) "Michigan fire fighter" means a member including volunteer members and members paid on call of a fire department, or other organization that provides fire suppression and other fire-related services, of a city, township, village, or county who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires. Michigan fire fighter does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.~~

(G) **"MEDICAL FIRST RESPONDER" MEANS A MEDICAL FIRST RESPONDER, AS THAT TERM IS DEFINED IN SECTION 20906 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.20906, IN THIS STATE.**

(H) ~~—(g)—~~ "Occupational disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the ~~Michigan police officer's or Michigan fire fighter's~~ **FIRST RESPONDER'S** occupation.

(I) **"POLICE OFFICER" MEANS A SHERIFF OR SHERIFF'S DEPUTY OF A**

1 SHERIFF'S DEPARTMENT IN THIS STATE; VILLAGE OR TOWNSHIP MARSHAL OF  
2 A VILLAGE OR TOWNSHIP IN THIS STATE; OFFICER OF THE POLICE  
3 DEPARTMENT OF ANY CITY, VILLAGE, OR TOWNSHIP IN THIS STATE; OFFICER  
4 OF THE MICHIGAN STATE POLICE; OR ANY OTHER POLICE OFFICER OR LAW  
5 ENFORCEMENT OFFICER TRAINED AND CERTIFIED PURSUANT TO THE  
6 COMMISSION ON LAW ENFORCEMENT STANDARDS ACT, 1965 PA 203, MCL  
7 28.601 TO 28.616.

8 (J) ~~-(h)-~~ "State institution of higher education" means a  
9 public community or junior college established under section 7 of  
10 article VIII of the state constitution of 1963 or part 25 of the  
11 revised school code, ~~Act No. 451 of the Public Acts of 1976, being~~  
12 ~~sections 380.1601 to 380.1607 of the Michigan Compiled Laws 1976 PA~~  
13 **451, MCL 380.1601 TO 380.1607**, or a state university described in  
14 section 4, 5, or 6 of article VIII of the state constitution of  
15 1963.

16 (K) ~~-(i)-~~ "Traumatic injury" means a wound or the condition  
17 of the body caused by external force, including, but not limited  
18 to, an injury inflicted by bullet, explosive, sharp instrument,  
19 blunt object or other physical blow, fire, smoke, chemical,  
20 electricity, climatic condition, infectious disease, radiation, or  
21 bacteria, but excluding an injury resulting from stress, strain, or  
22 occupational disease.

23 (L) ~~-(j)-~~ "Tuition" means tuition at the rate charged for  
24 residents of this state.

25 Sec. 3. (1) Beginning in the 1996-1997 academic year, and  
26 subject to the limitations in subsections (2), (3), and (4), a  
27 state institution of higher education shall waive tuition for each

1 child and surviving spouse of a ~~Michigan police officer or Michigan~~  
2 ~~fire fighter~~ **FIRST RESPONDER** who has been or is killed in the line  
3 of duty if the child or surviving spouse meets all of the following  
4 requirements:

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

8 (b) Is a legal resident of the state for at least the 12  
9 consecutive months immediately preceding his or her application.

10 For an individual who is a dependent of his or her parent,  
11 residency status shall be determined by the parent's residency. For  
12 an individual who is not a dependent, residency status shall be  
13 determined in the same manner as under title IV of the higher  
14 education act of 1965, ~~Public Law 89-329, 79 Stat. 1232~~ **20 USC 1070**  
15 **TO 1099C-2.**

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

23 (d) For a child of a ~~Michigan police officer or Michigan fire~~  
24 ~~fighter~~ **FIRST RESPONDER** who was killed in the line of duty, applies  
25 under subdivision (c) for the first time before the age of 21.

26 (e) Is certified by the financial aid officer at the state  
27 institution of higher education as needing the tuition waiver in

1 order to meet recognized educational expenses. If the child's or  
2 surviving spouse's family income, excluding any income from death  
3 benefits attributable to the ~~Michigan police officer's or Michigan~~  
4 ~~fire fighter's~~ **FIRST RESPONDER'S** death, is below 400% of poverty  
5 level under federal poverty guidelines published by the United  
6 States department of health and human services, income from any  
7 death benefits accruing to the child or surviving spouse as a  
8 result of the ~~Michigan police officer's or Michigan fire fighter's~~  
9 **FIRST RESPONDER'S** death shall not be counted as family income in  
10 determining financial need under this subdivision.

11 (f) Maintains satisfactory academic progress, as defined by  
12 the state institution of higher education, for each term or  
13 semester in which he or she is enrolled. The satisfactory progress  
14 definition used by an institution for federal student assistance  
15 programs under title IV of the higher education act of 1965, **20 USC**  
16 **1070 TO 1099C-2**, is acceptable for the purposes of this act.

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

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

24 (3) A child or surviving spouse of a ~~Michigan police officer~~  
25 ~~or Michigan fire fighter~~ **FIRST RESPONDER** who was killed in the line  
26 of duty is eligible for tuition waiver under this section for not  
27 more than a total of 9 semesters or the equivalent number of terms

1 or quarters.

2 (4) Tuition shall be waived only to the extent that the  
3 tuition is not covered or paid by any scholarship, trust fund,  
4 statutory benefit, or any other source of tuition coverage  
5 available to the person eligible for a waiver under this act.