

Senator Curtis S. Bramble proposes the following substitute bill:

**IN-STATE TUITION FOR FAMILIES OF FALLEN
PUBLIC SAFETY OFFICERS AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: Mike K. McKell

LONG TITLE

General Description:

This bill modifies provisions relating to state institution of higher education tuition waivers for a surviving family member of a police officer or firefighter killed in the line of duty.

Highlighted Provisions:

This bill:

- ▶ modifies provisions relating to state institution of higher education tuition waivers for a surviving family member of a police officer or firefighter killed in the line of duty; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53B-8c-102, as last amended by Laws of Utah 1998, Chapter 282



26 **53B-8c-103**, as last amended by Laws of Utah 1998, Chapter 282

27

28 *Be it enacted by the Legislature of the state of Utah:*

29 Section 1. Section **53B-8c-102** is amended to read:

30 **53B-8c-102. Definitions.**

31 As used in this chapter:

32 (1) "Child" means an individual who:

33 (a) is a natural or adopted child of a deceased peace officer or deceased firefighter; and

34 (b) was under the age of 25 at the time of the peace officer's or firefighter's death.

35 (2) "Department" means the Department of Public Safety.

36 (3) ~~Ĥ→~~ (a) ~~←Ĥ~~ "Fees" means ~~Ĥ→~~ ~~[charges,]~~ **general course fees,** ~~←Ĥ~~ in addition to
 36a tuition, that are:

37 ~~Ĥ→~~ ~~[(a)]~~ (i) ~~←Ĥ~~ imposed by a state institution of higher education; and

38 ~~Ĥ→~~ ~~[(b)]~~ (ii) ~~←Ĥ~~ required to be paid by a student to ~~Ĥ→~~ ~~[enroll in the state institution of~~
 38a ~~higher education~~

39 ~~or]~~ ~~←Ĥ~~ engage in a course of study at the state institution of higher education.

39a ~~Ĥ→~~ (b) **"Fees" does not include a special course fee.** ~~←Ĥ~~

40 ~~[(3)]~~ (4) "Killed" means that the peace officer's or firefighter's death is the direct and
 41 proximate result of a traumatic injury incurred in the line of duty.

42 ~~[(4)]~~ (5) "Line of duty" means an action that a peace officer or firefighter is obligated
 43 or authorized to perform by rule, regulation, condition of employment or service, or law,
 44 including a social, ceremonial, or athletic function that the peace officer or firefighter is
 45 assigned to or compensated for by the public agency being served.

46 ~~[(5)]~~ (6) "Occupational disease" means a disease that routinely constitutes a special
 47 hazard in, or is commonly regarded as concomitant of, the peace officer's or firefighter's
 48 occupation.

49 ~~[(6)]~~ (7) "State institution of higher education" means those institutions designated in
 50 Section **53B-1-102**.

51 ~~[(7)]~~ (8) "Traumatic injury" means a wound or the condition of the body caused by
 52 external force, including an injury inflicted by bullet, explosive, sharp instrument, blunt object,
 53 or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease,
 54 radiation, or bacteria, but excluding an occupational disease.

55 ~~[(8)]~~ (9) "Tuition" means tuition and fees at the rate charged for residents of the state.

56 ~~[(9)]~~ (10) (a) "Utah firefighter" or "firefighter" means a member, including volunteer

57 members and members paid on call, of a fire department or other organization that provides
58 fire suppression and other fire-related services, of a political subdivision who is responsible for
59 or is in a capacity that includes responsibility for the extinguishment of fires.

60 (b) "Utah firefighter" or "firefighter" does not include a person whose job description,
61 duties, or responsibilities do not include direct involvement in fire suppression.

62 ~~[(10)]~~ (11) "Utah peace officer" or "peace officer" means an employee of a law
63 enforcement agency that is part of or administered by the state or any of its political
64 subdivisions, and whose duties consist primarily of the prevention and detection of crime and
65 the enforcement of criminal statutes or ordinances of this state or any of its political
66 subdivisions.

67 Section 2. Section **53B-8c-103** is amended to read:

68 **53B-8c-103. Tuition waivers for surviving spouses and children of police officers**
69 **and firefighters killed in the line of duty -- Qualifications -- Limitations.**

70 (1) Beginning in the 1997-98 academic year, and subject to the limitations in
71 Subsections (2), (3), and (4) of this section, a state institution of higher education shall waive
72 tuition for each child and surviving spouse of a Utah peace officer or Utah firefighter who has
73 been killed or is killed in the line of duty if the individual meets the following requirements:

74 (a) applies, qualifies, and is admitted as a full-time, part-time, or summer school
75 student in a program of study leading to a degree or certificate;

76 (b) is a resident student of the state as determined under Section [53B-8-102](#);

77 (c) applies to the department for a waiver of tuition under this chapter and provides
78 evidence satisfactory to the department that:

79 (i) the applicant is the surviving spouse or child of a peace officer or firefighter who
80 was killed in the line of duty;

81 (ii) the course or courses for which the applicant is seeking a tuition waiver meet the
82 requirements of Subsection (2); and

83 (iii) the applicant meets the other requirements of this section;

84 (d) for a child of a peace officer or firefighter killed in the line of duty, applies under
85 Subsection (1)(c) for the first time before the age of 25;

86 ~~[(e) is certified by the financial aid officer at the higher education institution as needing~~
87 ~~the tuition waiver in order to meet recognized educational expenses, with the understanding~~

88 ~~that if the applicant's family income, excluding any income from death benefits attributable to~~
89 ~~the peace officer's or firefighter's death, is below 400% of the poverty level under federal~~
90 ~~poverty guidelines, income from any death benefits accruing to the applicant as a result of the~~
91 ~~death may not be counted as family income in determining financial need under this Subsection~~
92 ~~(+)(e);]~~

93 [(f)] (e) maintains satisfactory academic progress, as defined by the institution of
94 higher education, for each term or semester in which the individual is enrolled, which may be
95 measured by the definition used for federal student assistance programs under Title IV of the
96 Higher Education Act of 1965; and

97 [(g)] (f) has not achieved a bachelor's degree and has received tuition reimbursement
98 under this chapter for less than 124 semester credits or 180 quarter credits at an institution of
99 higher education.

100 (2) A child or surviving spouse of a peace officer or firefighter who was killed in the
101 line of duty is eligible for a tuition waiver under this section of not more than nine semesters or
102 the equivalent number of quarters.

103 (3) Tuition shall be waived only to the extent that the tuition is not covered or paid by
104 any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available
105 for a waiver under this chapter.

106 (4) An institution of higher education shall waive tuition under this chapter only for
107 courses that are applicable toward the degree or certificate requirements of the program in
108 which the child or surviving spouse is enrolled.