

# HOUSE BILL No. 4823

May 24, 2007, Introduced by Reps. Nofs, Moore, LaJoy, Rocca, Caswell, Stahl, Stakoe, Hune, Steil, Hansen, Brandenburg, Casperson, Hildenbrand, Green, Hoogendyk, DeRoche, Palmer, Wenke, Rick Jones, Gaffney, Byrum, LeBlanc, Polidori and Sheen and referred to the Committee on Intergovernmental, Urban 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:**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

TITLE

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

Sec. 2. As used in this act:

(a) "Commission" means the commission on law enforcement standards created under the commission on law enforcement standards

1 act, 1965 PA 203, MCL 28.601 to 28.616.

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

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

7 **(D) "EMERGENCY FIRST RESPONDER" MEANS AN INDIVIDUAL LICENSED**  
8 **UNDER SECTION 20950 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL**  
9 **333.20950.**

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

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

20 **(G) ~~(f)~~**"Line of duty" means either of the following:

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

1 duty means any action the officer is so obligated or authorized to  
2 perform in the course or controlling or reducing crime, enforcing  
3 the criminal law, or suppressing fires.

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

8 (H) ~~(g)~~—"Member of a rescue squad or ambulance crew" means an  
9 officially recognized or designated employee or volunteer member of  
10 a rescue squad or ambulance crew.

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

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

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

23 **SEC. 4A. IF AN EMERGENCY FIRST RESPONDER DIES IN THE LINE OF**  
24 **DUTY, THE STATE SHALL PROVIDE THE SURVIVING SPOUSE AND HIS OR HER**  
25 **DEPENDENTS HEALTH INSURANCE COMPARABLE TO THE INSURANCE COVERAGE**  
26 **THE EMERGENCY FIRST RESPONDER WAS RECEIVING BEFORE HIS OR HER**  
27 **DEATH. COVERAGE PROVIDED UNDER THIS SECTION SHALL CEASE FOR THE**

1 SPOUSE SHOULD THE SPOUSE QUALIFY FOR COMPARABLE HEALTH INSURANCE  
2 FROM ANOTHER PROVIDER AND FOR A DEPENDENT UPON HIS OR HER  
3 EIGHTEENTH BIRTHDAY.