

**CORRECTION OFFICERS’  
SURVIVORS  
TUITION BENEFITS**

**Senate Bill 497 as passed by the Senate  
First Analysis (12-9-98)**

**Sponsor: Sen. Walter North  
House Committee: Appropriations  
Senate Committee: Appropriations**

***THE APPARENT PROBLEM:***

Working in a prison can be life-threatening work, and from time to time a corrections officer is killed while performing his or her duties. Indeed, two state correctional officers were killed in the line of duty a decade ago, in 1987, and according to the sponsor of this legislation, a total of three state corrections officers and one local corrections officer have been killed by prisoners during the past 25 years.

The inherently hazardous nature of the work in a prison facility subjects corrections officers’ families to higher economic risks than those experienced by the families of other workers in the society. Since the labor of corrections officers can be cut short by murder, a rare but possible work risk in their particularly hazardous vocations, and since the officers’ labor serves to benefit and to protect all the citizens of Michigan, some argue that the officers’ labor should be rewarded with special meritorious compensation. Specifically, they argue that it is fitting for state taxpayers to provide for the well-being of corrections officers’ surviving families, and in particular to pay the undergraduate tuition costs for the members of a fallen officer’s family.

***THE CONTENT OF THE BILL:***

Senate Bill 497 (S-1) would create the “Corrections Officer’s Survivor Tuition Act” to provide tuition at state institutions of higher education for the surviving spouses and children of state and local correctional officers killed in the line of duty. Under the bill, a state or local correctional officer’s death, from the direct result of a traumatic injury incurred in the line of duty, but not resulting from stress, strain, or occupational disease, would qualify a surviving spouse or child for tuition benefits.

Beginning in the 1998-99 academic year, the Department of Corrections would pay for tuition at a state institution of higher education for a surviving spouse and for each child of a state or local correctional officer if all of the following conditions were met:

--The spouse or child was admitted to a program of study leading to a degree or certificate.

--The spouse or child was a legal resident of the state at least 12 months prior to application.

--The spouse or child provided evidence to the Department of Corrections that he or she met tuition program requirements.

--The school’s financial aid officer certified that the spouse or child needed a tuition waiver to meet educational expenses.

--The spouse or child maintained satisfactory academic progress.

--The spouse or child had not achieved a bachelor’s degree.

--If a child survivor, application for the tuition program was made prior to age 21.

Under the bill, tuition would be waived only to the extent that the tuition is not covered or paid by a scholarship, trust fund, statutory benefit, or another source of tuition coverage available to the person eligible for a waiver under the bill.

The Department of Corrections would be responsible for approving tuition waiver applications and notifying the state institutions of higher learning when an

application was approved. The Department of Corrections would be required to reimburse each institution for the total amount of tuition waived during the immediately preceding fiscal year.

The bill would require the legislature to appropriate the funds necessary to implement the bill.

### ***BACKGROUND INFORMATION:***

Police and Firefighters' Survivors Tuition Waivers. Since 1996 when the legislature passed House Bill 4382 (Public Act 195 of 1996), Michigan has provided a higher education tuition waiver to the survivors of fallen police officers and firefighters. At that time, Michigan was one of only five states that lacked a tuition waiver for dependents of police officers killed in the line of duty. According to the House Legislative Analysis Section's analysis of House Bill 4382 dated 6-11-96, in the nine-year period from 1985-93, thirty-six married police officers were killed in the line of duty in Michigan, and they were survived by 61 children. From 1986-95, twenty-six firefighters were killed and the number of their survivors was unknown.

Veterans' Survivor Tuition Waivers. In addition, the Department of Military Affairs administers a tuition grant program for the survivors of military veterans, a program established by Public Act 245 of 1935, and revised when the legislature enacted Public Act 335 of 1996.

### ***FISCAL IMPLICATIONS:***

According to the House Fiscal Agency, the bill would call for the legislature annually to appropriate the funds necessary to implement the bill. The bill could increase costs for the Department of Corrections, but in an amount likely to be relatively small. Two correctional officers were killed in the line of duty in 1987, leaving one child and one spouse each. Prior to that, a correctional officer was killed in the line of duty in 1979. It appears that at present, there may be three spouses eligible for the tuition waiver; apparently no children of slain state correctional officers are currently eligible for the waiver. Although it is not fully clear whether there are any eligible survivors of local correctional officers, there appear to be none. Thus, with annual tuition for state universities averaging about \$4,000 in fiscal year 1997-98, any costs under the bill would be minimal. (11-30-98)

According to the Senate Fiscal Agency, based on a similar tuition waiver fund administered by the Department of State Police for fallen police officers' survivors, the cost of tuition for four survivors, all attending an institution of higher learning in the same year, is estimated at \$7,000. The Senate Fiscal Agency notes that the local costs for the tuition waiver are unknown, since statewide information about local correctional officers killed in the line of duty is not available. However, it is known that in Wayne County, only one correctional officer has been killed in the line of duty, and that occurred in 1984. (11-10-97)

### ***ARGUMENTS:***

#### ***For:***

Corrections officers who are slain in the line of duty are similar to fallen police officers, or to firefighters who die as a result of their work. Michigan has offered the families of police officers and firefighters a higher education tuition waiver since 1996, and the state should offer a similar benefit to the surviving families of corrections officers who die in the line of duty. A higher education tuition waiver is an appropriate form of meritorious compensation, reserved only for those public sector employees whose work is particularly hazardous, and whose labor clearly protects and extends the safety and security of all citizens.

#### ***Against:***

There are at least three reasons why this bill should be carefully considered, according to a spokesperson for the Department of Management and Budget. First, no waiver policy exists, and consequently government analysts do not have an evaluation framework within which to weigh one request for a higher education tuition waiver against another. It is likely that corrections officers are not the only public service workers whose lives are placed at risk in the course of their work for the good of the public. This class of employees could be the first in a long line of groups who experience similar risks, and who will argue that they also are deserving of meritorious compensation which includes a higher education tuition waiver. Second, Article VIII, Section 3 of the Michigan Constitution vests control of public universities in their boards of regents or trustees. A higher education tuition waiver may well subvert that control. Third, the bill fails two policy tests; it does not answer either of two questions that are often asked by policy analysts in order to ascertain the origin or need for a program,

or to gauge the tradeoffs inherent in every policy problem when they review the evidence: What "good" is furthered? What "harm" is prevented? In this instance, there is no evidence that any particular student who would be eligible under this proposed tuition waiver program has been unable to afford a postsecondary education. The bill, then, neither furthers any particular "good" nor prevents any particular "harm."

**Response:**

With regard to the constitutional issue, it should be noted that the precedent for this type of program has been set by previous legislation; there does not appear to be any imposition on the universities to date.

**POSITIONS:**

A representative of the Department of Management and Budget testified in opposition to the bill. (12-8-98)

Analyst: J. Hunault

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■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.