

**SUBSTITUTE FOR  
SENATE BILL NO. 497**

A bill to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan corrections officers killed in the line of duty; and to provide for an appropriation.

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

1       Sec. 1. This act shall be known and may be cited as the  
2 "corrections officer's survivor tuition act".

3       Sec. 2. As used in this act:

4       (a) "Child" means an individual who is a natural or adopted  
5 child of a deceased Michigan corrections officer and who was  
6 under the age of 21 at the time of the Michigan corrections  
7 officer's death.

8       (b) "Department" means the department of corrections.

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1 (c) "Killed" means that the Michigan corrections officer's  
2 death is the direct and proximate result of a traumatic injury  
3 incurred in the line of duty.

4 (d) "Line of duty" means an action that a Michigan correc-  
5 tions officer is obligated or authorized to perform by rule, reg-  
6 ulation, condition of employment or service, or law, including,  
7 but not limited to, a social, ceremonial, or athletic function  
8 that the Michigan corrections officer is assigned to or compen-  
9 sated for by the public agency he or she serves.

10 (e) "Michigan corrections officer" means a state correc-  
11 tional officer or local correctional officer, as those terms are  
12 defined in section 2 of the correctional officers' training act  
13 of 1982, 1982 PA 415, MCL 791.502.

14 (f) "Occupational disease" means a disease that routinely  
15 constitutes a special hazard in, or is commonly regarded as con-  
16 comitant of, the Michigan corrections officer's occupation.

17 (g) "State institution of higher education" means a public  
18 community or junior college established under section 7 of arti-  
19 cle VIII of the state constitution of 1963 or part 25 of the  
20 revised school code, 1976 PA 451, MCL 380.1601 to 380.1607, or a  
21 state university described in section 4, 5, or 6 of article VIII  
22 of the state constitution of 1963.

23 (h) "Traumatic injury" means a wound or the condition of the  
24 body caused by external force, including, but not limited to, an  
25 injury inflicted by bullet, explosive, sharp instrument, blunt  
26 object or other physical blow, fire, smoke, chemical,  
27 electricity, climatic condition, infectious disease, radiation,

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1 or bacteria, but excluding an injury resulting from stress,  
2 strain, or occupational disease.

3 (i) "Tuition" means tuition at the rate charged for resi-  
4 dents of this state.

5 Sec. 3. (1) Beginning in the 1998-1999 academic year, and  
6 subject to the limitations in subsections (2), (3), and (4), a  
7 state institution of higher education shall waive tuition for  
8 each child and surviving spouse of a Michigan corrections officer  
9 who has been or is killed in the line of duty if the child or  
10 surviving spouse meets all of the following requirements:

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

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

21 (c) Applies to the department for tuition waiver under this  
22 act and provides evidence satisfactory to the department that he  
23 or she is the child or the surviving spouse of a Michigan correc-  
24 tions officer who was killed in the line of duty, that the course  
25 or courses for which he or she is seeking a tuition waiver meet  
26 the requirements of subsection (2), and that he or she meets the  
27 other requirements of this section.

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1 (d) For a child of a Michigan corrections officer who was  
2 killed in the line of duty, applies under subdivision (c) for the  
3 first time before the age of 21.

4 (e) Is certified by the financial aid officer at the state  
5 institution of higher education as needing the tuition waiver in  
6 order to meet recognized educational expenses. If the child's or  
7 surviving spouse's family income, excluding any income from death  
8 benefits attributable to the Michigan corrections officer's  
9 death, is below 400% of poverty level under federal poverty  
10 guidelines published by the United States department of health  
11 and human services, income from any death benefits accruing to  
12 the child or surviving spouse as a result of the Michigan correc-  
13 tions officer's death shall not be counted as family income in  
14 determining financial need under this subdivision.

15 (f) Maintains satisfactory academic progress, as defined by  
16 the state institution of higher education, for each term or  
17 semester in which he or she is enrolled. The satisfactory  
18 progress definition used by an institution for federal student  
19 assistance programs under title IV of the higher education act of  
20 1965, Public Law 89-329, 79 Stat. 1232, is acceptable for the  
21 purposes of this act.

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

26 (2) A state institution of higher education shall waive  
27 tuition under this act only for courses that are applicable

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1 toward the degree or certificate requirements of the program in  
2 which the child or surviving spouse is enrolled.

3 (3) A child or surviving spouse of a Michigan corrections  
4 officer who was killed in the line of duty is eligible for  
5 tuition waiver under this section for not more than a total of 9  
6 semesters or the equivalent number of terms or quarters.

7 (4) Tuition shall be waived only to the extent that the  
8 tuition is not covered or paid by a scholarship, trust fund,  
9 statutory benefit, or another source of tuition coverage avail-  
10 able to the person eligible for a waiver under this act.

11 Sec. 4. (1) Beginning in the 1998-1999 academic year, upon  
12 receiving an application under section 3(c), the department shall  
13 determine whether the applicant and the courses for which tuition  
14 waiver is sought meet the requirements of section 3 and, if so,  
15 shall approve the application and notify the state institution of  
16 higher education that the application has been approved.

17 (2) Beginning in the 1998-1999 academic year, upon applica-  
18 tion by the state institution of higher education, the department  
19 annually shall reimburse each state institution of higher educa-  
20 tion for the total amount of tuition waived during the immedi-  
21 ately preceding fiscal year under section 3. The department  
22 annually shall report to the legislature the number of individu-  
23 als for whom tuition has been waived at each state institution of  
24 higher education and the total amounts to be paid under this act  
25 for that fiscal year.

26 Sec. 5. The department shall provide the necessary forms  
27 and applications and shall cooperate with the state institutions

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1 of higher education in developing efficient procedures for  
2 implementing the purposes of this act.

3       Sec. 6. The legislature annually shall appropriate the  
4 funds necessary to implement this act.