

PUBLIC EMPLOYEE DOMESTIC PARTNER BENEFIT RESTRICTION ACT

Act 297 of 2011

AN ACT to prohibit public employers from providing certain benefits to public employees.

History: 2011, Act 297, Imd. Eff. Dec. 22, 2011

Constitutionality: The court in *Bassett v Snyder*, 59 F Supp 3d 837 (ED Mich, 2014), held that sections 3 and 4 of the public employee domestic partner benefit restriction act, 2011 PA 297, MCL 15.583 and 15.584, violated the Equal Protection Clause of the United States Constitution. The court granted a permanent injunction against enforcing the act.

The People of the State of Michigan enact:

15.581 Short title.

Sec. 1.

This act shall be known and may be cited as the "public employee domestic partner benefit restriction act".

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15.582 Definitions.

Sec. 2.

As used in this act:

(a) "Medical benefits" means medical, optical, or dental benefits, including, but not limited to, hospital and physician services, prescription drugs, and related benefits.

(b) "Public employee" means a person holding a position by appointment or employment in the government of this state; in the government of 1 or more of the political subdivisions of this state; in the public school service; in a public or special district; in the service of an authority, commission, or board of this state or a political subdivision of this state; or in any other branch of the public service.

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15.583 Medical or other fringe benefits; individual residing in same residence as public employee; prohibition.

Sec. 3.

(1) A public employer shall not provide medical benefits or other fringe benefits for an individual currently residing in the same residence as a public employee, if the individual is not 1 or more of the following:

(a) Married to the employee.

(b) A dependent of the employee, as defined in the internal revenue code of 1986.

- (c) Otherwise eligible to inherit from the employee under the laws of intestate succession in this state.
- (2) A provision in a contract entered into after the effective date of this act that conflicts with the requirements of this act is void.

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15.584 Collective bargaining agreement or other contract; effect.

Sec. 4.

If a collective bargaining agreement or other contract that is inconsistent with section 3 is in effect for a public employee on the effective date of this act, section 3 does not apply to that group of employees until the collective bargaining agreement or other contract expires or is amended, extended, or renewed.

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15.585 Applicability to public employees; extent.

Sec. 5.

The requirements of section 3 apply to all public employees to the greatest extent consistent with constitutionally allocated powers.

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