SENATE BILL No. 534

September 30, 2015, Introduced by Senators JONES and SCHUITMAKER and referred to the Committee on Government Operations.

An act to prohibit public employers from providing certain benefits to public employees.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "public employee domestic partner benefit limitation act".

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.

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.

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.

Sec. 5. The requirements of section 3 apply to all public
employees to the greatest extent consistent with constitutionally
allocated powers.

Enacting section 1. The public employee domestic partner
benefit restriction act, 2011 PA 297, MCL 15.581 to 15.584, is
repealed.

Enacting section 2. This act repeals and reenacts the
substance of the public employee domestic partner benefit restriction act. The reenactment is intended to clarify the status of the law, after the United States Supreme Court in Obergefell v Hodges, 576 US ____ (2015), effectively nullified the basis for the federal district court's holding and injunction in Bassett v Snyder, 59 F Supp 3d 837 (ED Mich, 2014).