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:

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15.581 Short title.

Sec. 1.

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

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.

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.

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.

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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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.

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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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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.