

HOUSE BILL No. 4958

September 14, 2017, Introduced by Reps. Runestad, Lucido, Kahle, Hornberger, Rendon, Cole, Noble, VanSingel, Leutheuser, Vaupel, Tedder, Reilly, Glenn and Graves and referred to the Committee on Families, Children, and Seniors.

A bill to prohibit public employers from providing certain benefits to public employees; and to repeal acts and parts of acts.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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

3 Sec. 2. As used in this act:

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

7 (b) "Public employee" means a person holding a position by
8 appointment or employment in the government of this state; in the
9 government of 1 or more of the political subdivisions of this
10 state; in the public school service; in a public or special
11 district; in the service of an authority, commission, or board of

1 this state or a political subdivision of this state; or in any
2 other branch of the public service.

3 Sec. 3. (1) A public employer shall not provide medical
4 benefits or other fringe benefits for an individual currently
5 residing in the same residence as a public employee if the
6 individual is not 1 or more of the following:

7 (a) Married to the employee.

8 (b) A dependent of the employee, as defined in the internal
9 revenue code of 1986, 26 USC 1 to 9834.

10 (c) Otherwise eligible to inherit from the employee under the
11 laws of intestate succession in this state.

12 (2) A provision in a contract entered into after the effective
13 date of this act that conflicts with the requirements of this act
14 is void.

15 Sec. 4. If a collective bargaining agreement or other contract
16 that is inconsistent with section 3 is in effect for a public
17 employee on the effective date of this act, section 3 does not
18 apply to that group of employees until the collective bargaining
19 agreement or other contract expires or is amended, extended, or
20 renewed.

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

24 Enacting section 1. The public employee domestic partner
25 benefit restriction act, 2011 PA 297, MCL 15.581 to 15.585, is
26 repealed.

27 Enacting section 2. This act repeals and reenacts the

1 substance of the public employee domestic partner benefit
2 restriction act, 2011 PA 297, MCL 15.581 to 15.585. The reenactment
3 is intended to clarify the status of the law, after the United
4 States Supreme Court in Obergefell v Hodges, 576 US ____ (2015),
5 effectively nullified the basis for the federal district court's
6 holding and injunction in Bassett v Snyder, 59 F Supp 3d 837 (ED
7 Mich, 2014).