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House Joint Resolution R (as enrolled)
Sponsor: Representative Jason Wentworth
House Committee: Second Reading
Senate Committee: Committee of the Whole

Date Completed: 8-26-22

CONTENT

The joint resolution would amend Article 4 (Legislative Branch) of the Michigan Constitution to require the Governor, the Lieutenant Governor, the Secretary of State, the Attorney General, and each member of the Legislature to file an annual financial disclosure report with the Department of State (SOS), and to modify the term limits for members of the Legislature.

House Joint Resolution R was approved by two-thirds vote of each house of the Legislature, but it will not take effect unless the voters approve it at the next general election, November 8, 2022.

Financial Disclosures

Under the resolution, by April 15, 2024, and by a date each year after that as prescribed by State law, each member of the Legislature, the Governor, the Lieutenant Governor, the Secretary of State, and the Attorney General would have to file an annual financial disclosure report electronically with the SOS that complied with the resolution. A report required to be filed would have to include information regarding all of the following:

- Description of assets and sources of unearned income.
- Sources of earned income.
- Description of liabilities.
- Positions currently held as an officer, director, trustee, partner, proprietor, representative, employee, or consultant of any organization, corporation, firm, partnership, or other business enterprise, nonprofit organization, labor organization, or educational or other institution other than the State; a disclosure would not have to include positions held in any religious, social, fraternal, or political entity, or positions that were solely of an honorary nature.
- Agreements or arrangements with respect to future employment, a leave of absence while serving as a legislator or State officer, continuation or deferral of payments by a former or current employer other than the State, or continuing participation in an employee welfare or benefit plan maintained by a former employer.
- Gifts received and required to be reported by a lobbyist or lobbyist agent, as prescribed by State law.
- Travel payments and reimbursements received and required to be reported by a lobbyist or lobbyist agent, as prescribed by State law.
- Payments made by a lobbyist or lobbyist agent to a charity instead of honoraria.

The financial disclosure report would have to be filed with the SOS in a form and manner prescribed by State law. The SOS would have to make the report available to the public online.

The Legislature would have to further implement the resolution by appropriate legislation. The legislation could not limit or restrict the application of the financial disclosure requirement. If legislation implementing the resolution were not enacted by December 31, 2023, a resident of the State could initiate a legal action against the Legislature and the Governor in the Michigan Supreme Court to enforce the resolution's requirements.

Term Limits

Section 54 of Article 4 prescribes term limits for members of the Legislature. Currently, a person may not be elected to the Office of State Representatives more than three times. A person may not be elected to the Office of State Senator more than two times. Any person appointed or elected to fill a vacancy in the House of Representatives or Senate for a period greater than half of a term of office is considered to have been elected to serve one time in that office for purposes of Section 54. The limitation on the number of times a person is elected to office applies beginning on or after January 1, 1993.

The bill would delete these provisions. Instead, a person could not be elected to the Office of State Representative or State Senate for terms or partial terms that combined total more than 12 years. However, this limitation would not prohibit a person elected to the Office of State Senator in 2022 from being elected to that office for the number of times permitted at the time the person became a candidate for that office.

Section 54 states that if any part of the section is held to be invalid or unconstitutional, the remaining parts of Section 54 are not affected but will remain in full force and effect. The resolution would eliminate this provision.

Legislative Analyst: Stephen P. Jackson

FISCAL IMPACT

The resolution could result in increased costs for the Department of State to receive the required financial disclosure statements and to make them publicly available on its website. Any additional programming or staffing costs likely would be minimal and would be absorbed within the Department's annual appropriations.

Fiscal Analyst: Joe Carrasco, Jr.

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.