

# HOUSE JOINT RESOLUTION R

May 10, 2022, Introduced by Rep. Wentworth.

A joint resolution proposing an amendment to the state constitution of 1963, by amending sections 10 and 54 of article IV, to require certain disclosures and to modify limitations on terms of office of state legislators.

Resolved by the Senate and House of Representatives of the state of Michigan, That the following amendment to the state constitution of 1963, to require certain disclosures and to modify limitations on terms of office of state legislators, is proposed, agreed to, and submitted to the people of the state:

1

ARTICLE IV

1           Sec. 10. (1) No member of the legislature nor any state  
2 officer shall be interested directly or indirectly in any contract  
3 with the state or any political subdivision thereof which shall  
4 cause a substantial conflict of interest. ~~The legislature shall~~  
5 ~~further implement this provision by appropriate legislation.~~

6           (2) By April 15, 2024, and by a date each year thereafter as  
7 prescribed by state law, each member of the legislature, the  
8 governor, the lieutenant governor, the secretary of state, and the  
9 attorney general shall electronically file an annual financial  
10 disclosure report with the department of state that complies with  
11 this section. A report required to be filed under this section must  
12 include information regarding all of the following:

13           (a) Description of assets and sources of unearned income.

14           (b) Sources of earned income.

15           (c) Description of liabilities.

16           (d) Positions currently held as an officer, director, trustee,  
17 partner, proprietor, representative, employee, or consultant of any  
18 organization, corporation, firm, partnership, or other business  
19 enterprise, nonprofit organization, labor organization, or  
20 educational or other institution other than the state of Michigan.  
21 The positions required to be disclosed under this subdivision do  
22 not include positions held in any religious, social, fraternal, or  
23 political entity, or positions that are solely of an honorary  
24 nature.

25           (e) Agreements or arrangements with respect to future  
26 employment, a leave of absence while serving as a legislator or  
27 state officer, continuation or deferral of payments by a former or  
28 current employer other than the state of Michigan, or continuing  
29 participation in an employee welfare or benefit plan maintained by

1 a former employer.

2 (f) Gifts received and required to be reported by a lobbyist  
3 or lobbyist agent, as prescribed by state law.

4 (g) Travel payments and reimbursements received and required  
5 to be reported by a lobbyist or lobbyist agent, as prescribed by  
6 state law.

7 (h) Payments made by a lobbyist or lobbyist agent to a charity  
8 in lieu of honoraria.

9 (3) The financial disclosure report required under subsection  
10 (2) must be filed with the department of state in a form and manner  
11 prescribed by state law. The department of state shall make the  
12 report available to the public online.

13 (4) The legislature shall further implement this section by  
14 appropriate legislation. Legislation implementing this section must  
15 not limit or restrict the application of subsections (2) and (3).

16 (5) If legislation implementing this section is not enacted by  
17 December 31, 2023, a resident of this state may initiate a legal  
18 action against the legislature and the governor in the Michigan  
19 supreme court to enforce the requirements of this section.

20 Sec. 54. (1) ~~No~~**A** person shall ~~may not~~ be elected to the  
21 office of state representative ~~more than three times. No person~~  
22 ~~shall be elected to the office of~~ **or** state senate ~~more than two~~  
23 ~~times. Any person appointed or elected to fill a vacancy in the~~  
24 ~~house of representatives or the state senate for a period greater~~  
25 ~~than one half of a term of such office, shall be considered to have~~  
26 ~~been elected to serve one time in that office for purposes of this~~  
27 ~~section. This limitation on the number of times a person shall be~~  
28 ~~elected to office shall apply to terms of office beginning on or~~  
29 ~~after January 1, 1993.~~**senator for terms or partial terms that**

1 combined total more than 12 years. However, this limitation does  
 2 not prohibit a person elected to the office of state senator in  
 3 2022 from being elected to that office for the number of times  
 4 permitted at the time the person became a candidate for that  
 5 office.

6 (2) This section ~~shall be~~ **is** self-executing. Legislation may  
 7 be enacted to facilitate operation of this section, but ~~no~~ **a** law  
 8 shall ~~must not~~ limit or restrict the application of this section.  
 9 ~~If any part of this section is held to be invalid or~~  
 10 ~~unconstitutional, the remaining parts of this section shall not be~~  
 11 ~~affected but will remain in full force and effect.~~

12 Resolved further, That the foregoing amendment shall be  
 13 submitted to the people of the state at the next general election  
 14 in the manner provided by law.

15 Resolved further, That it is the intent of the legislature  
 16 that when submitted to the people of the state the amendment be  
 17 presented with the following question:

18 "A PROPOSAL TO AMEND THE STATE CONSTITUTION TO REQUIRE ANNUAL  
 19 PUBLIC FINANCIAL DISCLOSURE REPORTS BY LEGISLATORS AND OTHER STATE  
 20 OFFICERS AND LIMIT SERVICE AS A LEGISLATOR TO 12 YEARS

21 The proposed constitutional amendment would:

22 • Require members of the legislature, the governor, the  
 23 lieutenant governor, the secretary of state, and the attorney  
 24 general to file annual public financial disclosure reports after  
 25 2023, reporting assets, liabilities, income, positions held, future  
 26 employment agreements, gifts, travel reimbursements, and other  
 27 payments.

28 • Require the legislature to implement but not limit or  
 29 restrict the reporting requirements.

1           • Reduce current term limits for state representatives and  
2 state senators to a 12-year total limit in any combination between  
3 the house of representatives and the senate, with the exception  
4 that a person elected to the senate in 2022 may be elected the  
5 number of times allowed when that person became a candidate.

6           Should this proposal be adopted?

7           YES [ ]

8           NO [ ]".