

LFC Requester:

Felix Chavez

### AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

#### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: 1/27/25

Check all that apply:

Bill Number: SJR5

Original  Correction   
Amendment  Substitute

Sponsor: Sens. Brantley, Woods,  
Boone, Block

Agency Name and Code Number: 305 – New Mexico  
Department of Justice

Short Title: Constitutional Convention

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#### SECTION II: FISCAL IMPACT

##### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

##### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

##### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
 Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY**

Synopsis:

Article V of the U.S. Constitution provides two mechanisms to amend the Constitution. Under one mechanism, which has never been used, Congress must call a convention “for proposing Amendments” if the legislatures of two-thirds of the states request one.

SJR5 would, if passed, constitute New Mexico’s formal application for an Article V convention. New Mexico, however, would only authorize amendments to “impose fiscal restraints on the federal government, limit the power and jurisdiction of the federal government and limit the terms of office for federal officials and members of congress[.]” New Mexico’s application would remain pending until the requisite two-thirds of states submitted applications “on the same subject.”

SJR5 appears to be the New Mexico version of the model application prepared by the Convention of States Project. The Convention of States Project website claims that 19 states have approved of its model language. 34 states are needed to call a convention.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

New Mexico’s economy depends in large part on federal funding, so significant, constitutionally-required budget cuts could have a disproportionate impact on the state.

SJR5 places limits on the subjects that a constitutional convention could consider. It is unclear if this is possible; there is no precedent for an Article V convention. *See Michael Paulsen, A General Theory of Article V: The Constitutional Lessons of the Twenty-Seventh Amendment, 103 Yale L.J. 677, 737-43 (1993) (summarizing arguments for and against).* Some of the delegates to Philadelphia Convention in 1787 were specifically instructed by their state legislatures to consider only amendments to the Articles of Confederation, but the Convention adopted an entirely new constitution anyway.

**PERFORMANCE IMPLICATIONS**

None.

**ADMINISTRATIVE IMPLICATIONS**

None.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

**TECHNICAL ISSUES**

None.

**OTHER SUBSTANTIVE ISSUES**

None.

**ALTERNATIVES**

Propose amendments individually through the other Article V amendment process.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo.

**AMENDMENTS**

None.