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FISCAL IMPACT REPORT

SPONSOR <u>Brantley/Woods/Boone/Block</u>	LAST UPDATED _____
	ORIGINAL DATE <u>2/1/2025</u>
SHORT TITLE <u>Constitutional Convention</u>	BILL <u>Senate Joint</u>
	NUMBER <u>Resolution 5</u>
	ANALYST <u>Hanika-Ortiz</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
SOS	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

See fiscal implications below for risks in future fiscal years.

Sources of Information

LFC Files

Agency Analysis Received From
New Mexico Attorney General (NMAG)

Agency Declined to Respond
Secretary of State (SOS)

SUMMARY

Senate Joint Resolution 5

Senate Joint Resolution 5 (SJR5) asks the United States Congress to call a convention to propose a constitutional amendment to limit the power and jurisdiction of the federal government, impose fiscal restraints, and establish term limits for federal officers including members of Congress.

SJR5 takes effect on final passage by the legislature and does not require the governor's signature.

FISCAL IMPLICATIONS

Constitutionally required budget cuts could disproportionately impact the state. Almost one-third of the state's revenue comes from federal transfers, one of the highest among states, for medical and behavioral healthcare, all levels of public education, and infrastructure including housing

SIGNIFICANT ISSUES

The New Mexico Attorney General (NMAG) explains that, under Article V of the United States Constitution, Congress must call a convention for proposing an amendment if two-thirds (34) of state legislatures request one. As of 2024, 19 states have passed resolutions to propose similar amendments to limit the scope and power of the federal government. Three-fourths (38) of states must ratify the amendment.

NMAG notes that the state's application would remain pending until two-thirds of states have submitted applications to hold a convention on the same subject. Moreover:

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 the 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.

The objectives in SJR5 reflect model legislation from the Convention of States Project. According to its website, NMAG noted, the project claims all 19 states have approved the model language.

PERFORMANCE IMPLICATIONS

Term limits for federal officers could include people appointed or elected that work in executive, legislative and judicial branches of government, including Supreme Court justices.

ADMINISTRATIVE IMPLICATIONS

If approved, the state's position on fiscal and public policy and its request for a convention of states, would be transmitted by the SOS to the president and congressional leadership.