

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the Legislature. LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

## FISCAL IMPACT REPORT

SPONSOR	<u>Diamond/Pirtle</u>	LAST UPDATED	<u>2/13/23</u>
		ORIGINAL DATE	<u>2/13/23</u>
SHORT TITLE	<u>Constitutional Convention</u>	BILL NUMBER	<u>Senate Joint Resolution 5</u>
		ANALYST	<u>Gaussoin</u>

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Duplicates House Joint Resolution 13

### Sources of Information

LFC Files

#### Responses Received From

New Mexico Attorney General (NMAG)

## SUMMARY

### Synopsis of Senate Joint Resolution 5

Senate Joint Resolution 5 (SJR5) proposes the Legislature petition the U.S. Congress under Article V of the U.S. Constitution to hold a constitutional convention limited to proposing constitutional amendments imposing fiscal constraints on the federal government, limiting the power and jurisdiction of the federal government, and limiting terms of office for federal officials and members of Congress. At least two-thirds of states would have to apply on the same subject to trigger a convention.

The resolution directs the Secretary of State to submit the application. Resolutions do not require a signature from the governor to become effective.

## FISCAL IMPLICATIONS

The Secretary of State would have minor responsibilities under the resolution. It is unlikely to represent a fiscal impact.

## **SIGNIFICANT ISSUES**

According to NMAG, state legislatures have never successfully invoked a constitutional convention under Article V, and “the consequence of doing so are unpredictable.” NMAG notes there is no clear rules on voting (would states each get one vote or would the number of votes be based on population) or how to proceed should two-thirds of the states seek a constitutional convention.

Further, Article V contains no language providing for a constitutional convention for a specific topic, such as those proposed in Senate Joint Resolution 5, and the unintended result could be challenges to basic rights. From NMAG:

It is unclear whether any limits on the subjects for possible amendments would be effective. (See generally “The Other Way to Amend the Constitution: The Article V Constitutional Convention Amendment Process,” 30 Harv. J. L. Pub. Pol’y 1005 (2007)). If the constitutional convention were not so limited, any protections afforded by the Constitution, including its Bill of Rights, could be altered. Even the scope of SJR5 is rather broad, as it encompasses limits on the “power and jurisdiction” of the federal government and “fiscal restraints” and could result in unforeseen amendments.

SJR5 states the constitution needs to be amended to limit spending, federal authority, and congressional terms because the growing national debt represents a financial burden to future generations, federal regulatory protections are costly, and a “professionalized” Congress is more responsive to organized groups than the citizens.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

HJR13 and SJR5 are identical in everything except the title.

HG/al/ne