

LFC Requester:

Austin Davidson

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original x **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: 29 January 2024

Bill No: HJR12

Sponsor: Reps. Pettigrew, Block,
Mason

Short Title: Constitutional Convention
Request

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

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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

Article V of the United States Constitution provides two methods by which the Constitution may be amended: 1) A proposed amendment passes both chambers of Congress and then is ratified by legislatures in three-fourths of states or by ratifying conventions in three-fourths of states; or 2) Two-thirds of states call for a constitutional convention and any amendments proposed by the convention are ratified by legislatures in three-fourths of states or by ratifying conventions in three-fourths of states. The latter method is frequently referred to as an “Article V Convention.”

HJR 12 (the “Resolution”) proposes that the New Mexico Legislature call for an Article V Convention. The Resolution purports to limit the call for such a convention to proposing amendments concerning the following topics: 1) imposing fiscal restraints on the federal government; 2) limiting the power and jurisdiction of the federal government; and 3) limiting the terms of office for federal officials and members of congress.

The Resolution further requires that the Secretary of State transmit a copy of the Resolution to the President of the United States, the president and secretary of the U.S. Senate, and to the speaker and clerk of the U.S. House of Representatives.

The Resolution states that it should be treated as an ongoing application for an Article V Convention until such time as legislatures in two-thirds of states have submitted similar applications.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Since the adoption of the Constitution, an Article V Convention has never happened. Because of this, there are significant disagreements about the process for Article V Conventions that have no

clear answer. The text of Article V merely communicates the thresholds necessary for calling the convention and subsequent ratification of any amendments proposed. The Article provides little guidance as to what limitations, if any, exist with respect to the amendments that may be proposed.

PERFORMANCE IMPLICATIONS

None

ADMINISTRATIVE IMPLICATIONS

None

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo, assuming the threshold for an Article V Convention is not met independently of New Mexico's support.

AMENDMENTS