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FISCAL IMPACT REPORT

SPONSOR Thomson ORIGINAL DATE 01/29/14
LAST UPDATED _____ HB 120

SHORT TITLE Add Horses to Animal Cruelty Laws SB _____

ANALYST Martinez

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Narrative				

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB119, HB121

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Livestock Board (NMLB)
Administrative Office of the Courts (AOC)
Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

House Bill 120 (HB 120) amends a section of the criminal code to include equines in the cruelty to animals law by simply adding in the following language in Section 1, I. (4) the treatment of livestock, except equines not classified as food animals by the United States department of agriculture, and other animals used on farms and ranches for the production of food, fiber or other agricultural products, when the treatment is in accordance with commonly accepted agricultural animal husbandry practices. As a result, a new crime is created for cruelty or extreme cruelty to horses not classified as food animals. The current penalties would remain the same, a misdemeanor for the first three offenses, and 4th degree felony for the fourth offense, and for extreme cruelty.

FISCAL IMPLICATIONS

The New Mexico Livestock Board (NMLB) is concerned that HB 120 with no appropriation attached could greatly impact the agency's budget as their law enforcement inspectors would be required to follow up on and enforce every claim of "unlawful" killing of a horse.

The Administrative Office of the Courts (AOC) states there will be minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The NMLB writes:

- HB 120 has potential to create confusion between the federal law under the U.S. Department of Agriculture (USDA) regulations and the current New Mexico law – definitions of animals or livestock under NMSA 77-2-1.1(A) that includes all equine as livestock.
- This proposed amendment is not necessary, because current humane treatment of livestock is already governed by the current statute as it is. The current livestock exception only excludes the humane killing of said animals from being considered “cruelty”.
- This bill may deprive New Mexicans of their individual property rights, which they have always enjoyed in regard to their own livestock.

The AOC writes:

- The USDA has enforcement authority for the Federal Animal Welfare Act and Horse Protection Act actions. Federal law sets minimum standards of care and treatment for animals bred for commercial sale, used in research, transported commercially or exhibited to the public, although it excludes those raised for food or fiber.
- On January 16, 2014, the U.S. Congress enacted the 2014 spending bill, which halts efforts to resume slaughtering horses for human consumption on U.S. soil, by banning inspections at U.S. horse slaughter plants. Legislation to create a permanent ban on permanent horse slaughter has been proposed in the U.S. House by the Humane Society.

The AGO writes:

- In 2007 horse slaughter became illegal because of a federal act that de-funded horse meat inspection programs. In November 2011, a small group of federal congressmen added horse meat inspections funding to another funding bill. That addition permitted horse slaughter operations to begin or resume. As of January 2014, the federal horse meat inspection program was once again de-funded. As a result, horse slaughter for human consumption is no longer legal under federal regulations.
- In 2013, New Mexico Attorney General Gary King filed suit for a temporary restraining order against Valley Meat to prevent the company from slaughtering horses. The suit identified numerous health and safety issues pertaining to adulterated meat and environmental hazards. The New Mexico District Court, D-101-CV-2013-03197, (Santa Fe District Judge Mathew Wilson) issued a preliminary injunction in favor of the State of New Mexico on Jan 17, 2014.

- Without federal inspections, there is no guarantee that that horse meat will be fit for human consumption. Horses are commonly prescribed over 150 drugs that may remain in the meat and may not be healthy for humans. (See court order, p. 6). As articulated by the Attorney General, New Mexico has the legal and moral obligations to prevent adulterated meat from being distributed to anybody, not just residents of New Mexico.
- The essential issue is whether New Mexico should (1) prohibit horse slaughter, (2) permit horse slaughter, or (3) follow changing federal laws, regulations and funding (or de-funding.)

PERFORMANCE IMPLICATIONS

HB 120 conflicts with current humane treatment of livestock already governed by the current statute as it is. The current livestock exception only excludes the humane killing of said animals from being considered “cruelty.”

OTHER SUBSTANTIVE ISSUES

Horse slaughter has been a proposed solution for over-population and unwanted or abandoned horses. Pro slaughter officials estimate the number of horses rendered unwanted and in need of disposal throughout the United States will soon exceed half a million. If horse slaughter is prohibited, humane solutions such as sanctuary, adoption, controlled breeding and euthanasia for seriously injured, diseased or dying equine must be implemented and funded.

RM/jl