

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE MEMORIAL 93

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Joanne J. Ferrary and Gail Chasey and Georgene Louis

A MEMORIAL

REQUESTING THE ENERGY, MINERALS AND NATURAL RESOURCES
DEPARTMENT AND THE DEPARTMENT OF GAME AND FISH TO CONDUCT A
STUDY AND PROVIDE RECOMMENDATIONS ON THE MANAGEMENT AND
PROTECTION OF WILD HORSES, INCLUDING THE ESTABLISHMENT OF AN
EQUINE BOARD.

WHEREAS, the public policy of the state of New Mexico, as
expressed in the Wildlife Conservation Act, is to recognize,
manage, maintain and enhance wildlife and wildlife habitat; and

WHEREAS, New Mexico is home to several wild horse bands;
and

WHEREAS, the actual population of wild horses in the state
is unknown, but the number of horses handled as estrays by the
New Mexico livestock board averages seventy-one horses per
year, of which approximately fifty percent may be wild horses;

underscoring material = new
[bracketed material] = delete

1 and

2 WHEREAS, the only New Mexico statute specifically
3 pertaining to the management of wild horses is located in The
4 Livestock Code; and

5 WHEREAS, The Livestock Code was enacted "to promote
6 greater economy, service and efficiency in the administration
7 of the laws relating to the livestock industry of New Mexico,
8 to control disease, to prevent the theft or illegal movement of
9 livestock and to oversee the New Mexico meat inspection
10 program"; and

11 WHEREAS, the New Mexico livestock board was created to
12 achieve the purposes of The Livestock Code; and

13 WHEREAS, the New Mexico livestock board has exercised
14 control over the wild horses of the state, considering them to
15 be estray livestock subject to capture and disposal by the
16 board, but the New Mexico court of appeals has expressly
17 found that wild horses, not being livestock, are not subject to
18 the laws governing estray livestock; and

19 WHEREAS, the preservation of wild horse herds has been
20 assigned in statute to the division of mammals of the museum of
21 southwestern biology of the university of New Mexico, but this
22 research institution is not actively engaged in wildlife and
23 wildlife habitat management, let alone wild horse management;
24 and

25 WHEREAS, the interaction of humans and wild horses has led

.215088.2

underscored material = new
[bracketed material] = delete

1 to conflict in the management of wild horse herds where fencing
2 and other interventions have not been used or required; and

3 WHEREAS, the current statutory scheme regarding wild
4 horses is failing both the wild horses and the residents of
5 this state; and

6 WHEREAS, an agency empowered to manage wild horses that is
7 separate and apart from the New Mexico livestock board would be
8 better suited to determine the status, needs, habitat
9 requirements and issues of human interaction with wild horses;
10 and

11 WHEREAS, House Bill 445 (2019) sought to enact the Wild
12 Horse Protection and Habitat Act through which an equine board
13 would be created to appropriately oversee the management and
14 protection of New Mexico's wild horse population and habitat;
15 and

16 WHEREAS, a dedicated undertaking is needed to assess how
17 the state may best maintain and protect its wild horses and
18 their habitat and to assess whether the establishment of an
19 equine board would best serve this purpose;

20 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
21 REPRESENTATIVES OF THE STATE OF NEW MEXICO that the energy,
22 minerals and natural resources department and the department of
23 game and fish, or its successor, be requested to work together,
24 and with other state agencies as appropriate, to conduct a
25 study and provide recommendations on how the state may best

.215088.2

underscored material = new
~~[bracketed material] = delete~~

1 manage wild horses and their habitat, including recommendations
2 on the establishment of an equine board dedicated to the
3 maintenance and protection of the wild horse population in the
4 state; and

5 BE IT FURTHER RESOLVED that a report on the findings of
6 the study and recommendations be presented to the appropriate
7 interim committee by November 1, 2019; and

8 BE IT FURTHER RESOLVED that copies of this memorial be
9 transmitted to the secretary of energy, minerals and natural
10 resources, the director of the department of game and fish and
11 the governor.