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FISCAL IMPACT REPORT

SPONSOR <u>House Judiciary Committee</u>	LAST UPDATED <u>3/3/25</u>	ORIGINAL DATE <u>2/11/25</u>
SHORT TITLE <u>Free-Roaming Horses & Livestock Code</u>	BILL NUMBER <u>CS/House Bill 284/HJCS</u>	ANALYST <u>Sanchez</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Livestock Board	Indeterminate but minimal	At least \$6.0	At least \$6.0	At least \$12.0	Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis of Original Bill Received From
 Office of the Attorney General (NMAG)
 Board of Veterinary Medicine (BVM)
 Livestock Board (NMLB)
 Department of Public Safety (DPS)
 Department of Agriculture (NMDA)

Because of the short timeframe between the introduction of this **committee substitute** and its first hearing, LFC has yet to receive analysis from state, education, or judicial agencies. This analysis could be updated if that analysis is received.

SUMMARY

Synopsis of HJC Substitute for House Bill 284

The House Judiciary Committee substitute for House Bill 284 (HB284) seeks to amend multiple sections of the New Mexico Livestock Code to provide a regulatory framework for the management of free-roaming horses, while removing certain statutory provisions related to wild horse classification and genetic testing requirements. The substitute amends Section 77-2-1.1 NMSA 1978 to define "free-roaming horse" as an unclaimed horse found at large that is not an estray due to a lack of evidence of private ownership or domestication, explicitly excluding horses managed under federal jurisdiction pursuant to the Wild Free-Roaming Horses and Burros Act. The bill further establishes the role of a "free-roaming horse expert" in the same section, defining it as a person registered and authorized by the New Mexico Livestock Board to perform free-roaming horse or herd management services. In addition, the bill seeks to amend Section 77-

2-30 NMSA 1978 to modify the definition of "equine rescue or retirement facility" to include public or private reserves or preserves that provide lifelong care or rehoming services for unwanted or captured free-roaming horses, excluding federal facilities. It also requires such facilities to register with the Livestock Board and comply with rules governing facility standards, including health and sanitary requirements, staff qualifications, veterinary care, and transportation protocols.

The committee substitute introduces a new section within Chapter 77, Article 2, NMSA 1978, outlining the qualifications, registration process, and oversight of free-roaming horse experts. Under this new provision, individuals must meet or exceed minimum qualifications, including demonstrated expertise in conducting herd surveys, assessing land carrying capacity, and understanding free-roaming horse habitat, biology, behavior, and management strategies. The Livestock Board is tasked with promulgating rules regarding the registration and qualifications of such experts and is authorized to impose civil fines of up to \$1,000 per violation for noncompliance. The substitute establishes an initial approval fee of up to \$500 and an annual registration fee of up to \$250, with collected fees deposited into the Livestock Board's general fund to support program administration.

The bill repeals and replaces Section 77-18-5 NMSA 1978, eliminating provisions requiring genetic testing for free-roaming horses captured on nonfederal public lands and the involvement of the University of New Mexico's Museum of Southwestern Biology in wild herd population management. The new Section 77-18-5 establishes procedures for humane free-roaming horse management, authorizing state, county, or municipal governments to enter agreements with registered free-roaming horse experts to conduct population surveys, determine land carrying capacity, and implement herd control measures with the approval of the appropriate landowner. Approved management methods include the use of fertility control through immunocontraception or castration, humane capture and relocation to an equine rescue or retirement facility registered under Section 77-2-30 NMSA 1978 or an equivalent out-of-state facility, relocation to land with landowner permission, or humane euthanasia for horses diagnosed by a licensed veterinarian with a significant medical condition that cannot be reasonably treated. The bill prohibits free-roaming horse experts from engaging in herd management activities on private or state land without the landowner's consent and prohibits such activities on federal or tribal land without appropriate federal or tribal authorization.

The bill prohibits any person from knowingly slaughtering, selling for slaughter, causing or allowing slaughter, transporting for slaughter, or releasing a free-roaming horse from an equine rescue or retirement facility into the wild. Violations of this provision are classified as misdemeanors, with each horse involved constituting a separate offense. The bill further requires that free-roaming horses relocated to an equine rescue or retirement facility be microchipped or freeze-branded for identification purposes. Additionally, new definitions are introduced, including "carrying capacity," defined as the number of free-roaming horses that a given amount of land can support long-term while maintaining or improving healthy vegetation, soil, water, and wildlife populations; "humane capture," described as gathering or moving free-roaming horses using baited corrals or other low-stress methods; and "humane euthanasia," which must adhere to standards set by the New Mexico Board of Veterinary Medicine.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

Analysis of the original bill from the Livestock Board (NMLB) notes:

There would be fiscal implications to implement this bill. The time involved in rulemaking would be considerable. Also, the travel time for staff meetings, committee meetings, and board meetings could range from \$2,000 to \$5,000. The costs to have the Records Division enact the rule would be between \$250 and \$1,000. These costs would be one-time, non-recurring.

No other responding agencies noted any fiscal implications in their analysis.

SIGNIFICANT ISSUES

Analysis of the original bill from the New Mexico Department of Agriculture (NMDA) states that free-roaming horses on federal lands are managed under the Wild Free-Roaming Horses and Burros Act by the U.S. Bureau of Land Management and the U.S. Forest Service, while those on nonfederal public lands in New Mexico are subject to genetic testing and oversight by the Museum of Southwestern Biology at the University of New Mexico. However, the museum's role has been focused on preserving the genetics of Spanish heritage colonial horses rather than managing populations within an ecologically sustainable capacity, and it currently lacks any formal program for herd population control. Overpopulation, particularly in areas like Placitas, has led to malnutrition among horses, damage to private property, environmental degradation, and competition for forage with livestock and wildlife. Previous attempts by the New Mexico Livestock Board to manage these horses under estray laws have been blocked by court rulings, which determined that as long as public lands are part of their range, free-roaming horses retain their wild legal status even when on private property. As a result, no single entity currently holds clear legal authority to manage free-roaming horse populations effectively.

Analysis from the Department of Public Safety states:

Free-roaming horses pose a serious risk to motorists. Horses wandering on public roads can cause accidents that may lead to injury or even death, both for animals and humans. By allowing humane management and relocation of these horses, the bill reduces the risk of such incidents.

TECHNICAL ISSUES

Analysis of the original bill from the Office of the Attorney General (NMAG) cited several technical issues with the bill language, as follows:

- The definition of “wild horse” is stricken and “free roaming horse” is not defined.
- The definition of “public land” is stricken and does not appear to be defined, although it is referenced elsewhere in the bill.
- Section 2(F) provides for the use of “fees” collected pursuant to Section.
- Section 3(A) mentions the term “fertility control” without defining it.
- Section 4(B) mentions the term equine “retirement facility,” but it is never defined. It is unclear how a horse enters such a facility (for example, if they need to be retired from something).
- Section 4(F)(6) defines “qualified free-roaming horse expert” but this definition is

not identical to how it was first described in Section 1(P), which may be confusing.

While some of these concerns seem to have been addressed in the House Judiciary Committee Substitute for HB284, without analysis from NMLB, NMAG, or BVM, this analysis does not remove these stated concerns.

OTHER SUBSTANTIVE ISSUES

NMAG also notes, “Section 2(D) adds a maximum fee for violations of that section of the act, but the section doesn’t explicitly list the types of violations (for example, A and B just talk about health and sanitary requirements).”

SS/hg/sgs