

LFC Requester:

Scott Sanchez

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Date Prepared: Feb 5, 2026

Check all that apply:

Bill Number: HB 315

Original Correction Amendment Substitute

Sponsor: Rep. Matthew McQueen

Agency Name

and Code

State Land Office - 539

Number:

Short LIVESTOCK CODE

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Email [sstewart@nmslo.gov](mailto:ssewart@nmslo.gov)**SECTION II: FISCAL IMPACT****APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		
None - NMSLO	None - NMSLO		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		
None	None	None		
None	None	None		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	Unknown	Unknown	Unknown	Recurring	Land Maintenance Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

HB 315 creates a procedure and process to assess and manage free-roaming horses upon agreements between state, county, or municipal authorities and a registered free-roaming horse expert (rewrite of HB 284 of 2025 Reg. Session).

The bill removes free-roaming horses from the definition of “animals” or “livestock” under the Livestock Code and specifically defines a free-roaming horse as “an unclaimed horse found at large that is not an stray due to lack of evidence of private ownership or domestication,” but not inclusive of horses subject to the federal Wild Free-Roaming Horses and Burros Act. In addition, the bill eliminates the requirement to test a captured free-roaming horse to determine if it is a Spanish colonial horse and eliminates the differential treatment of Spanish colonial horses from other wild horses.

The bill provides for the establishment by the New Mexico Livestock Board (the “Board”) of qualifications for free-roaming horse experts and registration with the Board of free-roaming horse experts who meet those qualifications. The bill would require all persons who provide free-roaming horse or herd management services to register with the Board or be subject to civil fines, with certain exceptions.

The bill provides a definition for an “equine rescue or retirement facility,” which excepts federal facilities, and adds that such facilities must meet the requirements of the rules promulgated by the Board in order to be registered and that the Board may establish fines for facilities which do not comply with applicable statute and regulation.

The bill provides that state, county, or municipal authorities may enter into agreements with registered free-roaming horse experts to conduct surveys and determine the land carrying capacity for free-roaming horses. If, pursuant to such an agreement, a free-roaming horse expert determines that the carrying capacity for free-roaming horses is exceeded for the inhabited land, that expert may, with the land-owner’s approval, control such free-roaming horse or herd through:

- (1) Various forms of fertility control;
- (2) Humane capture and relocation to a registered equine rescue or retirement facility or equivalent out-of-state facility;
- (3) Humane capture and relocation to land with the capacity to sustain the free-roaming horse herds, with the landowner’s permission;
- (4) Humane euthanasia for free-roaming horses determined to suffer from certain medical conditions

The bill specifically provides that no free-roaming horse expert may enter private or state land without permission of the owner or lessee of that land. Free-roaming horse experts are also prohibited from engaging in herd management activities on federal or tribal land without the approval of the appropriate federal or tribal entity’s permission.

The bill imposes misdemeanor penalties for the knowing slaughter, sale or transport for slaughter, or release from an equine rescue or retirement facility of a free-roaming horse.

FISCAL IMPLICATIONS

There are potential administrative and operation fiscal implications that are currently unknown to the extent that agreements are entered into on state trust lands.

SIGNIFICANT ISSUES

The bill removes the current definition of “public land” under Section 77-18-5, which currently excludes “state trust land controlled by the state land office.” Thus, while the current statute concerning management of free-roaming horses does not apply to state trust land, the bill would apply to state trust land. The NMSLO previously expressed concerns about similar bills in prior sessions (SB 301 of 2023 Regular Session) which required landowner approval only after a free-roaming horse expert had determined that free-roaming horses exceed the carrying capacity of land. This bill appears to address these concerns by providing that state, county, and municipal authorities may voluntarily enter into agreements with free-roaming horse experts to survey free-roaming horses and manage those horses with the landowner’s approval.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The bill allows state, county, and municipal authorities to enter into agreements with free-roaming horse experts to survey and determine the carrying capacity of land for free-roaming horses and requires landowner approval for any actions taken to manage such free-roaming horses or herds. Therefore, no free-roaming horse survey or management could occur on state trust land without the approval or permission of the Commissioner of Public Lands.

Entering into an agreement for the survey of free-roaming horses on state trust land and responding to the request of a free-roaming horse expert to manage free-roaming horses on state trust land could require the NMSLO to engage in significant analyses, including but not limited to:

- The existing agricultural, mineral or business leases on the range in question
- The actual use and condition of the range
- Contractual obligations to agricultural (grazing) lessees and potential conflicts of use
- Whether humane capture efforts, such as the use of baited pens, would interfere with grazing lessees’ uses
- Potential harm to existing lessee livestock posed by free-roaming horses
- The existence of protected species or habitat that may be affected by horses.

This could impose an unknown administrative and fiscal burden. However, the addition of language providing that the management of free-roaming horses begins with the voluntary entry into agreements between state, county, or municipal authorities and free-roaming horse experts better allows the Commissioner of Public Lands and NMSLO to choose whether and when to accept this administrative burden.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HB 300 appropriates \$300,000 from the general fund for various specific management actions for certain free-roaming horses, which are generally related to the management methods specified in this bill.

TECHNICAL ISSUES

Section 77-18-5(C) requires free-roaming horse experts obtain the permission of the landowner or lessee of state or private land before entering that land. At least as it pertains to state land, this provision should be revised to require the written permission of the landowner. Specifically, free-roaming horse experts should be required to obtain permission from the Commissioner of Public Lands before entering state trust land, not from the lessee of such land alone.

The bill provides for microchipping or branding free-roaming horses relocated to equine rescue or retirement facilities but not those relocated to land with the carrying capacity to sustain the relocated horses. Horses relocated to land with the carrying capacity to sustain them should also have a means of being identified.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS