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## FISCAL IMPACT REPORT

SPONSOR Rep. McQueen/Sen. Woods LAST UPDATED \_\_\_\_\_  
ORIGINAL DATE 2/11/25  
BILL  
SHORT TITLE Free Roaming Horses & Livestock Code NUMBER House Bill 284  
ANALYST Sanchez

### 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	\$2.5 to \$5.0	\$8.5 to \$11.0	Nonrecurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

#### Agency Analysis 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)

## SUMMARY

### Synopsis of House Bill 284

House Bill 284 (HB284) amends Sections 77-2 and 77-18, NMSA 1978 (the Livestock Code) to regulate the management of free-roaming horses, emphasizing humane treatment through fertility control, relocation, and adoption while prohibiting their slaughter or export for slaughter. It establishes the role of a "free-roaming horse expert," an individual or organization qualified to conduct population surveys, assess land carrying capacity, and implement management strategies. The New Mexico Livestock Board is tasked with setting qualification standards, overseeing registration, and enforcing compliance through rulemaking authority and fines for violations. Notably, the bill removes references to "wild horses" and "Spanish colonial horses" from the statute, eliminating genetic testing requirements previously mandated for herd management. It also allows state, county, and municipal governments to contract with qualified experts, though control activities cannot occur on federal or tribal land.

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 from the Livestock Board 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 from the New Mexico Department of Agriculture 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 non-federal 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 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 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.
- 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.

## OTHER SUBSTANTIVE ISSUES

NMAG also noted:

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/hj/SL2