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AN ACT

RELATING TO ANIMALS; REQUIRING TESTS OF CONFORMATION, HISTORY AND DEOXYRIBONUCLEIC ACID, WHEN WILD HORSES ARE CAPTURED; REQUIRING SPANISH COLONIAL HORSES TO BE RELOCATED TO HORSE PRESERVES; ALLOWING EUTHANASIA; ALLOWING FOR ADOPTION; PROVIDING FOR THE CONTROL OF WILD HORSE POPULATIONS BY MEANS OF BIRTH CONTROL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. WILD HORSES--CONFORMATION, HISTORY AND DEOXYRIBONUCLEIC ACID TESTING--SPANISH COLONIAL HORSES--BIRTH CONTROL.--

A. As used in this section:

(1) "public land" does not include federal land controlled by the bureau of land management, the forest service or state trust land controlled by the state land office;

(2) "range" means the amount of land necessary to sustain a herd of wild horses, which does not exceed its known territorial limits;

(3) "Spanish colonial horse" means a wild horse that is descended from horses of the Spanish colonial period; and

(4) "wild horse" means an unclaimed horse on public land that is not an estray.

1 B. A wild horse that is captured on public land
2 shall have its conformation, history and deoxyribonucleic
3 acid tested to determine if it is a Spanish colonial horse.
4 If it is a Spanish colonial horse, the wild horse shall be
5 relocated to a state or private wild horse preserve created
6 and maintained for the purpose of protecting Spanish colonial
7 horses. If it is not a Spanish colonial horse, it shall be
8 returned to the public land, relocated to a public or private
9 wild horse preserve or put up for adoption by the agency on
10 whose land the wild horse was captured.

11 C. If the mammal division of the museum of
12 southwestern biology at the university of New Mexico
13 determines that a wild horse herd exceeds the number of horses
14 that is necessary for preserving the genetic stock of the herd
15 and for preserving and maintaining the range, it may cause
16 control of the wild horse population through the use of birth
17 control and may cause excess horses to be:

18 (1) humanely captured and relocated to other
19 public land or to a public or private wild horse preserve;

20 (2) adopted by a qualified person for
21 private maintenance; or

22 (3) euthanized; provided that this option
23 applies only to wild horses that are determined by a
24 veterinarian to be crippled or otherwise unhealthy. _____