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## FISCAL IMPACT REPORT

**SPONSOR** Komadina                      **ORIGINAL DATE** 02/12/07  
**LAST UPDATED** 02/25/07            **HB** \_\_\_\_\_  
**SHORT TITLE** Wild Horse Testing, Adoption and Euthanasia            **SB** 655/aSCONC  
**ANALYST** Williams

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	\$100.0- \$250.0	\$150.0- 350.0	\$200.0	\$450.0- \$800.0	Recurring	NM Livestock Board Operating Budget

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Higher Education Department (HED)  
 New Mexico Department of Agriculture (NMDA)  
 New Mexico Livestock Board (NMLB)

### SUMMARY

#### Synopsis of SCONC Amendment

The Senate Conservation Committee amendment would reprioritize the process of determining whether the horse qualifies as a Spanish colonial horse, as follows:

**Original:** Deoxyribonucleic acid, history and conformation

**Amendment:** Conformation, history and deoxyribonucleic acid

### Synopsis of Original Bill

Senate Bill 655 authorizes testing of wild horses on public lands to positively identify horses of Spanish Colonial origin and provide for preserves for these horses.

The bill defines “public land” as that which does not include federal land controlled by the bureau of land management, the forest service or state trust land.

The bill requires testing of horses by deoxyribonucleic acid, as well as review of history and conformation when captured on public land. In the case of Spanish colonial wild horses, they must be relocated to a state or private wild horse preserve created for this purpose. If not a Spanish colonial horse, then the horse will be returned to public land, relocated to a public or private wild horse preserve or made available for adoption by the agency on whose land the horse was caught.

The University of New Mexico Museum of Southwestern Biology, Mammal Division would oversee DNA testing of wild horses and would determine if a wild horse herd exceeds the number of horses needed to preserve the genetic stock of the herd balanced against preservation and maintenance of the range. If the wild horse population exceeds carrying capacity, then the division is authorized to provide for the control of wild horse herds through birth control mechanisms. Further, for horses beyond the determined carrying capacity, the bill authorizes relocation, adoption and euthanasia by a veterinarian for crippled or unhealthy horses, and allows for adoption.

### **FISCAL IMPLICATIONS**

Senate Bill 655 does not contain an appropriation.

### **SIGNIFICANT ISSUES**

NMDA notes “current genetic science is not capable of providing sufficient distinction as per stipulations in the proposed bill; hence, other means, (i.e. confirmation, history) may have to be relied on more heavily. Completion of the equine genome may provide additional genetic capabilities in the future.” The genetic distinctions and objectives of the bill cannot be met.

NMLB notes the legislation does not address humane handling, health care, impoundment costs and holding costs, and the cost of DNA testing and birth control for these horses.

NMDA discusses the definition of “public land”. There are very few places that these horses can be captured or relocated as defined.

NMLB notes wild horses are under the jurisdiction of the United States Department of Agriculture and the United States Department of the Interior.

### **ADMINISTRATIVE IMPLICATIONS**

There may be an additional administrative and operating costs to maintain preserves, as well as acquisition costs for rangeland for these horses.

NMLB notes the agency will be called upon to inspect and verify ownership and verify humane handling. Further, NMLB discusses costs in the areas of livestock inspectors, gathering and holding equipment, animal health testing and movement control, trucks and trailers for movement, holding facilities and care for ill and infirm animals, and veterinarian oversight for verification of humane handling. Estimated administrative costs for NMLB are \$100 to \$250 thousand in FY07 and would escalate in the out years. These estimates are based on increased livestock inspector compensatory time and past expenditures incurred handling estrays and neglected and abandoned animals.

### **TECHNICAL ISSUES**

NMDA suggests a change to the definition of Spanish colonial horse. As defined in this bill, potentially wild horse on the North American range would qualify. NMLB notes the definition of wild horse conflicts with federal guidelines.

NMLB notes the bill may conflict with current livestock statutes and current state and federal guidelines for unclaimed horses.

### **OTHER SUBSTANTIVE ISSUES**

NMDA and NMLB note evaluations of rangeland carrying capacity should be performed by professional range scientists. Genetic concerns are within the purview of the Museum of Southwestern Biology.

AW/nt