

LFC Requester:

Scott Sanchez

## AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

### SECTION I: GENERAL INFORMATION

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

**Date Prepared:** March 3, 2025

*Check all that apply:*

**Bill Number:** HB284

Original  Correction   
Amendment  Substitute

**Sponsor:** Rep. Matthew McQueen and  
Sen. Pat Woods

**Agency Name and Code Number:** 305 – New Mexico  
Department of Justice

**Short Title:** Free-Roaming Horses &  
Livestock Code

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### SECTION II: FISCAL IMPACT

#### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis ( ) indicate expenditure decreases)

#### REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis ( ) indicate revenue decreases)

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

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act: N/A

**SECTION III: NARRATIVE**

*This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.*

**BILL SUMMARY:**

Synopsis: This bill proposes several amendments to the Free Roaming Horses and Livestock Code. It adds definitions and replaces a few words as well as a significant part of Section 4.

Section 1: Adds the term “free roaming horse expert” to Section 77-2-1.1 NMSA 1978 and defines it as “an individual, a corporation or an organization, including a corporation's or organization's contractors, determined by the board to possess qualifications.” It also outlines what one must do/ understand to be considered one, including conducting surveys, analyzing the capacity of the land, and understanding animal habitat and dynamics.

The substitution of the bill modifies the definition of “animals” or “livestock” as to not include free-roaming horses. Furthermore, the following terms: “equine rescue or retirement facility,” and “fertility control,” and the definition of “free roaming horse” is moved from Section 4 to this Section. The definition of “free roaming horse expert” is also simplified to comport with the qualifications outlined in Section 3.

Section 2: Amends parts from Section 77-2-30 NMSA 1978. Revises the definition of “facility” to include a “public” reserve and adds a cap to the fines that the board may impose per violation.

The term facility is modified and narrowed as the definition section was expanded.

Removed that the board “annually” shall consult with representatives.

Clarifies that the civil fines are related to rules for equine rescue and retirement facilities as well as violations of the section.

Section 3: Proposes an addition to Section 77-2 NMSA 1978 concerning the role of a “free roaming horse expert.” It also lists rules regarding expert qualification, as well as registration fees.

The substitution provides that individuals who offer free-roaming horse or herd management services prior to the 2025 act *may* not be prohibited from providing such services despite the lack of registration by the board. The list of duties of a “free-roaming horse expert” is now outlined in this section instead of in the definitions of Section 1.

Section 4: Makes amendments to Section 77-18-5 NMSA 1978. The title of the section is changed from “Wild Horses--Conformation, History and Deoxyribonucleic Acid Testing--Spanish Colonial Horses--Birth” to “Free-roaming Horses--Humane Management--Fertility Control--Prohibitions.” The terms “public land,” “range,” “Spanish Colonial Horse,” and “wild horse” are removed, including the distinction between “Spanish Colonial Horses” and wild horses in general. Specific details about free roaming horse experts and what they can do are also added. The following terms are also defined: “adoption,” “carrying capacity,” “free-roaming horse,” “humane capture,” “humane euthanasia” and “qualified free roaming horse expert.”

The substitution adds a provision to the bill, stating that in addition to entering federal or tribal land, a “free-roaming horse” “shall not enter private land or state land without the permission of the owner or lessee of that land.” Furthermore, the full definition of “qualified free roaming horse expert” was moved from Section 4 and placed in Section 1.

**FISCAL IMPLICATIONS:**

N/A

**SIGNIFICANT ISSUES:**

N/A

**PERFORMANCE IMPLICATIONS:**

N/A

**ADMINISTRATIVE IMPLICATIONS:**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP:**

N/A

**TECHNICAL ISSUES:**

The definition of “public land” is stricken and does not appear to be defined, although it is referenced in the bill.

**OTHER SUBSTANTIVE ISSUES:**

N/A

**ALTERNATIVES:**

N/A

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL:**

Status quo.

**AMENDMENTS:**

On multiple occasions, the Indian Affairs Division at the NMDOJ has received questions from tribes who have encountered estrays on their lands and are confused over the controlling jurisdiction. It might be helpful to add a section to the act that speaks to the jurisdiction of livestock on tribal lands.