# AGENCY BILL ANALYSIS - 2025 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**: 3/3/2025

*Check all that apply:*

**Bill Number:** HB 284

| | |
| --- | --- |
| Original | Correction |
| Amendment | Substitute  X |

**Sponsor:** Woods, McQueen

**Agency Name and Code Number**: NMDA - 199

**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** | | |
| N/A | N/A | N/A | N/A |
| | | | |

 (Parenthesis ( ) indicate expenditure decreases)

### REVENUE (dollars in thousands)

| Estimated Revenue | | | Recurring or Nonrecurring | Fund Affected |
| --- | --- | --- | --- | --- |
| **FY25** | **FY26** | **FY27** | | |
| NFI | NFI | NFI | N/A | N/A |
| | | | | |

 (Parenthesis ( ) indicate revenue decreases)

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

| | **FY25** | **FY26** | **FY27** | **3 Year Total Cost** | **Recurring or Nonrecurring** | **Fund Affected** |
| --- | --- | --- | --- | --- | --- | --- |
| **Total** | NFI | NFI | NFI | NFI | N/A | N/A |

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

## SECTION III:  NARRATIVE

## BILL SUMMARY

Synopsis:

House Judiciary Committee Substitute for house bill 284 (HB 284) authorizes the New Mexico livestock board (board) to register qualified individuals, corporations or organizations as free-roaming horse experts. The board shall promulgate rules for the qualification and registration of free-roaming horse experts, register qualified free-roaming horse experts, and revoke registration for failures of compliance. HB 284 establishes maximum initial and annual registration fees.

A state, county, municipal government or political subdivision may enter into agreement with a registered free-roaming horse expert to conduct population surveys, assess range carrying capacity and control overpopulated herds with approval of the landowner. Allowable control methods include fertility control, humane capture and relocation to an equine rescue or retirement facility, humane capture and relocation to another piece of land with landowner permission and humane euthanasia for horses diagnosed with a significant medical condition by a licensed veterinarian. Control activities cannot occur on federal or tribal land without the permission of that federal or tribal entity. HB 284 prohibits free-roaming horse experts from entering private and state lands without permission of the landowner or lessee, respectively. HB 284 prohibits allowing the slaughter or release into the wild of a free-roaming horse.

HB 284 strikes existing provisions under section 77-18-5 NMSA 1978 requiring genetic testing for free-roaming horses on non-federal public lands and authority of the mammal division of southwestern biology at university of New Mexico over the population management of free-roaming horses.

HB 284 also modifies the definition of equine rescue or retirement facility to include non-federal public facilities, grants the board rulemaking powers over facility requirements and authorizes the board to establish fines for violations of facility requirements of up to one thousand dollars per violation.

## FISCAL IMPLICATIONS

None to the New Mexico department of agriculture (NMDA).

## SIGNIFICANT ISSUES

Free-roaming horses on federal lands are protected and managed by the bureau of land management of the United States (US) department of the interior and the forest service of the US department of agriculture under the federal Wild Free-Roaming Horses and Burros Act. Section 77-18-5 NMSA 1978 establishes genetic testing requirement for wild horses captured on non-federal public lands and places responsibility for wild herd population management under the mammal division of the museum of southwestern biology at the university of New Mexico (museum of southwestern biology). These provisions, and their placement under the museum of

southwest biology, focus on preserving the genetics of Spanish heritage colonial horses, rather than maintaining populations within an ecologically sustainable carrying capacity. The museum of southwest biology currently has no program in place for the population management of wild horses.

Overpopulation of free-roaming horses beyond range carrying capacity is a longstanding issue in Placitas. The unmanaged population numbers have resulted in horse malnutrition, damage to private property, ecological impacts and loss of forage for livestock and wildlife. In the past, the board has attempted to manage populations under estray laws in the Livestock Code, but New Mexico courts have ruled that the herd is wild and must be managed under the provisions of section 77-18-5 NMSA 1978. In the ruling, the courts found that wild horses retain their wild legal status on private lands, so long as public lands form a part of their range (*Wild Horse Observers Ass'n v. N.M. Livestock Bd., 2022-NMCA-061*).  Consequently, there is no entity with clear legal authority and capacity to manage the populations of free-roaming herds.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

None to NMDA.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

Horse contraceptives are registered pesticides with specific limitations and would require licensure by NMDA before use.

**ALTERNATIVES**

N/A

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

If HB 284 is not enacted, management of free-roaming horses will continue under existing provisions in section 77-18-5 NMSA 1978. The lack of legal clarity over the responsibility for free-roaming horse management on non-federal and non-tribal lands will continue to hamper efforts to keep populations within carrying capacity.

**AMENDMENTS**

N/A