



College of Agricultural, Consumer
and Environmental Sciences
Cooperative Extension Service and Agricultural Experiment Station
Range Improvement Task Force
MSC 3AE
New Mexico State University
P.O. Box 30003
Las Cruces, NM 88003-8003
575-646-5102, fax: 575-646-3488
ritf@nmsu.edu

Horses, Public Lands and Statute Symposium

Agenda

MONDAY 7 JANUARY 2019

8:30AM – 3:00PM

Hotel Albuquerque at Old Town, 800 Rio Grande Blvd., NW

TIME	TITLE	PRESENTER	AFFILIATION
0830-0840	Welcome & opening comments	Sam Smallidge	
0840-0910	History of public lands	Nick Ashcroft	Linebery Policy Center for Natural Resources Management
0910-0940	Interpretation of public land in NM statute for defining wild horses	Sam Smallidge*	Range Improvement Task Force, NMSU
0940-1000	Discussion	Moderator: Smallidge	
1000-1020	BREAK		
1020-1050	Law enforcement perspective on free-ranging horses	Sheriff Robert Shepperd	Lincoln County Sheriff
1050-1120	A perspective on public and private lands in NM	Steve Hughes	Tesuque Law
1120-1140	Discussion	Moderator: Smallidge	
1140- 1300	LUNCH ON YOUR OWN		
1300-1330	Animal welfare, horses and statute	Jessica Johnson	Animal Protection of New Mexico
1330-1400	Wild horses and public lands in NM	Joe Holloway	New Mexico Livestock Board
1400-1450	Discussion	Moderator: Smallidge	
1450-1500	Concluding remarks	Sam Smallidge	

NOTE: 30 minute presentations including questions

*Substitute speaker

SENATE BILL 158

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Pat Woods

AN ACT

RELATING TO LIVESTOCK; AMENDING SECTIONS OF THE NMSA 1978 TO EXCLUDE WILD HORSES AND OTHER ANIMALS FROM THE DEFINITION OF "LIVESTOCK"; PROVIDING PROCEDURES TO BE FOLLOWED WHEN WILD HORSES ARE CAPTURED ON PUBLIC OR PRIVATE LAND; MAKING CONFORMING TECHNICAL CHANGES.

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

SECTION 1. Section 30-18-1.2 NMSA 1978 (being Laws 1999, Chapter 107, Section 3, as amended) is amended to read:

"30-18-1.2. DISPOSITION OF SEIZED ANIMALS.--

A. If the court finds that a seized animal is not being cruelly treated and that the animal's owner is able to provide for the animal adequately, the court shall return the animal to its owner.

B. If the court finds that a seized animal is being cruelly treated or that the animal's owner is unable to provide for the animal adequately, the court shall hold a hearing to determine the disposition of the animal.

C. An agent of the New Mexico livestock board, an animal control agency operated by the state, a county or a municipality or an

shelter in lieu of posting security. A voluntary relinquishment shall not preclude further prosecution of any criminal charges alleging that the owner has committed felony cruelty to animals.

G. Upon conviction, the court shall place the animal with an animal shelter or animal welfare organization for placement or for humane destruction.

H. As used in this section, "livestock" means ~~[all]~~ domestic or domesticated animals that are used or raised on a farm or ranch, ~~[and exotic animals in captivity]~~ including the carcasses thereof, and:

(1) includes horses, asses, mules, cattle, sheep, goats, swine, bison, poultry, ostriches, emus, rheas, camelids, [and] farmed cervidae [but does not include canine or feline] and exotic animals in captivity; but

(2) does not include:

(a) wild horses as defined in Section 77-18-5 NMSA 1978;

(b) horses or asses subject to the jurisdiction of the federal government pursuant to the federal Wild Free-Roaming Horses and Burros Act;

(c) canine or feline animals;

(d) feral hogs; or

(e) game mammals as defined in Section 17-2-3 NMSA 1978, except farmed cervidae."

SECTION 2. Section 77-2-1.1 NMSA 1978 (being Laws 1993, Chapter 248, Section 2, as amended) is amended to read:

E. "bond" means cash or an insurance agreement from a New Mexico licensed surety or insurance corporation pledging surety for financial loss caused to another, including certificate of deposit, letter of credit or other surety as may be approved by the grain inspection, packers and stockyards administration of the United States department of agriculture or the board;

F. "brand" means a symbol or device in a form approved by and recorded with the board as may be sufficient to readily distinguish livestock should they become intermixed with other livestock;

G. "brand inspector" means an inspector who is not certified as a peace officer;

H. "carcasses" means dead or dressed bodies of livestock or parts thereof;

I. "cattle" means animals of the genus bos, including dairy cattle, and does not include any other kind of livestock;

J. "dairy cattle" means animals of the genus bos raised not for consumption but for dairy products and distinguished from meat breed cattle;

K. "director" means the executive director of the board;

L. "disease" means a communicable, infectious or contagious disease;

M. "district" means a livestock inspection district;

N. "estrays" means livestock found running at large upon public or private lands, either fenced or unfenced:

(1) "adoption" means adoption by qualified individuals as provided for under the federal Wild Free-Roaming Horses and Burros Act;

~~[(1)]~~ (2) "public land" [does not include federal land controlled by the bureau of land management, the forest service or]
means land controlled or supervised by an agency of the state government or its political subdivisions but does not mean state trust land controlled by the state land office;

~~[(2)]~~ (3) "range" means the amount of land necessary to sustain a herd of wild horses, which range does not exceed its known territorial limits;

~~[(3)]~~ (4) "Spanish colonial horse" means a wild horse that is descended from horses of the Spanish colonial period; and

~~[(4)]~~ (5) "wild horse" means [an] a horse that is unclaimed [horse on public land that is not an estray] and without obvious brands or without other evidence of private ownership, but "wild horse" does not include horses that are subject to the jurisdiction of the federal government pursuant to the federal Wild Free-Roaming Horses and Burros Act.

B. A wild horse that is captured on public land shall have its conformation, history and deoxyribonucleic acid tested to determine if it is a Spanish colonial horse. If it is a Spanish colonial horse, the wild horse shall be relocated to a state or private wild horse preserve created and maintained for the purpose of protecting Spanish colonial horses. If it is not a Spanish colonial horse, it shall be returned to the public land, relocated to a public

Free-Roaming Horses and Burros Act, the board shall transfer the horse to the federal bureau of land management or the United States forest service, as appropriate.

E. Upon request of the board to determine the viability of a specific New Mexico wild horse herd on the range it occupies, the range improvement task force of New Mexico state university shall evaluate the range conditions to determine the number of wild horses in the herd that the range can support while maintaining the ecological health of the range. The range improvement task force shall report the results of that evaluation to the board. If required, the board may cause the wild horse herd population to be controlled through the use of birth control and may cause excess horses to be:

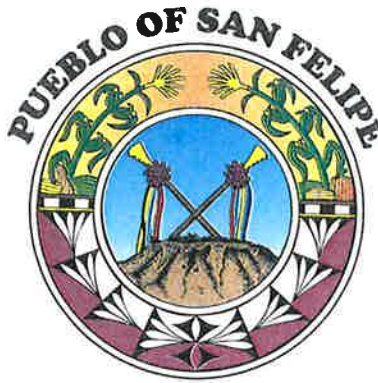
(1) humanely captured and relocated to other public land or to a public or private wild horse preserve;

(2) adopted by a qualified person for private maintenance or a horse rescue or retirement facility; or

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

F. The range improvement task force shall submit an annual report to the legislature on the results of evaluations made in that year and other appropriate comments on the status of the overall New Mexico range."

P.O. Box 4339
San Felipe Pueblo, NM 87001



Phone: (505) 867-3381/3382
FAX: (505) 867-3383

Office of the Governor

December 19, 2018

Placitas Wild
Attn: Sandy Johnson
Email: chuckandsandyjohnson@comcast.net
PO Box 5004
Bernalillo, NM 87004

Dear Sandy and Placitas Wild,

Over the past few years Placitas Wild and the Pueblo of San Felipe have worked together on behalf of wild horses. We thank you for your partnership, and look forward to future collaborations and communication with you, although it is time for our current arrangement to change.

We are asking that any horses that are claimed or owned by Placitas Wild on the Pueblo to be removed. We do recommend that these horses be returned to the Buffalo Strip. The sanctuary needs to be cleaned including manure and mini corrals removed, and the generator returned to the Pueblo.

We will close the area set aside for a horse sanctuary to give the terrain time to recover, and for the Pueblo to assess the undertaking and develop next steps.

We will give you sixty days to make arrangements, but we respectfully ask you to abide by this decision. Please work with the Pueblo's Department of Natural Resources on this matter.

Sincerely,
Pueblo of San Felipe

A handwritten signature in black ink, appearing to read "Anthony Ortiz", is written over a horizontal line.

Anthony Ortiz, Governor