

SENATE BILL REPORT

HB 2210

As Reported by Senate Committee On:
Human Services, February 20, 2024
Ways & Means, February 26, 2024

Title: An act relating to establishing a wild horse holding and training program at a state corrections center.

Brief Description: Establishing a wild horse holding and training program at a state corrections center.

Sponsors: Representatives Dye, Couture, Graham, Fosse, Springer and Davis.

Brief History: Passed House: 2/13/24, 95-2.

Committee Activity: Human Services: 2/15/24, 2/20/24 [DPA, DNP].
Ways & Means: 2/23/24, 2/26/24 [DPA (HS), w/oRec].

Brief Summary of Amended Bill

- Requires the Department of Corrections, through Correctional Industries, to conduct a feasibility study and develop a plan to implement a wild horse training, holding, and farrier program at a state corrections center.

SENATE COMMITTEE ON HUMAN SERVICES

Majority Report: Do pass as amended.

Signed by Senators Wilson, C., Chair; Boehnke, Ranking Member; Warnick and Wilson, J..

Minority Report: Do not pass.

Signed by Senators Kauffman, Vice Chair; Frame and Nguyen.

Staff: Kelsey-anne Fung (786-7479)

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Human Services.

Signed by Senators Robinson, Chair; Mullet, Vice Chair, Capital; Nguyen, Vice Chair, Operating; Wilson, L., Ranking Member, Operating; Gildon, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Rivers, Assistant Ranking Member, Capital; Billig, Boehnke, Braun, Conway, Dhingra, Hasegawa, Hunt, Keiser, Muzzall, Randall, Saldaña, Torres, Van De Wege, Wagoner and Wellman.

Minority Report: That it be referred without recommendation.

Signed by Senator Pedersen.

Staff: Sarian Scott (786-7729)

Background: Correctional Industries. The Department of Corrections (DOC) operates a comprehensive work program for persons incarcerated in its facilities through its Correctional Industries (CI) program. CI operates businesses within all prison facilities throughout the state and employs approximately 2200 inmates across five classes of industries. Some participants in CI work programs receive financial compensation for their work, while others are performed without financial compensation for the benefit of the community. Any wages or gratuities that a person may earn in a work program are subject to tax and other various deductions depending on the industry classification.

Farrier Science Certificate. A farrier specializes in the care of equine hooves and horse shoeing. Walla Walla Community College (WWCC) stopped offering its one-year certificate program and two-year associate's degree in farrier science in June 2019 due to low enrollment. The farrier science program at WWCC had been in place since 1974, and focused on horse anatomy, disease, leg and hoof lameness, and therapeutic measures. Participants learned to improve or correct faulty gaits, treat feet disorders, and relieve pain to an injured leg or hoof. The program also prepared participants for the practical test administered by the American Farriers Association.

Federal Bureau of Land Management Wild Horse and Burro Program. The U.S. Department of the Interior Bureau of Land Management (BLM) Wild Horse and Burro Program manages and protects the nation's unbranded, unclaimed, free-roaming wild horses and burros on 26.9 million acres of public lands across ten western states. The federal Wild Free-Roaming Horses and Burros Act of 1971 authorizes BLM to remove excess wild horses and burros from the range to sustain the health and productivity of public lands. BLM maintains a large network of permanent off-range corral adoption and purchase centers to facilitate the placement of wild horses and burros into private care through adoptions and sales. Some corrals are located within a correctional facility and only conduct periodic public adoption events.

Arizona Wild Horse Training and Holding Program. In 2012, Arizona Correctional

Industries and BLM partnered to create the Wild Horse Inmate Program (WHIP), where incarcerated individuals learn how to tame and domesticate wild horses and burros obtained from BLM so they can be offered for adoption. WHIP employs a staff of professional horse trainers who provide horsemanship, animal husbandry, and farrier skills. The training facility is located within the prison, and horses and burros are fed and cared for in a holding center across from the prison complex.

According to BLM, WHIP fosters a positive bond between incarcerated individuals and animals, ensures the horses and burros are cared for, trained, and placed in good homes, and serves as a unique rehabilitation opportunity for incarcerated individuals to develop patience and learn responsibility. Incarcerated individuals receive hands-on training in the equestrian field and gain employable skills they can use upon release. Members of the public, including law enforcement agencies and ranchers, may adopt trained and untrained horses and burros for a fee.

Summary of Amended Bill: DOC, through CI, must conduct a feasibility study and develop a plan for implementing a wild horse training, holding, and farrier program (program) at a state corrections center. The program must be designed in partnership with BLM Wild Horse and Burro Program to assist incarcerated persons with developing occupational, vocational, and life skills.

In conducting the study and developing the implementation plan, DOC must create an advisory committee consisting of representatives of the BLM Wild Horse and Burro Program, state Department of Natural Resources, state Department of Agriculture, federally recognized tribes, WWCC, Washington State University (WSU), other appropriate state and federal agencies, local governments, experts in the field of wild horse management and training, horse rescue and rehabilitation, and other relevant entities as determined by DOC.

DOC must:

- ensure the plan defines and uses natural horsemanship for gentling and training;
- evaluate and consult with similar programs in other states, including reviewing existing agreements with BLM and participating tribes and studying operations and facilities used by those programs;
- develop design and construction options for holding and training facilities, which must consider facility security, staff and inmate safety, the welfare of horses, and sourcing cost-effective materials;
- determine costs to establish and maintain operations, facilities, and staff, which must consider using CI for constructing, maintaining, and operating facilities, financial support from BLM for holding the horses, and leveraging federal funding;
- evaluate the availability of land and water necessary to support the program, which must evaluate current state and adjacent public and private property that can be used for hay production and holding and training facilities;
- evaluate steps necessary to partner with WWCC to establish a course for qualifying participants to obtain a farrier certificate in conjunction with the program, that may

- include a business class to assist with managing farrier careers after release, assess the demand for farrier services and the outlook for participants in the program to find employment as farriers, and assess appropriate qualifications for participants including, but not limited to, risk to public safety and disqualifying convictions;
- consult with WSU to determine whether the college of veterinary medicine may have students practice care at the training and holding facilities;
 - develop a procedure to exclude incarcerated individuals who have been convicted of animal cruelty offenses from participating in the program;
 - develop protocols to ensure the welfare of horses from the time of entry to exit from the program, and to ensure horses in the program are not sold, traded, bartered, or given away for the purposes of slaughter;
 - study and evaluate the potential for the use of wild horses present on federal lands and within the external boundaries of federally recognized tribes within the state of Washington including, but not limited to, the Yakama Reservation; and
 - assess any changes to state statutes or DOC policies necessary to implement the program.

DOC must prepare a draft report that must be made available for review and comment by the advisory committee. DOC must make the draft report available for a 30-day public review and comment period and publish a summary of any public comments received.

DOC must complete the study and submit a final report and implementation plan to the Governor and Legislature by June 1, 2025.

EFFECT OF HUMAN SERVICES COMMITTEE AMENDMENT(S):

- Alters the intent to study the development of strategies for expanding vocational and occupational programs for incarcerated persons.
- Requires DOC to form an advisory committee with the list of representatives from other government agencies and stakeholders, and adds representatives from horse rescue and rehabilitation and federally recognized tribes to the advisory committee.
- Adds review of existing agreements with participating tribes in the evaluation and consultation with similar programs in other states.
- Requires the plan to define natural horsemanship and use it as a basis for gentling and training.
- Requires DOC to assess the demand for farrier services and the outlook for participants in the program to find employment as farriers, and assess appropriate qualifications for participants including, but not limited to, risk to public safety and disqualifying convictions.
- Requires DOC to develop a procedure for excluding incarcerated individuals who have been convicted of animal cruelty offenses from participating in the program.
- Direct DOC to develop protocols to ensure the welfare of horses from entry to exit from the program so that horses are not sold, traded, bartered, or given away for purposes of slaughter.

- Requires DOC to study and evaluate the potential for the use of wild horses present on federal lands and within the external boundaries of federally recognized tribes within the state including, but not limited to, the Yakama Reservation.
- Provides that DOC must make a draft report available for review and comment by the advisory committee and make the draft report available for a 30-day public review and comment period and publish a summary of public comments received.
- Extends the report date from November 1, 2024, to June 1, 2025.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on House Bill (Human Services): *The committee recommended a different version of the bill than what was heard.* PRO: This bill will create a positive program for correctional facilities in the state. The bill does not specify a particular state correctional facility, and stakeholders are ready to participate in the feasibility study and develop the plan. There is a farrier shortage despite the large horse industry in Washington State, and this is a viable career path for individuals with great potential and the character and commitment to become skilled craftsman in this space. It is important to at least consider it as part of the planning and design of the study.

OTHER: There should be changes made to the bill. DOC should be required to consult with horse welfare experts to make sure horses do not go to slaughter. DOC should be required to create an advisory committee to develop alternatives for the study with other agencies and horse welfare experts included. There should be public comment and review before the study is completed. The due date for the report is not enough time to complete the study, competitive proposals, negotiate contracts, and consult with stakeholders. Incarcerated individuals convicted of violent cruelty should not be allowed to work with horses. There should be a determination if there is a farrier shortage and sufficient employment opportunities.

CI should use their own funding to do the study and DOC does not need to be given money to do the study. Every incarcerated individual should have the opportunity to be part of the program, regardless of age. It should be at every facility that has capacity to do the program.

Persons Testifying (Human Services): PRO: Representative Mary Dye, Prime Sponsor.

OTHER: Marla Katz, Animal Welfare Volunteer, and friend of Horse Harbor Foundation; Kehaulani Walker, FOTi/PUA.

Persons Signed In To Testify But Not Testifying (Human Services): No one.

Staff Summary of Public Testimony on Bill as Amended by Human Services (Ways & Means): PRO: A wild horse training program would teach emotional and life skills that will be valuable to individuals upon their release. Horses have character traits, such as being nonjudgmental, that would be helpful for incarcerated people. There are thousands of feral horses that have overpopulated tribal range areas. They have reduced the native habitat for deer and elk. It is not unusual for horses to die of starvation every winter on the reservation. This bill creates an advisory committee that allows for anyone with concerns to offer feedback to the DOC.

Persons Testifying (Ways & Means): PRO: Ella Menter; Marla Katz; Mark Nuetzmann, Yakama Nation Wildlife Program.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.