



EQUALITY STATE  
POLICY CENTER

An Independent Voice for Wyoming  
**EQUALITY STATE POLICY CENTER**

Summer 2012 Newsletter

## Greetings ESPC friends and advocates,

The 2012 Budget Session of the Wyoming Legislature proved to be one of the most successful in years for the Equality State Policy Center. Rather than simply fighting off bad bills, we succeeded in passing positive legislation bringing sunshine to state and local governments and improving workplace safety. We headed off a tax bill that would have decreased severance tax revenues from future coal production, and with the help of our allies and grassroots activists, stopped a bill that would have required drug testing of people receiving public assistance for no other reason than finding themselves needing to turn to the social safety net.

## Job safety targeted by expansion of OSHA



**Natalie Moss, widow of a rig worker killed on the job in Wyoming, spoke at our April Workers Memorial Day commemoration.**

The coalition called for sweeping changes in Wyoming's regulation of occupational health and safety.

Broad media coverage of the coalition's demands spurred development of *House Bill 89 – Workplace safety-employer assistance*. The law expands the state OSHA staff, adding new consultants to work with employers to identify safety problems on the job site without penalty to the company. The bill includes a \$500,000 appropriation to provide matching grants of up to \$10,000 to businesses seeking to improve their job safety programs.

The governor and the bill's sponsors characterized it as a "carrot approach" meant to entice employers to improve workplace safety. The ESPC and the safety coalition made clear that stronger enforcement of safety law ultimately will be required to reduce Wyoming's job fatality rate, which has been the worst or second worst in the nation for nine of the past 10 years.

Our successful effort to pass a workplace safety bill proved the importance of winning the attention of legislators before the session opens. In late December, Gov. Matt Mead released a report from the state epidemiologist, Dr. Tim Ryan, detailing Wyoming's horrible record of job fatalities and severe injuries. Ryan's report noted that since 1992, a Wyoming worker dies on the job every 10 days, on average.

While overall injury numbers have declined, serious injuries requiring amputations and hospitalizations increased over the period of the study.

Initial reaction from the state and industry bemoaned the problems. Industry spokesmen conceded that Wyoming has a "get it done" mentality and a poor "culture of safety."

The ESPC activated its job safety coalition, which includes the Wyoming State AFL-CIO, the Wyoming Trial Lawyers Association, and the Spence Association for Employee Rights.

## More work ahead

We made headway in the Budget Session, but new data released in April found that Wyoming's deplorable workplace fatality rate was once again the second worst in the nation.

Then this Spring, the National Institute for Occupational Safety and Health (NIOSH) released a new study documenting the deadly exposures to silica dust that threaten workers involved with "fracking" wells to produce oil and gas. OSHA issued a "hazard alert" June 21 warning companies and job safety agencies about the hazard. The ESPC will do all it can to alert workers to this life-threatening exposure which can leave them with silicosis, a condition that severely reduces the lungs' capacity to take in oxygen.

## Public meetings and public records improvements pass

Successful passage of improvements to Wyoming's public records and meetings laws followed many hours of work with both steady allies and organizations we sometimes find opposing us.

During the summer and fall of 2011, the state's newspapers, the ESPC, Powder River Basin Resource Council, and the League of Women Voters came to the negotiating table with the Wyoming County Commissioners Association, Wyoming Association of Municipalities, county prosecutors, and conservation districts. These groups worked out a grand compromise that will make the state's sunshine laws work better for everybody.

**Senate File 25 – Public records** makes clear that written communication by public officials and other information in electronic form are public records. Readily available records must be provided and if a record is not immediately available, a document custodian must acknowledge receipt of a written request for it within seven days. The compromise law still does not impose a deadline for actually providing a record.

**Senate File 27 – Public meetings** requires a quorum to take any action and states that no public meeting can happen electronically unless the public is allowed to sit in and either hear or read any discussion as it happens. The new law gives public entities more time to ratify any actions taken in "emergency meetings," which require no advance notice of their convening. The new law also requires announcement of the reason for conducting a behind-closed-doors executive session. A public board or agency that calls a "special meeting" must give at least eight hours' notice, another compromise. The ESPC and its allies had sought a 24-hour notice of special meetings.



The Wyoming House during the 2012 session.

## Plan to drug-test POWER program's single mothers defeated

Single mothers who turn to the social safety net receive small cash stipends through the state's Personal Opportunities With Employment Responsibilities (POWER) program, Wyoming's version of the federally funded Temporary Assistance to Needy Families program. Participants are required to get job training and can be in the program only for a limited number of months. While in the program, many go to college or seek other training to get the education they need to become independent.

This year, we saw another

example of the efforts of national conservative groups to bring their wedge issues to individual states. Some Wyoming legislators took "cookie cutter" legislation developed nationally to attack state TANF programs and demean people who participate in them.

Wyoming's POWER program already is one of the most conservative TANF programs in the country. The proposed bill required drug testing of these young mothers without any suspicion of illegal drug use. The measure would have subjected program applicants to

testing that is personally invasive and simply placed one more hurdle in the path of some of Wyoming's most vulnerable families.

Working with the Wyoming Association of Churches, the Wyoming ACLU, and our grassroots alert list, the ESPC mobilized loud opposition to the program, noting its high cost and proven ineffectiveness in other states. Though it passed the House, the Senate stopped the bill, conceding that it is not needed.

## Funding restored for HIV drug treatment

Just before the session opened, an eagle-eyed Friend of the ESPC discovered that state matching money needed to assure continuance of a program that provides drug treatment to people with HIV had not been included in the Governor's budget proposal. We mobilized a grassroots effort through our alert list to inform legislators about the issue, noting it posed a significant public health risk. The director of the Department of Health wrote a letter to legislators noting it was an inadvertent oversight. When the budget debate opened, the House quickly moved to restore the funding. The Senate waffled but eventually agreed to invest in this life-saving program.

## Redistricting adheres to one-person, one-vote standard

The decennial redrawing of legislative district lines to conform to fluctuations in local populations across the state sailed smoothly through the Legislature after months of work by the Joint Corporations, Elections, and Political Subdivisions Interim Committee and the Legislative Service Office.

The ESPC tracked the committee's work closely to make sure the end result complied with the constitutional standard of one-person, one-vote, as well as Voting Rights Act protections of minority communities.

The committee resisted pressure to bend the one-person, one-vote requirement. It also improved the makeup of the super-majority minority district centered on the Wind River Reservation. The boundary adjustments on House District 33 mean that nearly two-thirds of the district's residents are Native Americans.

## Organizing and voter mobilization

We continue our organizing efforts in low-income, under-participating communities. On Martin Luther King, Jr. – Wyoming Equality Day, RezAction, our leadership council on the Wind River Reservation, organized a march that attracted more than a hundred people in Riverton. They heard speeches by tribal leaders urging Native Americans to continue speaking out for themselves and their community. A young activist talked about being an out gay man in Fremont County.

In Torrington, CORAJE, a Latino organization, supported a father in his efforts to erect a monument to his deceased son. Some other town residents had challenged his monument, claiming it violated cemetery rules. The group appealed to city leaders and noted that similar monuments for white residents have been allowed. The monument has been allowed to stand with only minor modifications. Elsewhere, we continue to work with TRIBE, a Latino leadership council in Rock Springs, and an emerging Latino council in Rawlins.

## School trust lands and mineral leasing

Not all the action in February occurred at the Legislature. We registered policy successes at the Board of Land Commissioners, which approved a new uranium lease form, including a higher royalty rate, and clarified royalty policy on gas flared from school trust lands.

The ESPC supported raising the royalty rate to 5% on uranium produced from school trust lands. The state previously used a sliding scale, charging a 2.5% royalty rate if yellowcake sold under \$20 per pound and 3% if it rose to \$26 or more.

The board raised the royalty rate to 4%.

### Election work



**Drew Whiteman (right) speaks with Neomi Hebah, while canvassing in Fort Washakie last year.**

Our field organizer Cristina Colling will coordinate the ESPC's efforts to train volunteers for canvassing low-income precincts across the state and on the Wind River Indian Reservation prior to both the Aug. 21 primary and Nov. 6 general elections.

# LOOKING AHEAD THROUGH SUMMER AND FALL

## A sound pension system is good for Wyoming

This summer, the ESPC and its allies in the Coalition for a Healthy Retirement System will stage the first of at least three town hall meetings to discuss Wyoming's public pension system and explain its economic benefits to the state, its communities, and its teachers, fire fighters, and other dedicated public servants.

The system came under attack during the Budget Session. Legislators proposed eliminating the "defined benefit" system, which pools retirement dollars for management by the Wyoming Retirement System's board of directors and provides retirees with a fixed payment each month.

A proposed bill instead offered new state employees a "defined contribution" system that individual employees would manage themselves. These 401k and similar programs fail working families when shocks to the stock market devastate investment value. Talk to your friends who planned to retire in 2009 to see what the Great Recession did to their 401k nest eggs. You'll find people who had to delay or abandon retirement.

The ESPC knows that properly functioning pension systems are important to maintain the health of Wyoming's local economies. They keep income flowing: in 2009, some 22,000 Wyoming residents received more than \$326 million in benefits that rippled through our communities (an average of just under \$15,000 per recipient). These paychecks enable pensioners to stay active and participate in the local community and contribute to its health and vibrancy. The state system is especially important to state fire fighters, who do not participate in the Social Security system.



**A secure state pension system helps attract good teachers to Wyoming schools.**

**Town Hall Meeting:**  
Tuesday, August 14 at 7 pm  
Sheridan College  
Whitney building auditorium  
ESPC supporters in the area are especially invited to attend the meeting and bring their questions.

## PLEASE SUPPORT THE ESPC

The reports you've just read show the Equality State Policy Center is not afraid to speak up for what's right. And no matter what issue you care about most, the ESPC is there to make sure you have a chance to express your views and hold your representatives accountable.

The Equality State Policy Center is a 501(c)(3) charitable organization that relies upon public-spirited citizens to support and finance its work. Together with our allies, the ESPC works through research, public

education, and advocacy to hold state and local governments accountable to the people they represent, and to encourage and assist state residents to participate effectively in public policy decision-making.

Over the coming year, the ESPC will provide crucial information and analysis to Wyoming residents on issues of concern to all of us, including worker safety, pension systems, tax policy, and living wages. But we need your help. Businesses and corporations have unlimited marketing budgets to push their policy agendas; working people, the elderly, minorities, and others have the ESPC.

Please make a contribution to the ESPC today so that we can continue to speak up and help others speak up, as well. You can make a one-time contribution or — better yet — ensure the ESPC's financial stability by going to our web site and setting up a regular monthly donation.

All contributions are tax-deductible.

Thank you! Please feel free to call Dan Neal, ESPC executive director, any time: 307-472-5939.

### To Support the ESPC:

Visit our web site to make an online contribution: [www.EqualityState.org](http://www.EqualityState.org)

Click on the "Donate Now!" button.

Or send us a check, payable to Equality State Policy Center, and mail it to us at:

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