

7-23-2017

Hello Sublette County, this is Albert Sommers reporting to you from my 2017 Legislative Interim committee meetings. The Joint Appropriations Committee met July 17 and 18 in Rawlins. Most of these two days was oriented around touring and discussing issues at the Wyoming State Penitentiary. However, the committee also discussed state employee benefits and further consolidation of IT services for state government.

During development of the Supplemental Budget last session, there were multiple attempts to reduce salaries or benefits for state employees in the effort to prioritize budget cuts to solve the state's budget deficit. The Appropriations Committee and the Legislature rejected efforts to cut salaries and benefits to state employees, but the issue of examining salaries and benefits was given to the Joint Appropriations Committee as our number three interim priority. In 2015, the Hay Group completed a study of Wyoming's state employee compensation. In this report, the Hay Group found the salaries and benefits paid to Wyoming's state employees was 16% better than other states in the region, but 2% below what private industry provides their workers in the state. In general, our benefit packages were 31% higher than states in our region, and 21% higher than comparable private industry in Wyoming. Even with that advantage over states in our region, it is difficulty to recruit workers to many Wyoming state government jobs. This same trend occurs in K12 education, where it takes higher salaries and benefits to attract teachers to Wyoming. During testimony from the Wyoming Department of Administration and Information and the Wyoming Retirement System, we heard that 44% of recruited state positions have no qualified applicants, and that a poll of state employees found that 45% of them were highly or somewhat likely to leave their jobs in the next three years. We have significantly cut the number of state employees in the last two legislative sessions, and it would seem foolish to cut state employee salaries and benefits, as we ask more from the remaining employees. During this down-economy, one solution for helping state employee retention might be to provide a menu of mixes between salaries and benefits. Some employees

might like a higher salary and fewer benefits, while another employee might like better benefits with smaller wages. We will continue to examine this issue.

The Wyoming Department of Enterprise Technology Services (ETS) handles most of the computer hardware and software issues for state agencies. ETS was created in 2012 by pulling the IT programs out of most other state agencies and putting those folks under ETS. ETS is proposing to consolidate more IT positions from other agencies into ETS, which makes some sense. Currently, an IT person from one agency is usually not permitted to work on an IT issue in another agency, which makes no sense in the smaller cities of Wyoming that have no other tech support. With strained budgets it seems reasonable for Wyoming's IT employees to move between agencies as the need arises.

The Joint Appropriations Committee's number one priority for this interim is the Wyoming State Penitentiary. The Wyoming Department of Corrections has projected that by the year 2020 our state correctional facilities will be at capacity, with no more room for prisoners. Why is this happening, when our state's population is fairly static? During the last five years, Wyoming had the second highest incarceration rate in the nation, and our crime rate has dropped by 20%. There seems to be no correlation among states nationwide between higher incarceration rates being coupled to lower crime rates. As an example, Vermont's incarceration rate over the same period dropped nearly 22%, yet their crime rate dropped by over 36%. If we choose not to reform how we incarcerate individuals, we will run out of correctional facility space by 2020. That brings us to Wyoming's other pressing prison issue, which is that the Wyoming State Penitentiary is cracking apart, due to design or construction failures.

Wyoming has made some mistakes in constructing the state penitentiary in Rawlins. In 1980, a new prison was constructed outside the city limits of Rawlins, to replace the Wyoming Frontier Prison which opened in 1901. The penitentiary built in 1980, was closed by the year 2000 due to structural issues resulting from poor soils. The current Wyoming State Penitentiary was built in stages from 2000-2009 in the same poor soils, and now those soils have resulted in substantial heaving and compaction issues in the current facilities. Walls and windows have

cracked, and doors are out of alignment, which is not something you like to see in a high security penal institution. Who is to blame? Is there legal recourse against designers or builders of the facilities? The answer seems to be no. Ultimately, the State of Wyoming is responsible for this failure, because we did not have adequate oversight of the construction. The Legislature has hired two different engineering firms to examine the penal facilities that are currently failing and provide their recommendations. Both agree that water management connected to rain and snow is causing most of our problems with soil expansion and compaction, not groundwater under the surface. However, the firms completely disagree on which soils are heaving in the South Facility. One engineering firm believes the soils near the surface are heaving, and they have recommended an \$89 million solution. The other engineering firm believes deeper soils are heaving and pushing the structural peers up out of the bedrock. Because they think those movements are nearly done, they recommend a lower cost, \$7.5 million solution. The Joint Appropriations Committee is recommending to the Governor that emergency funding be utilized to fix the water management issues immediately, and that all broken windows and doors be replaced as soon as possible. The Committee also is recommending that the Governor hire a construction manager to oversee fixing the prison, and that enhanced monitoring of the structures be put in place.

The future of Wyoming's state correctional facilities and programs are still an issue we need to resolve as a state. We have a hard time recruiting correctional officers to Rawlins, and as a result we are utilizing far too much overtime at the Wyoming State Penitentiary. Should Wyoming pay correctional officers in Rawlins more money, and how does that affect other state budgets? Will we need more beds? Will we have to build a new prison in 5, 10, or 25 years? Will we enlarge the medium security facility at Torrington, or build more beds in Rawlins? Will the State of Wyoming initiate sentence, probation, or rehabilitation reform to reduce the number of inmates headed toward the State's correctional institutions? I would be interested in your thoughts. I can be reached at albert@albertsommers.com.