



Fact Sheet for Questions To the Unicameral Candidates

Health Care for All – Medicaid Expansion

In 2008, The Affordable Care Act (ACA) was passed by Congress and signed into law by the President. The intention was to provide health insurance coverage for all US Citizens. The ACA left it up to individual states to provide coverage for low income people who earn too much to qualify for Medicaid, but who earn too little to qualify for premium reductions under the ACA. Federal funds are provided for this purpose for up to 90% of the cost, with 10% to be paid for by the states. A US Supreme Court decision made it optional for states to provide health insurance coverage for people in “the coverage gap”, most of whom are employed. The State of Nebraska has chosen not to do so for the past 4 years.

Expanding Medicaid, in whatever form the Legislature determines, will:

- (a) cover medical care for 77,000-99,000 low income uninsured Nebraskans;
 - 39% of the low income, uninsured are in Douglas & Sarpy counties;
 - 20,600 or 27% of the low income, uninsured are in the eastern part of Douglas & Sarpy Counties;
- (b) according to a UNMC study, prevent an estimated 500 deaths of Nebraskans which result from an inability to pay for timely medical care;
 - in Legislative District 7 = 32.75 deaths annually, 131 over a period of 4 years
 - in Legislative District 9 = 15.79 deaths annually, 63.16 over a period of 4 years
 - in Legislative District 13 = 13.39 deaths annually, 53.36 over a period of 4 years
- c) return to Nebraska an estimated \$2.8 *billion* over 5 years, paid by Nebraskans in federal taxes, while at the same time reducing expenditures in other areas of the Nebraska budget.

For these reasons and others, OTOC has worked for the last four years to encourage our Unicameral to use Medicaid funds to cover people in “the coverage gap”.

Question to the Candidates for the Unicameral

In OTOC’s view, access to health care should not depend upon economic status, and it should be as affordable as possible. OTOC examined the options, and came to support Medicaid Expansion. There may be other options.

Yes or No, do you support expanding Medicaid in Nebraska to cover these Nebraskans? If no, what options or other solutions do you offer?



Mental Health

The Nebraska Unicameral has recognized through two Interim Studies, LR 413 and LR 34, of the great need for improved mental health care for the entire population of Nebraskans, and, more specifically, for those in Correctional institutions. Data from a recent TriWest Study in Omaha and from a 2015 study done by Dr. Bruce Gage for the Nebraska Department of Correctional Services (NDCS) demonstrate the great needs to be met.

These are some of the needs found in the TriWest Report for which committees in Region 6 are now attempting to find solutions:

1) lack of access to care, 2) a fragmented system, 3) decreased funding, 4) non-integrated care for co-occurring disorders, 5) a non-comprehensive Psychiatric Emergency System, 6) lack of housing, 7) workforce shortages, 8) lack of First Episode Psychosis care, and other recent innovations in mental health care. LR 413 was passed to assess mental health care in the rest of Nebraska, and that committee is finding most of the same issues there.

For the NDCS Report, these statistics for the correctional institutions reflect some of the great unmet needs--1) 82% of the inmates have a mental illness and/or a substance abuse disorder, 2) 50% of the female population and 25% of the male population take psychotropic medications, 3) there are insufficient health care providers, 4) there are gap times when inmates are admitted and discharged when they are not treated with necessary medications, etc.

Both Reports recommend many interventions to address these large numbers of people in Nebraska without mental health treatment and care. Gage states: "It is important to move from a crisis driven system to a proactive and preventive system to the maximum possible".

TriWest Health & Human Service Evaluation & Consulting. (2015). *Omaha Adult Behavioral Health System Assessment*. Funded by Behavioral Health Support Foundation, Omaha, NE.

Gage, Bruce. (2016). *Mental Health Consultation* for Director Scott Frakes, Nebraska Department of Correctional Services.

Question to the Candidates for the Unicameral

Recent studies have shown that over 80% of prison inmates have mental illness or substance abuse disorders, yet our prisons lack the mental health and treatment staff they need. Likewise, a 2015 study found 9 major gaps in the behavioral care system in the Omaha area.

Will you work with OTOC to improve mental health care across Nebraska, including providing adequate funding for mental health and substance abuse treatment in correctional facilities and in our communities?



Omaha Together One Community



Reducing Incarceration/Increasing Support For Re-Entry

Problem-solving courts are an alternative to the typical adversarial approach utilized in resolving felony cases assigned to and prosecuted in the Nebraska District Court. Problem-solving courts focus on the underlying behaviors of criminal defendants and are designed to address felony offenses that are related to chronic drug use and mental health issues. There are 24 operational problem-solving courts, including 12 adult drug courts, 5 juvenile drug courts, 5 family dependency drug courts, one DUI court and 1 young adult court. Douglas County focuses primarily on Drug Courts and, typically, has 140 active cases.

Cases are assigned by the County Attorney, who is responsible for felony criminal, misdemeanor domestic violence and juvenile delinquency prosecution. These courts serve high risk populations in the sense that the defendant's drug use or mental health issues are so entrenched, that they are unlikely to engage in law abiding behavior without the intervention of behavior modifying strategies and supervision. The significance of this approach is that substance abuse and mental health issues are recognized as both a health and a criminal justice problem. The defendant must plead guilty to the charged felony offense and sentencing is delayed/deferred pending completion of Drug court proceedings. Defendants charged with violent felonies are not eligible for participation.

The Drug Court has an average duration of 18 to 24 months. Participants must agree to eligibility screening, a complete chemical dependency evaluation, successful completion of an identified treatment plan, regular appearances before a Drug court Judge, frequent random urinalysis testing, complete high school or obtain a GED, obtain a valid driver's license and obtain/maintain an approved job. Upon successful completion of the program, defendants can apply for dismissal of the charges. If the program is not completed successfully, the defendant is sentenced and the conviction stands. As indicated, Douglas County typically has 140 adult participants engaged in the Adult Drug Court. Officials report a roughly 72 % success rate with an average cost of \$3,000 per participant per year. This is in contrast to the roughly \$32,000 cost to incarcerate an individual per year. In addition to saving taxpayers money, these courts give a defendant the opportunity to remain in the community with his/her family, maintain stable housing, contribute to the local economy through gainful employment and to function as clean, sober, accountable and productive members of the community.

On March 3, 2012, the Public Policy Center of the University of Nebraska released a comprehensive study of Nebraska's Problem-solving courts. In short, they concluded such courts yield effective outcomes by meeting or exceeding national graduation rates, reducing recidivism, saving tax dollars and serving high risk offenders. Given the success of these courts, the Nebraska Unicameral determined to expand the authority of the Problem-solving courts to include veterans, mental health, driving under the influence and reentry. The Unicameral specifically declared "that when left untreated substance abuse disorders and mental illness contribute to millions of dollars in lost productivity, and contribute to the burden placed on law enforcement, courts and correctional systems in Nebraska." LB 919 was introduced and almost unanimously approved in the most recent legislative session. Finding a comprehensive funding source must be a legislative priority for the 2017 Unicameral legislative session.



Question to the Candidates for the Unicameral

In passing LB 919 in 2016, the Unicameral specifically declared "that when left untreated substance abuse disorders and mental illness contribute to millions of dollars in lost productivity, and contribute to the burden placed on law enforcement, courts and correctional systems in Nebraska." LB 919 authorized the creation of more kinds of "problem-solving courts" to include courts dedicated to veterans, mental health, driving under the influence and reentry. *Will you work with OTOC to assure that the State of Nebraska actually funds and establishes mental health and veterans courts in Douglas County within the next two years?*

Fair State Tax Policy

OTOC's position is that state tax policy should pay for necessary services, be fair, and be transparent.

Needed Services: Currently, Nebraska has a *structural deficit* in its tax structure that has required lawmakers to address shortfalls in the state budget in every biennium since 2004. Major shortfalls are projected for FY2017 (\$113.7M) and FY2019 (\$352.7M). A *structural deficit* occurs when revenues do not grow at the same rate as the cost of providing services. (Data given at Open Sky Policy Institute Symposium, 9-1-16) The present tax structure does not fully provide for necessary and constitutionally required services, such as K-12 education.

Fairness: Overall, Nebraska has a *regressive* tax system, where lower-income families pay more of their income in taxes than wealthier families. The lowest 20% of income earners pay 10.9% of their income in taxes, while the top 20% pay from 8.10-6.30 % of their income in taxes. (*Nebraska Taxes at a Glance*, 11-2015, Open Sky Policy Institute)

Untaxed services and internet catalogue sales cost the state about \$550-600 Million per year in uncollected sales taxes. "While changes in federal law require an act of Congress, at least 10 states have passed their own laws to improve the collection of taxes for online purchases." (*p.26)

Transparency: The Tax Expenditure (tax credits, deductions, and exemptions) portion of the state budget requires improvement. "This spending is not subjected to the legislative scrutiny and regular public hearings that direct appropriations are each budget cycle."(*p.27)

While Nebraska regularly publishes a Tax Expenditure Report, "It contains no cost estimate for almost one-fourth of the sales and income tax expenditures it identifies, it is unclear which years the estimates represent, and makes no recommendations despite the fact they are required by law." (*p. 27)

"Available data suggests that the state foregoes approximately \$6.4B on all tax expenditures each year, more than it spends through all General Fund appropriations." (*p.19)

"The non-partisan Pew Center on the States recommends that Nebraska evaluate its subsidies during policy and budget deliberations to ensure lawmakers consider the results. The state also should improve how it measures the economic impact of subsidies." (*p. 27)

Looking for Clarity: An Overview of Nebraska Budget and Tax Policy*, March 2013, Open Sky Policy Institute) **For more information, see Open Sky Policy Institute web site: openskypolicy.org



Question to the Candidates for the Unicameral

Because of past decisions by the Unicameral and Governor to grant tax exemptions, tax credits and other forms of tax relief for various interests, Nebraska now has an ongoing, structural deficit, meaning we collect too little in taxes to cover the legitimate needs of our citizens. During what has been a strong economy with low unemployment, there is a projected \$113 Million deficit for 2017 and \$350 Million by 2019. The Governor has proposed an 8% cut in the budgets of most state agencies. *What are two things you would you do to correct the problem of our ongoing, structural deficit?*

ENVIRONMENTAL SUSTAINABILITY

THE UNL REPORT, “UNDERSTANDING AND ASSESSING CLIMATE CHANGE. IMPLICATIONS FOR NEBRASKA”, AND VIRTUALLY ALL CLIMATE SCIENTISTS, MAKE IT CLEAR THAT CLIMATE CHANGE IS NOT COMING – IT’S HERE. HERE IS SOME OF THE EVIDENCE:

Seventy percent of Arctic ice has melted. The oceans’ water levels and temperatures have risen significantly. Part of the instability in Syria is due to an “every 900 yr”. drought that caused millions to be political and climate refugees.

Eastern Nebraska has experienced multiple flooding events described as “every 500 year floods”. Western Nebraska has had extreme drought. All of Nebraska has at least ten more frost-free days and an average temperature increase of 1°F.

Climate scientists tell us that all of these are not just “normal variations”. Geologically speaking they have occurred in a blink of the eye.

They also tell us that these very dramatic and rapidly occurring changes are due to the surges in atmospheric greenhouse gases, mainly from burning fossil fuels.

WIND AND SOLAR

Of all the states, Nebraska ranks thirteenth in Solar Power Potential, yet 48th in distributive generation (small scale generation like solar systems for homes or businesses).

Ten of the windiest states are in the middle of our continent and range from North Dakota to Texas. Nebraska is the sixth windiest state and Iowa is the tenth. Yet Iowa has installed wind capacity generation seven times that of Nebraska.

Question to the Candidates

In their 2014 study, (*Understanding and Assessing Climate Change. Implications for Nebraska*), UNL climate scientists stated that climate change is real and is already affecting our state. *Will you work with OTOC during in this upcoming session to establish Nebraska law to reduce greenhouse gas emissions and support policies to expand renewable energy sources, including solar and wind energy, in Nebraska?*