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American neighbors, our community hospitals and low-wage workers who can't afford insurance," he said. "I appreciate that the governor is willing to set aside ideology and focus on the benefits and how to make it work from an economic standpoint. Hopefully all of us – Democrats and Republicans – can do the same in the Legislature. The Affordable Care Act isn't perfect, but it's the law of the land, and we need to find ways to improve care, find efficiencies, lower costs and save lives.

Medicaid expansion can't wait another year, Hunhoff said.

"Delaying it has cost South Dakota hundreds of millions of dollars in health care services, and it has cost us the chance to improve lives ... even save lives," he said. "The New England Journal of Medicine study suggests we'll save the lives of 200 to 300 people a year once we expand access to care."

Hunhoff said he was disappointed not to hear more about K-12 school funding. However, he expects more details in the State of the State speech next month.

"(The governor) did say that we need to find new monies so we can be competitive with neighboring states in teacher salaries. But the devil will be in the details," he said. "My fear is that lawmakers and the administration will get side-tracked with less important education funding issues and lose sight of the simple goals the governor spoke of today."

District 18 Rep. Mike Stevens (R-Yankton) serves as House Majority Whip and holds concerns about Medicaid expansion.

"I think it's a really contentious issue that we won't pursue unless the federal government does the things they talk about doing and the tribal groups go along," he said. "There's a lot of big ifs that needs to get approved and get done. The governor doesn't want the dedication of any general funds to pay for (Medicaid expansion), and that's going to be an issue."

Stevens, a former Yankton school board member, said he holds concerns about the governor's call for a 0.3 percent increase in K-12 funding. Stevens doesn't see a recovery of past cuts to education without a tax increase, which would require a two-thirds majority for passage. "I prefer that the financial details be dealt with in the budget (which requires a simple majority) instead of the task force wanting K-12 getting

a tax increase passed, which

is going to be very difficult,"

he said. "You have the situation where Medicaid expansion authority falls within the budget, but the significant funding to make up for past cuts to K-12 education basically requires a tax increase or two-thirds vote, and that's where my heartburn comes."

Steven expressed concerns about the possibility of Yankton losing other income under the state aid formula that would harm the school district.

"For Yankton, if we take away the other income and don't (keep the same level of overall funding), that's penalizing us \$1.2 million a year. That's a huge fund," he said.

Stevens also pointed to the huge errors that other states have seen in their Medicaid expansion estimates, which could harm funding for other programs, such as education, he said.

"I'm opposed to (Medicaid expansion) if it takes away from our other programs that need the funding," he said.

District 18 Rep. Jean Hunhoff (R-Yankton) noted the governor delivered basically a positive economic message.

"Interestingly, as he described the economic forecast for FY17, it did indicate the impact of the slowdown in the ag sector on revenues," she said. "As an appropriator, we continue to focus on what is seen as revenue generators and also where the expenditures are going."

Scrutiny is needed in best determining how to spend dollars, she said.

Area lawmakers expressed a similar balance of optimism and concern.

District 21 Rep. Julie Bartling (D-Gregory) said she was pleased to see the possibility of Medicaid expansion and more money for health care providers.

"This will really benefit the rural providers. We've got several nursing homes that go all the way from Winner down to Yankton and past, where you're looking at smalltown nursing homes in that stretch," she said. "Each and every one of them serves primarily Medicaid patients."

District 21 Sen. Billie Sutton (D-Burke) expressed sup-

port for Medicaid expansion. "(Health and Human Services) has put out a white

paper asking for public input

and very strongly worded that they were truly considering this (Medicaid expansion arrangement) for South Dakota and other states," he said. "It's viewed as a treaty right for Native Americans for the federal government to pay for their

health care." The move would also provide better services for Native Americans such as telehealth, dialysis and mental health counseling, he said.

As for education, Sutton served on the Blue Ribbon Task Force, and he finds the proposed 0.3 percent increase for K-12 funding to be "problematic."

He also sees the need for raising teacher pay.

"From the standpoint as Democrats, I believe we would like to see more like a \$10,000 increase in average teacher pay, to get it up to \$50,000. That would get us ahead of North Dakota, Nebraska, Montana and right in the middle of the surrounding states,"

he said. "We need to get to regional comparisons, to see how we rank regionally. People are looking at what the Midwest offers. It doesn't matter to me what teachers make nationally, but how they're ranked regionally."

District 19 Rep. Kyle Schoenfish (R-Scotland) has voted for Medicaid expansion in the past and sees it benefiting the state's smaller hospitals as well as insured and private pay patients who pay for the costs associated with indigent health care.

"The rural hospitals in our area are very supportive of the Medicaid expansion," he said

When it comes to education, Schoenfish also sees rural schools in his legislative district watching the K-12 funding formula. "Our school districts are very dependent on the small school factor," he said

District 17 Rep. Ray Ring (D-Vermillion) sees Medicaid expansion as long overdue. "It looks like a very good

"It looks like a very good chance of getting Medicaid expansion, which we should have done three years ago," he said. "Our cost the first two or three years would have been a very minimal expense to South Dakota, and we would have had significant stimulus to the state's economy and would have helped us pay the state's share."

In terms of school funding, District 17 Sen Art Rusch (R-Vermillion) supports a needs-based scholarship, a college tuition freeze and more funding for education. He sees a budget battle even

Press&Dakotan

t with an improved revenue and economy.

"You think we're a small state, but our total budget is \$4.4 billion one year and \$4.8 billion the following year," he said. "That gets to be a real large amount for a state like South Dakota."

District 16 Sen. Bill Schorma (R-Dakota Dunes) has heard concerns from educators in his district about teacher pay and education funding.

"I have been meeting with (school) superintendents," he said. "One of those things they're concerned about is that the teacher shortage is at the tipping point where some action needs to be taken. The Blue Ribbon Task Force is stacking up how we compare

to surrounding states." District 16 Rep. Dave Anderson (R-Hudson) said he has heard concerns about only acting on parts of the Blue Ribbon Task Force report.

"The main thing I'm hearing from the schools is that this isn't a smorgasbord where we pick a couple of items you like. You have to look at this list of items as a single pack with all of the items necessary to meet the goals they have set out," he said.

"As far as the 0.3 percent (state aid increase), the statutory amount (using the inflation factor) would be 2.5 percent. The anticipation is that something will come from the Blue Ribbon Task Force that would change the funding mechanism for schools." Anderson also holds

questions about health care, particularly the negotiations with the Indian Health Service for additional federal funds in turn to help fund Medicaid expansion in South Dakota.

"I still don't see it as changing anything structurally (at IHS), you're just moving money around in a different fashion," he said. "In terms of structurally changing health care for Native Americans, a really significant part of the mechanism isn't working very well.

"If you can't come up with constructively changing the delivery of health care, throwing more dollars at it isn't going to make things better."

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Prosecutor With Drug Charges Suspended

PIERRE (AP) — South Dakota Gov. Dennis Daugaard has suspended the state's attorney in Butte County from her duties after her arrest on drug charges.

Daugaard issued the suspension order Tuesday. The 31-year-old Heather Plunkett and her husband, 33-year-old Ryan Plunkett, were arrested Friday at their home in Belle Fourche. Each of the Plunketts faces one count each of possession of marijuana less than 2 ounces,

possession of drug paraphernalia and ingesting substance other than alcohol. The three charges are misdemeanors. Defense attorney Matt Kinney tells the *Rapid City Jour*-

nal that his clients were both released on \$250 unsecured cash bond.

Heather Plunkett has held the job of state's attorney since 2011. She did not immediately return an email seeking comment on the case and her suspension Tuesday.

Jury Acquits Former Tribe Police Officer

RAPID CITY (AP) — A federal jury has acquitted a former Oglala Sioux Tribe police officer accused of improperly using a stun gun on an intoxicated man.

The jury on Tuesday found 33-year-old Rebecca Sotherland, of Hot Springs, not guilty on all three charges, including assault with a dangerous weapon.

Authorities had accused Sotherland of using a stun several times last year on Jeffrey Eagle Bull while he was drunk and on the ground. A passer-by shot video and posted it online, drawing attention to the incident.

Eagle Bull wasn't seriously hurt, and Sotherland was fired shortly after the August 2014 incident in Manderson.

The prosecution said Eagle Bull was so intoxicated he had passed out and had no ability to respond to Sotherland's commands. Sotherland and her defense attorney argued Eagle Bull was "playing possum" to avoid incarceration.

College Launches Food Health Initiative

LINCOLN, Neb. (AP) — The University of Nebraska says it will expand its research into food systems, health and the environment through a new multi-campus initiative called Food for Health.

The *Lincoln Journal Star* reports that the initiative was announced at the Board of Regents' meeting last week. David Jackson, associate vice president for academic affairs, says the push aims to include faculty across the university's four campuses in research projects that build upon University of Nebraska's strengths.

The initiative is a result of a challenge issued by university President Hank Bounds to provosts at each of the campuses. Chief academic officer Susan Fritz says Bounds wants faculty on all four campuses to engage with one another so they essentially function as one university and can focus on one compelling problem.

The university will provide about \$3.4 million in grant funds for collaborating researchers, including \$1.4 million over two years from the Nebraska Research Initiative and the Nebraska Experimental Program to Stimulate Competitive Research.

David Jackson, associate vice president for academic affairs, said a committee identified several potential research themes, including economics and public policy, urban and rural food deserts, worldwide food security and obesity. Jackson said about 250 faculty members from across the university met at Nebraska Innovation Campus in November to learn about the initiative and begin planning their research grant proposals, which are due in January.



ON THE WEB: www.yankton.net **NEWSROOM:** news@yankton.net

Overturn Inmate's Conviction

Destruction Of Evidence Doesn't

BY MARGERY A. BECK

Associated Press

OMAHA, Neb. — Convicting an inmate of attacking a prison caseworker with the worker's own pepper spray was proper, despite the prison's destruction of both the pepper spray and surveillance video of the attack prior to trial, the Nebraska Court of Appeals ruled Tuesday.

The appeals court said that there was no evidence that authorities acted in bad faith in destroying the pepper spray canister or erasing the video, noting a different video eventually discovered by prison officials showed the inmate swinging at the worker, that witness testimony backed authorities' account and that the defense attorney failed to properly object to the testimony of those witnesses at trial. Bradley Simmons was convicted in a bench trial earlier this year of second-degree assault of an officer in the February 2013 altercation and sentenced to three more years in prison. He was already serving 50 years for attempted murder and other counts related to the 2000 shooting an Omaha police officer during a botched bank robbery.

The caseworker says Simmons attacked him after he asked a question about the a bag of potato chips Simmons was eating and ordered Simmons out of his cell in order to search it. The caseworker and other witnesses testified that Simmons swung at the worker, and when the worker tackled him, Simmons grabbed the worker's pepper spray and sprayed the worker. But Simmons denied that he touched or sprayed the worker. Court records show that prison officials didn't refer the case to the Johnson County prosecutor until a year after the incident. By then, the pepper spray canister had been thrown out and the video erased. Prison officials said the department routinely destroys all video within six months of the recording.

Simmons' attorney argued that the testimony of prison witnesses after the original video was destroyed — video that Simmons insisted contained proof to help his defense shouldn't have been allowed. But the appeals court agreed that authorities did not act in bad faith when they destroyed the evidence. Nebraska law says that when destroyed evidence is only potentially useful, a showing of bad faith is required. A Holiday Loan from Services Center FCU will provide you the *extra cash* you need this time of year to make your holiday *extra special!*

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