

USDA: Bird Flu Vaccine Not Good Enough

MINNEAPOLIS (AP) — A bird flu vaccine doesn't work well enough to approve it for emergency use against the current outbreak that's shaken the Midwest poultry industry, the U.S. Department of Agriculture said Wednesday.

The USDA's Animal and Plant Health Inspection Service said in a statement Wednesday that the current vaccine is not well matched against the highly pathogenic H5N2 virus and doesn't provide enough protection.

"The vaccine currently available offers just 60 percent effectiveness in chickens, leaving 4 in 10 birds unprotected. The vaccine's effectiveness in turkeys is still being studied," it said.

By the USDA's count, bird flu has cost chicken and turkey producers more than 45 million birds since early March, mostly in Iowa and Minnesota.

The USDA said it will continue to support efforts to develop more effective vaccines, and will re-evaluate its decision as those become ready for use. The agency said it will carefully consider both the efficacy of any new vaccine and the potential foreign trade losses.

A major concern is that several significant U.S. trade partners have told the USDA they might ban all imports of U.S. poultry and eggs, which could cost producers billions of dollars in lost exports. The reason other countries might balk is that tests for the disease in poultry products look for the same antibodies that vaccines trigger an animal to produce.

If a vaccine is ultimately approved, the USDA said it would be targeted to the states and poultry sectors where it could be most effective — where quarantines, culling infected flocks and enhanced biosecurity can't stop the spread.

Southeast SD Man Gets 90 Years

SIOUX FALLS (AP) — A southeast South Dakota man convicted of raping a child has been sentenced to 90 years in prison.

The 53-year-old Jose Tomas Guevara Sorto was sentenced this week in Sioux Falls. He was convicted of first-degree rape in December.

Authorities say the Sioux Falls man raped a 7-year-old he was babysitting on November 2013. Sorto and the victim are not relatives.

Sorto's attorney could not immediately be reached Wednesday to comment on the sentence.

Johnson County Attorney Leaving Office

TECUMSEH, Neb. (AP) — The Johnson County attorney is leaving her elected post to become the legal counsel for the Nebraska Department of Correctional Services in Lincoln.

Nebraska City radio station KNCY reports that Julie Smith will resign effective June 19. A department spokesman said Wednesday that she'll start her new job on June 22.

Smith interned at the Johnson County attorney's office while in law school in 2003 and joined the office as a deputy county attorney in 2004. She was elected in November to her third term as county attorney.

Her brother Rick Smith is deputy county attorney, and he will be the acting county attorney. The county board is expected to appoint someone within 45 days to serve the rest of Julie Smith's term.

Her annual salary will be \$100,000.

Cornerstone Of Old Courthouse Is Safe

YORK, Neb. (AP) — The original cornerstone from a southern Nebraska courthouse demolished decades ago is safe and in storage, but whether there's a time capsule inside the block is another matter.

Historians say the forefathers of York County had intended for the time capsule to be opened on the county's 150th birthday, the *York News-Times* reported. The upcoming anniversary prompted a discussion last week among county commissioners about where the time capsule may be located.

Some county residents suspect the capsule that's supposed to be opened in 2020 might be inside the cornerstone. Others like Nancy Beach with the York County Historical Society wonder if the capsule is instead somewhere else in the current courthouse.

The cornerstone is being housed at the county roads department. The names of those behind the original courthouse are carved into it — A.C. Corey, J.W. Bullard, D. Graves, W.H. Bagnell and C.J. Hurlbut. The architect's name also is included but the newspaper said the etching is difficult to read.

"I knew this stone was here, but until yesterday morning, I wasn't aware there was the possibility that a time capsule is inside it," said York County Highway Superintendent Harvey Keim on Tuesday.

Two large flat slabs are being stored next to the cornerstone. Keim said it's believed those slabs belonged to the front of the old courthouse.

The top slab has the phrase, "Erected 1886," carved into it. Keim said he doesn't know what the bottom slab says, simply because the pieces are too heavy to move without using mechanical equipment.

"We will take good care of them," Keim said.

AG: SD Men Arrested For Sex Offenses

PLANKINTON (AP) — Two South Dakota men have been arrested on charges that authorities say stem from sex offenses that the men committed against a child.

Attorney General Marty Jackley on Wednesday said the men were arrested in Aurora County, in eastern South Dakota.

Jackley says a 41-year-old man from Plankinton is facing one count of aggravated incest, while a 42-year-old man from Mitchell is facing one count of fourth-degree rape.

Jackley says the incidents that led to the charges happened at a home in Plankinton, about 25 miles west of Mitchell.

The charges against the men are felonies that carry a maximum sentence of 15 years in prison.

Insurance Companies Consent To Record Penalty Of \$750,000

BY BOB MERCER
State Capitol Bureau

PIERRE — The state Division of Insurance announced Wednesday it has levied the largest civil penalty in its history against a set of five companies for multiple violations of South Dakota regulations and laws.

Farmers Insurance Group and Foremost Insurance Group agreed to pay the \$750,000 penalty. The examination report listing specific violations and corrective actions is confidential until July 6 when the division will publicly release it.

"The message today is we have processes in place to protect consumers," Larry Deiter, director for Division of Insurance, said in a statement issued through his office Wednesday. "Past wrongs have or will be righted, and potential future harm to South Dakota consumers will be prevented."

The division said five insurance companies within the Farmers and Foremost groups were examined: Farmers Insurance Exchange, Fire Insurance Exchange, and Mid Century Insurance Company, as part of the Farmers group; and Foremost Insurance Company and Foremost Property and Casualty Insurance Company, as part of the Foremost group.

The division levied a \$125,000 penalty on April 27 against Express Scripts of St. Louis, Missouri, for various violations and failures to take corrective actions regarding insurance claims made by the state Department of Social Services.

Smaller penalties also were assessed this year against other companies. They were:

- \$1,000 against National Insurance Network of Sarasota, Florida;
- \$500 against 1-800-LIFE-INSURANCE of El Dorado Hills, California;
- \$2,500 against Milwaukee Casualty Insurance Company of Dallas, Texas;
- \$5,000 against Standard Life and Casualty Company of Salt Lake City, Utah;
- \$7,500 against Union Security Insurance Company of Kansas City, Missouri;
- \$15,000 against Midland National Life Insurance Company of West Des Moines, Iowa;
- \$1,000 against WAL-MART Stores Inc. of Bentonville, Arkansas; and
- \$10,000 against Western Providers Inc. of Rapid City.

In 2014 the largest penalties assessed by the division included:

- \$125,000 against Continental General Insurance Company of Austin, Texas;
- \$75,000 against Climate Insurance Agency of San Francisco, California; and
- \$45,000 against ACA Insurance Company of Walnut Creek, California.

SD Asks Government To Pay Claims From 2013 Fire

BY KEVIN BURBACH
Associated Press

SIOUX FALLS — It's been more than two years since a prescribed burn-turned-wildfire torched over 10,000 acres of land in the Dakotas, and ranchers are hoping they can soon recover the millions of dollars they estimate they're owed.

South Dakota's congressional delegation sent a letter Wednesday to U.S. Agriculture Department Secretary Tom Vilsack urging him to resolve and approve all "reasonable claims" filed in connection with the Pautre Fire of April 2013.

The fire began as a 130-acre controlled burn set by the U.S. Forest Service on the Grand River National Grasslands, but it eventually escaped containment, blackening nearly 16 square miles of private, federal and cooperative grazing land.

The fire destroyed fences, bales of forage, buildings

and trees and caused respiratory problems in some cattle on grazing land between Hettinger, in southwestern North Dakota, and Lemmon, in northwestern South Dakota.

U.S. Sen. John Thune said Wednesday that there's no evidence that damage claims from affected ranchers and landowners have begun to be processed by the federal government.

A federal law allows people up to two years following such an incident to submit claims. The government doesn't start processing those claims until that two-year window is closed.

A spokesman at the U.S. Forest Service said he was researching the issue and couldn't immediately comment.

Todd Campbell, the executive director of the Grand River Cooperative Grazing Association, said the fire has taken a toll on the group, which lost acres of grazing

land and miles of fencing, and its members.

Originally, the association and its members filed claims totaling at least \$11 million to \$12 million, Campbell said. But that number has likely grown as individuals have updated their claims, he added.

"We're struggling with the costs of rebuilding everything," he said. "It's a huge strain on our budgets."

Thune introduced a bill in April that, in part, would expedite the claims process by requiring federal agencies to pay damages within 120 days of receiving a substantiated claim.

"They could be done a lot faster," he said.

The bill was referred to the Committee on Agriculture, Nutrition and Forestry. No action has been taken so far, but Thune said he's hopeful it can move forward in the future, possibly as an amendment elsewhere.

He brought the legislation

in response to the Pautre Fire and the Cold Brook Fire, which was a prescribed burn at Wind Cave National Park that escaped containment in April.

The Cold Brook fire burned several thousand acres but never escaped the park boundaries.

The bill would also require federal agencies that want to set prescribed burns to first get approval from state and local fire officials.

Eric Allen, the National Park Service's fire management officer for the northern great plains, said there's already collaboration between federal, state and local officials. He said this week he was wary about giving a "right of veto" to other agencies.

But Thune said it's a measure that could help prevent future losses.

"It makes sense on a lot of levels," he said. "They ought to be talking to people on the ground."

Executives: Ag Merger Would Save \$44M

ABERDEEN (AP) — Executives with two large century-old agricultural cooperatives in the Dakotas say merging them would save about \$44 million over the next four years.

North Central Farmers Elevator and South Dakota Wheat Growers are proposing to become CentraGro Cooperative on Aug. 1. Members of both co-ops will vote this summer on whether to approve the merger.

Executives held an informational meeting in Aberdeen on Tuesday, the *American News* reported.

CentraGro would have \$934 million in assets and

could save millions through lower fertilizer, seed and chemical wholesale prices and trimmed logistical costs, according to North Central General Manager Mike Nickolas.

"This is about securing the future for both co-ops for generations to come," he said.

The Aberdeen-based Wheat Growers has more than 5,400 members in the eastern Dakotas. Ipswich-based North Central serves

2,500 members in north central South Dakota and south central North Dakota. Both date back about 100 years. Some farmers worry about what a merger could mean for competition in the region.

Groton farmer Doug Sombke praised the boards of both co-ops for looking into the potential benefits of a merger but wondered if it would be better for the co-ops to stay separate and team up only for certain pro-

jects or business practices.

Dwight Buntrock, of Columbia, said he likely will vote yes on the merger.

"I'm impressed with the amount of information that they've put together and put out there," he said.

Milt Ehresmann, of Aberdeen, isn't sure how he'll vote.

"I still have some hang-ups," he said. "I might just put 'don't know' on my ballot."

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