

Thousands Of SD Residents Could Lose Insurance Subsidies

BY REGINA GARCIA CANO
Associated Press

SIoux FALLS — Thousands of South Dakota residents are among the millions who have obtained financial assistance to pay for health insurance and could be affected by the latest challenge to President Barack Obama's signature law before the U.S. Supreme Court.

The justices heard arguments Wednesday on whether residents in 37 states in which consumers signed up for coverage under the federal marketplace are eligible for tax subsidies to lessen the cost of insurance premiums. The lawsuit seeks to limit financial assistance only to people who live in states that created their own health insurance marketplaces.

The court's decision could affect a staggering 88 percent of the 21,183 South Dakota consumers who signed up for insurance during the most recent enrollment season. More than 18,000 residents qualified for a federal subsidy that on average covers about \$234 of their monthly premiums, according to the U.S. Department of Health and

Human Services.

Avera, Sanford Health Plan and Dakotacare are the three insurers that sold plans in South Dakota through the federal marketplace. Avera and Sanford leaders say they are closely following the challenge and are willing to talk with state and federal officials to ensure that individuals remain insured.

"We simply need to see what their interpretation and what their ruling will be," said Debra Muller, chief administrative officer for Avera Health Plans.

Dakotacare didn't return messages left Wednesday.

The case focuses on four words in the law, "established by the state." The challengers say those words are clear and conclusive evidence that Congress wanted to limit subsidies to those consumers who get their insurance through a marketplace, or exchange, that was established by a state.

The states that opted against their own marketplace, mostly Republican states, are relying on the federal version.

Independent studies estimate that 8 million people could lose insurance coverage if the nation's high court rules

against the law because they'll no longer be able to afford it. A decision in the case is expected by late June.

Ruth Krystopolski, president of Sanford Health Plan, said the law has "had lots of changes," including rules and timelines, so the insurer is treating this legal challenge "as one more potential change."

"I don't have any concerns over the outcome," Krystopolski said. "There are so many people subsidized at the present time that irrespective of what happens with the Supreme Court decision, I think there are multiple ways for both the state and the federal government to figure out ways to get those people who are receiving subsidies to continue."

Leading congressional Republicans have said they are readying plans to temporarily help subsidy recipients, perhaps until the GOP can permanently revamp the law, but haven't provided specifics.

At the state level, Gov. Dennis Daugaard's office said Wednesday he "is monitoring this case and the administration continues to evaluate the state's options."

Senate To Consider County Change And Repeal Of South Dakota's 'Daschle Law'

BY BOB MERCER
State Capitol Bureau

PIERRE — The Legislature is one step away from repealing South Dakota's "Daschle law" and ratifying the name change for Shannon County to become Oglala Lakota County.

Both measures are up for final approval today (Thursday) by the Senate, after receiving endorsements Wednesday from the Senate State Affairs Committee.

Republicans enacted the Daschle law in 2002 to hamstring the U.S. Senate's then-Democratic leader, Tom Daschle.

He faced re-election in South Dakota in 2004 and was considering a 2004 bid for the Democratic nomination for president.

The Legislature adopted a law that prohibited a candidate for president or vice president from appearing on the same ballot for any other office.

Daschle chose to run for

another term in the Senate and lost to Republican challenger John Thune.

Now Republican legislators want to repeal that restriction. The Senate panel voted 6-2 Wednesday along party lines to recommend the repeal.

The House of Representatives previously approved the repeal 50-17.

The Legislature's two Republican leaders, Brian Gosch of Rapid City in the House and Tim Rave of Baltic in the Senate, are carrying the bill, HB 1176.

Rave testified Wednesday the law's passage "probably wasn't the right choice."

No one else testified on either side of the measure.

Senate Democratic leader Billie Sutton of Burke said there should be more discussions on allowing candidates generally to be on the ballot for more than one office.

Sutton said he disagrees with passing the repeal at this time just for president and vice president.

Sen. Alan Solano, R-Rapid City, said legislators shouldn't wait while discussions advance.

"We recognize the issue. It's a problem and we should correct it," Solano said.

Sen. Bernie Hunhoff, D-Yankton, said none of the three current Republicans in Congress asked for the change from the Legislature.

Thune is in the same situation as Daschle was, with Thune up for re-election in the same 2016 election as the presidential contest.

"Sadly, it's about the raw power. If you do it, you're going to do it," Hunhoff said.

Rave agreed that none of the current delegation has expressed interest in running for president or being chosen for vice president.

The result, Rave said: "Now is the time to make that choice."

He added, "I think it is the perfect time to make that choice."

The committee found

agreement on the resolution recognizing the Shannon County voters' decision on Nov. 4 to approve the new name of Oglala Lakota County.

Senators voted 8-0. State law says the Legislature shall approve such name changes.

The House previously approved HJR 1005 on a vote of 64-5.

Rep. Kevin Killer, D-Pine Ridge, said the petition drive seeking the name change collected signatures from 25 percent of the county's registered voters "which were a feat in itself."

Jesse Antoine Short Bull of Interior testified in favor of the resolution. "I think it's a more fitting name to the Oglala Lakota nation," Short Bull said.

Sen. Jim Bradford, D-Pine Ridge, spoke for it too. "This is a thing that probably should have been done a long time ago," he said.

No one testified against it. "This was already passed by the voters," Sutton noted.

Nebraska Bill Raising Medicaid Allowance Gets 1st-Round Approval

BY ANNA GRONWOLD
Associated Press

LINCOLN, Neb. — A bill to increase allowances for blind, older and disabled Medicaid recipients cleared the first round of voting Wednesday in the Nebraska Legislature.

With a 29-12 vote, lawmakers advanced a measure that would increase the monthly amount of allowances from \$50 to \$60. The bill will go through a second round of debate, where it can be killed or advanced to the final round with another majority vote.

Advocates argued the bill adjusts for inflation a rate that hasn't been touched in 30 years, saying current allowances are not enough for recipients to purchase clothing and toiletries. Opponents called the measure piecemeal Medicaid expansion and said lawmakers should instead use the money for tax cuts.

Lincoln Sen. Patty Pansing Brooks, who sponsored the measure, said the two mornings of debating the issue lasted longer than she expected and set the stage for themes taking shape this session.

"I think this is the shot across the bow," she said. "People will now use it as a rallying cry."

Sen. Mike Gloor of Grand Island, a retired executive at Saint Francis Medical Center and chair of the revenue committee, supported the bill saying that updating the Medicaid personal allowance invests in the system's efficiency and cuts long-term costs.

But Sen. Bill Kitner of Pappillion said the bill's fiscal note, which is just under \$1 million for the next two years, leaves little room to give Nebraska residents the tax relief lawmakers have promised.

"Read my lips: Not one

more dollar. It stops here," Kitner said. "We're going to respect the taxpayers, and I'm going to do everything I can to move tax relief through. At the rate we're going, we're going to go back to taxpayers for a third year and say, 'I'm sorry, shucky darn, we spent all the money.'"

Sen. Beau McCoy of Omaha said stories about "grandpa's slippers and grandma's lipstick" can tug at heartstrings, but don't detract from the fact that the personal allowances, even for disabled and older people, draw from already limited funds.

Sen. Tyson Larson urged senators to kill the bill in the first round, saying he does not believe the measure will advance through second-round voting.

"All of a sudden here comes April or May and we have to decide: What do we want to spend our money on?" the lawmaker from O'Neill said. "And that's when it'll get really nasty out there."

S. Dakota Child Abuse Law Changes Approved

BY JAMES NORD
Associated Press

PIERRE — To the surprise of lawmakers and others fighting child sexual abuse in South Dakota, a House committee on Wednesday defeated a plan to authorize more time to study how to address the issue.

The House State Affairs Committee voted 10-2 to kill a proposal to allow the Jolene's Law Task Force, which was created by the Legislature in 2014, to add another member and continue its work this year.

The bill had passed through the state Senate without any dissent. The task force was named after Jolene Loetscher, of Sioux Falls, who was a victim of sexual abuse as a teenager and has talked publicly about her story.

Loetscher bowed her head and prayed from the audience as the committee voted, and the resulting outcome brought her to tears.

"I'm disappointed and disheartened that we have

legislators that don't believe that protecting our children against child sexual abuse is ... a priority in this state," Loetscher said after the vote. "We were formulating things that were going to change lives and save lives, and now we decide to play politics with children, and it's heartbreaking."

Loetscher said the task force wanted to continue working to strengthen mandatory reporting, improve how K-12 students and parents are educated about abuse and to focus on a broader public awareness campaign, among other initiatives.

But Republican Rep. Roger Solum said shortly before the vote that there are funding limitations and that he would hate to commit to the study when other issues may need to be examined.

Republican Sen. Deb Soholt, the bill's main sponsor, said after the hearing that the committee's vote against re-authorizing the study took her by surprise and that she's "disappointed on behalf of the children."

Senator Fears Bill Criminalizes Victims

LINCOLN, Neb. (AP) — One Nebraska senator says a measure prioritized by the Nebraska attorney general could undo years of efforts to decriminalize victims of sex trafficking.

A legislative committee heard public testimony Wednesday on the bill that would allow courts to mandate treatment options for juveniles who have been trafficked. Currently courts cannot enforce prescribed treatment, such as mental health services.

Committee member Omaha Sen. Bob Krist worked on earlier legislation that kept victims from being classified as criminals and out of a juvenile justice system that he says is unprepared to address their specific needs. He says he worries even rehabilitative detention worsens trauma by treating victims like criminals.

Advocates of the bill by Sen. Jim Scheer of Norfolk say many juveniles who have been trafficked flee centers or foster homes within hours.

Farmers Expected To Get Full Irrigation

HOLDREGE, Neb. (AP) — The managers of Nebraska's biggest reservoir expect to be able to give farmers the full amount of irrigation water this year, but that forecast could still change in the spring.

The Kearney Hub reports civil engineer Cory Steinke told the Central Nebraska Public Power and Irrigation District board that Lake McConaughy is in good shape at this stage and 77 percent full.

But it's hard to predict how much water will flow into the lake this spring from rain and snow melting in the mountains. Steinke said snowpack in the North Platte River basin is at 79 percent of normal and the South Platte basin's snowpack is above normal at 108 percent.

Steinke told the board Monday that 2015 isn't shaping up to be especially wet or dry in the Platte River basin.

The fact that last year's conditions were wetter than expected helped keep Lake McConaughy from getting too low. The high water levels in the South Platte River during the fall and winter also helped the irrigation district recover.

Steinke said he hopes healthy flows will continue in the South Platte River this spring and wet weather will arrive during the growing season.

S.F. Police Find 2.5 Pounds Of Drugs

SIoux FALLS (AP) — Sioux Falls police say a public argument over a drug debt that ended with gunshots led officers to find nearly 2.5 pounds of drugs.

Authorities say they found almost two pounds of suspected synthetic marijuana, about half a pound of marijuana and \$4,000 in cash in 19-year-old Vernon Hofer's apartment.

Police spokesman Sam Clemens says a detective searched Hofer's apartment after receiving reports that he and 18-year-old Deonte Thornton were fighting over a drug debt in the middle of a street on Tuesday. Thornton also took out a gun and fired it twice into the air.

Hofer is facing six drug-related charges. Thornton was charged with two counts, including possession of a stolen firearm.

Police also found 19-year-old Shelby Toderan in Hofer's apartment. She's facing five drug-related charges.

Autism Therapy Insurance Approved

PIERRE (AP) — Parents of children with autism have successfully broadened a bill that would help ensure insurance coverage for a key type of Autism Spectrum Disorder treatment.

The House State Affairs Committee unanimously voted on Wednesday to approve the measure, which only applies to certain insurance plans. But lawmakers warned the broader provisions that the committee voted into the bill could endanger its final passage.

The changes increase the payments available for younger children by thousands of dollars and expand coverage to include more therapists. Representatives from insurance companies have supported the original bill, but have pushed back against the expanded version.

Crystal Reuter's 6-year-old daughter has received the treatment for several years. Reuter, of Sioux Falls, says she's glad the changes passed because the bill "needed a little bit more."

End To Death Penalty Sought In Neb.

LINCOLN, Neb. (AP) — Nebraskans whose relatives were murdered are calling on lawmakers to abolish the death penalty, saying it prolongs the suffering of victims' families and wastes tax dollars on endless appeals.

Relatives rallied at the Capitol on Wednesday came in advance of a legislative hearing on a bill (LB268) to end capital punishment.

Miriam Thimm Kelle, whose brother James Thimm was murdered by Michael Ryan at a farm near Rulo in 1985, says the death penalty has distracted from the needs of victims' families.

The repeal bill was introduced by longtime Sen. Ernie Chambers of Omaha, who has fought for nearly four decades to end capital punishment.

Of the 33 Nebraska inmates sentenced to death since 1973, three have been executed.

Neb. Ag Land Value Down Three Percent

LINCOLN, Neb. (AP) — A new survey report says the average value of Nebraska's agriculture land dropped 3 percent in the past year.

The University of Nebraska-Lincoln report released Wednesday says that as of Feb. 1, the land value was \$3,210 an acre, compared with the 2014 average of \$3,416.

In the report, university Extension educator Jim Jansen says "bearish comments reported by survey participants" on cropland values reflected the decline in grain prices.

And he says land used for the cow-calf industry rose in value or held steady "due to a strong return in that market over the last one to two years."

The survey respondents included real estate salespeople and brokers, appraisers, bankers and mortgage experts.

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