

Bosworth Lawyer Denies Violations

PIERRE (AP) — An attorney who worked with former South Dakota political candidate Annette Bosworth says he didn't give her legal advice that led to her alleged election law violations.

Sioux Falls attorney Joel Arends testified Thursday during Bosworth's trial for the violations.

Bosworth unsuccessfully sought the Republican nomination in the 2014 U.S. Senate race. She's accused in part of allegedly being out of the country during a time when her petitions to get on the ballot say she was gathering signatures.

She's pleaded not guilty to perjury and filing false documents.

Bosworth's defense team says that she was a rookie candidate. They say she took advice from Arends, who told her she could call herself the petitions' "circulator" because they were under her direction.

Arends says he didn't give Bosworth that advice.

Six Sentenced In Fraud Scheme

SIOUX FALLS (AP) — A group of people who pleaded guilty in South Dakota to identify theft and attempting to defraud the Internal Revenue Service have all have been sentenced.

U.S. Attorney Randy Seiler says the last of the six defendants were sentenced this week. All six pleaded guilty to conspiracy to defraud the United States. Five of them pleaded guilty to identify theft.

Seiler says the indictments stemmed from the defendants conspiring to defraud the IRS by using stolen personal information to file fraudulent income tax returns, which claimed false income tax refunds.

The six defendants include: Jennifer Robinson, of Fargo, North Dakota; Shawnte Washington, of Tampa, Florida; Stewart Franks, of Little Rock, Arkansas; Timothy Brister, Jr. of Tampa; Ann Weber, of Horace, North Dakota; and Donta Moore, of Kansas City, Missouri.

Weather Delays Opening Of Pools

LINCOLN, Neb. (AP) — Nine public swimming pools in Lincoln will open two days later than planned because recent rain and cool temperatures have made pool water too cold for safe swimming.

The Lincoln Parks and Recreation Department made the announcement Thursday. The pools are now scheduled to open Monday for swimming. They typically open days earlier.

Officials say while the facilities will not allow swimming until then, they'll open Saturday for registrations, sales and other requests.

The pools will be available for use through August.

Nebraska Ag Tourism Liability Bill Passes

LINCOLN, Neb. (AP) — Farmers and ranchers who open their property to tourists could be shielded from certain lawsuits under a bill passed by Nebraska lawmakers.

The Legislature gave the measure final approval on Thursday with a 46-0 vote.

Sen. Ken Schilz of Ogallala has said he introduced it to promote rural tourism and give farmers and ranchers another potential revenue source without the fear of lawsuits.

The bill is aimed at sites such as working farms and ranches, hiking trails, lakes and hunting and bird-watching areas. It also could apply to hayrack or boat rides, vineyard tours and haunted houses.

A 2012 Nebraska Tourism Commission report found that liability and insurance concerns were a major roadblock to the tourism industry's growth in the state.

Man Accused Of Forgery, Taking Card

GERING, Neb. (AP) — A 27-year-old Scottsbluff man who faces three drug charges also is accused of stealing from his father.

Online court records say a preliminary hearing is scheduled May 29 for Dustin Leonhardt. Jail records say he remained in custody on Thursday. His attorney didn't immediately return a call from The Associated Press, seeking comment on the allegations against Leonhardt.

Leonhardt is charged with forgery and unauthorized use of a financial transaction device in addition to the three drug charges.

A court affidavit says Leonhardt used his father's check card three times earlier this month and wrote a check on his father's account.

The affidavit says the drugs were discovered Friday on Leonhardt and in his father's backyard shed, where officers found and arrested Leonhardt.

Powerball Ticket Sold in S.D Worth \$30K

DEADWOOD (AP) — A Powerball ticket sold in Rapid City is worth \$30,000 in the Wednesday drawing.

State lottery officials say the ticket matched four of five white ball numbers and the Powerball to win the \$10,000 third prize, and an option purchased for an additional dollar tripled the prize. The odds of hitting the third prize in Powerball are 1 in about 649,000.

Separately, a Wild Card 2 ticket sold in Deadwood is worth \$6,001 in the Wednesday drawing.

The next drawings are Saturday. The Wild Card 2 jackpot is \$230,000 and the Powerball jackpot is \$138 million.

Wellmark Seeking 43 Percent Rate Increase For 14,000 Members

BY KEVIN BURBACH
Associated Press

SIOUX FALLS — South Dakota's largest private health insurance provider wants to hike rates by almost 43 percent for those who signed up for individual insurance plans under the federal Affordable Care Act.

Wellmark Blue Cross Blue Shield sent a request to the South Dakota Division of Insurance this month asking it to approve a 42.9 percent rate increase, saying the hike was necessary because of large claims, costly prescriptions and members dropping coverage after expensive procedures. The state says it likely will approve, adjust or deny the request by July.

About 14,000 South Dakota residents have individual insurance plans that are compliant with the ACA through the company, which makes up about 4 percent of its total members in the state.

In South Dakota and Iowa, Wellmark has so far decided not to join the federal health care exchange set up by the Affordable Care Act, but still allows members who do not receive insurance through an employer to purchase ACA-compliant health care plans through licensed agents, brokers and direct from its website.

That influx of new, previously uninsurable and sicker members who are now required under the law to be covered is likely the main factor driving

up costs, according to one national health policy expert.

Laura Jackson, the executive vice president of Wellmark, in a webinar earlier this month, said the company anticipated the new population would have some pent-up demand but said Wellmark has been incurring even higher costs than anticipated from its members with individual ACA-compliant policies who are using services at a higher rate.

"This is merely an unsustainable proposition for Wellmark when we're actually taking in less dollars than we're paying out," she said.

Only Sanford Health Plan, Avera Health Plans and DakotaCare offer subsidized plans on the federal exchange used in South Dakota. Officials at Sanford and Avera said they've proposed increases in the "low teens" for 2016.

Bob Laszewski, the president of Health Policy And Strategy Associates in Virginia, said Wellmark's proposed rate increase is likely a reflection of the "Guaranteed Issue" provision of the ACA, which says a company cannot refuse to insure someone because of a preexisting medical condition. He said healthy people are likely not enrolling in unsubsidized ACA-compliant plans, which are more expensive.

"So these are disproportionately sick people who couldn't get health insurance before, now they can ... and South Dakota is just getting hit hard

with big medical claims," he said.

With the proposed rate increases, some South Dakota residents may want to explore other options, including plans on the federal marketplace, said Kim Jones, the statewide coordinator for the South Dakota Community Action Partnership Navigators, which helps people understand the health insurance exchange.

"That's why when open (enrollment) comes around again, if you're a person who has a private plan, it would be worth your while to investigate plans on the health insurance marketplace," Jones said.

Jeff Sandene, the chief integration officer for Sanford, said they regularly look at the issues cited by Wellmark but said they haven't contributed to a spike in rates and members will find next year's increase "reasonable and predictable."

"It's been more of a reasonable increase, more likely because we just haven't seen spikes in those areas that they referenced," he said.

Wellmark has more individuals with off-exchange ACA-compliant plans than Sanford and Avera.

At Avera, Chief Administrative Officer Deb Muller said in a statement that the company expects average rate increase for individuals to be in the low teens. Muller said the company hasn't seen individuals buying plans to get costly care and then dropping them.

Nebraska

Ban On Immigrant Driver's Licenses Scrapped

BY ANNA GRONEWOLD
Associated Press

LINCOLN, Neb. — Nebraska's Legislature voted Thursday to end the nation's last ban on driving privileges for young people brought into the United States illegally as children, agreeing to scrap the policy by a veto-proof margin even as the state's new Republican governor continued to signal his opposition.

The federal Deferred Action for Childhood Arrivals program, an executive action President Barack Obama announced in 2012, gives the youths a Social Security number, a two-year work permit and protection from deportation.

Although a few states initially announced that they would deny licenses to those youth, only Arizona and Nebraska ultimately adopted policies to exclude them from driver's license eligibility. Arizona's law was blocked by a federal appeals court in July, leaving in place only Nebraska's, which former Gov. Dave Heineman approved three years ago.

Like his GOP predecessor, Gov. Pete Ricketts has maintained that those who arrived in the country illegally shouldn't receive privileges intended for legal residents.

The unicameral Legislature passed the reversal Thursday on a 34-9 vote — a margin large enough to override a veto from Ricketts. The governor's spokesman released a statement Thursday that didn't indicate whether the governor would veto the change, sign it, or allow it to take effect without his signature.

"The Governor is opposed to providing taxpayer-funded benefits to individuals who have entered our country illegally," spokesman Taylor Gage said in the statement. "He has five days before he has to take action on the bill."

The bill's sponsor, Sen. Jeremy Nordquist of Omaha, said he is confident lawmakers will override a veto if necessary.

Jon Blazer, San Francisco-

based attorney for the American Civil Liberties Union, said GOP-led state legislatures haven't been opposed to all of Obama's immigration policies. Conservative senators in both Georgia and Kansas soundly rejected bills to take driver's licenses away from deferred-action individuals in their states.

"This is big for Nebraska, but it sort of completes the story," Blazer said. "Nebraska was the last state standing."

The American Civil Liberties Union of Nebraska also is challenging the policy in court.

Lazaro Spindola, executive director of the Latino American Commission, said Nebraska's current policy is "shooting ourselves in the foot" by overlooking talent and state pride in deferred-action youth.

"They have grown up in Nebraska," he said. "They have come to love Nebraska as their home state. They don't want to leave Nebraska; they want to stay here with their families. Many of them have achieved higher educa-

tion, and they want to use all of the talent Nebraska has paid for in bettering the state and making it stronger."

DACA individuals must be at least 15 years old, have arrived in the U.S. before their 16th birthday, were under 31 in 2012, have lived continuously in the U.S. since 2007 and are in school or working toward a degree.

Luis Olivas of Columbus, 25, has been told his wait-time to get a residency card will be about 20 years.

A new law would be his only chance to travel independently between home, his community college classes and his job as a paralegal at an immigration law firm. Public transportation in smaller Nebraska towns is nearly non-existent.

"We, in the state of Nebraska, are more or less forced to drive, especially those of us in rural communities," Olivas said. "I don't think it makes sense that we're able to work, but we're not able to commute."

Officer Killed By Shot Just Above Vest

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — An Omaha police officer killed in the line of duty Wednesday was shot just above the top of her protective vest, Police Chief Todd Schmaderer said Thursday.

Schmaderer gave more details of the shooting that killed Officer Kerrie Orozco at a news conference held Thursday afternoon. Orozco, 29, and another officer had responded to a call for backup from officers who came under fire from the heavily-armed suspect in Orozco's death.

Schmaderer said Marcus Wheeler — a 26-year-old convicted felon and known gang member — fired on police who tried to arrest him on a felony warrant Wednesday afternoon. Orozco and another officer soon arrived and joined the chase for

Wheeler, who turned and fired on them, too.

"Wheeler was ... crouched down in a shooting stance and fired a second volley of gunshots," Schmaderer said. "Officer Orozco yelled out that she had been hit."

Orozco died at a local hospital, and an autopsy showed she had been shot with a 9-mm bullet. All of the officers involved were carrying .45-caliber handguns, Schmaderer said. Orozco and the officer with her did not fire their guns, he said.

Another officer, Sgt. Jeffrey Kopietz, was the only officer to return fire, and hit Wheeler twice, including the fatal shot to Wheeler's chest. Wheeler collapsed in a north Omaha yard after being shot, and was taken to an Omaha hospital, where he died.

Wheeler was armed with a 9-mm handgun and two ammunition magazines — including a 50-round ammunition drum,

Schmaderer said.

"It's a rare weapon," Schmaderer said. "We don't see it every day."

Schmaderer rejected the suggestion that officers' protective equipment is lacking.

"It was a tragic circumstance that didn't have anything to do with equipment or tactics or anything like that," he said. "It had to do with the fact that this job is extremely dangerous."

Wheeler shot at least nine rounds, Schmaderer said. Kopietz, a 24-year veteran of the department, shot three to four times, the chief said. He has been placed on paid administrative leave, per police policy for all officers involved in shootings.

Funeral services for Orozco — a new mother who gave birth in February — had not been finalized by Thursday evening, but are expected to be held next week.

A Day to Remember. A Day to Honor.



On this Memorial Day, we recognize and salute all those who have paid the ultimate sacrifice in defense of our freedom.

We will never forget.

We wish everyone a healthy and safe Memorial Day.




Cimpl Meats
1000 Cattle Dr., Yankton


It is our honor to salute the heroes, past and present, of our Armed Forces this Memorial Day.

Their dedication to our country and to the defense of freedom will never be forgotten.

From the bottom of our hearts, we thank you.



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Protecting the Home Front