

MIDWEST DIGEST

Feds, S.D. County Reach Voting Agreement

SIoux FALLS (AP) — The federal Justice Department says it has reached an agreement with South Dakota's Shannon County to help American Indian voters.

The agreement requires the county to provide election materials and information in Lakota for voters who speak that language, and to have trained bilingual election officials at polling sites.

The agreement also ensures compliance with various other provisions of the Help America Vote Act, which is aimed at helping minority voters in jurisdictions determined by the Census Bureau to have a substantial population of minority-language residents.

Shannon County includes much of the Pine Ridge Sioux Indian Reservation. Four of the five county commissioners are members of the Oglala Sioux Tribe.

Preservation Work Continues At Rushmore

MOUNT RUSHMORE NATIONAL MONUMENT (AP) — Crews at Mount Rushmore National Monument are about to get some face time.

Two weeks of preservation work on the granite carving will begin Monday to protect the sculpture from erosion damage. Some of that involves workers being suspended on ropes to inspect the four presidential faces and to remove vegetation and hazardous rocks.

Officials say the annual preservation work also will prepare the mountain for a detailed 3D digital laser scanning project in May.

Police ID Pedestrian Killed In Sioux Falls

SIoux FALLS (AP) — Authorities have identified a Sioux Falls man who died after being hit by two cars while walking.

Twenty-eight-year-old Justin Jarman died about 2 a.m. Sunday. Police say he had left a bar and was walking in the road when the first car hit him. The second car hit him as he was lying in the roadway. He was dead at the scene.

The drivers of the two vehicles are charged with hit-and-run and driving under the influence.

Heineman Hasn't Studied Fremont Measure

LINCOLN, Neb. (AP) — Gov. Dave Heineman often speaks out against illegal immigration, and the hottest immigration-related issue in the state is in the town he lived in for more than two decades.

The local ordinance expected to go before Fremont voters this summer would prohibit both hiring and renting to illegal immigrants. But Heineman said on Monday he doesn't know where he stands on the measure because he hasn't studied it.

The state Supreme Court released a ruling Friday that virtually guarantees the ballot measure will go before voters.

Rural Man Dies In Grain Bin Accident

DRAPER (AP) — Authorities have identified a rural Draper man who died in a farm accident.

Jones County Sheriff Fred Koester says 33-year-old Jesse Dugan was working in a grain bin Friday morning when he became buried by a wall of sunflowers.

It took rescue workers about an hour to uncover Dugan. He was pronounced dead on arrival at a Pierre hospital.

■ Get Updates At Yankton Online (www.yankton.net)

MEDICAID

Neb. Court To Weigh HHS Power

BY **TIMBERLY ROSS**
Associated Press Writer

OMAHA, Neb. — The state Department of Health and Human Services is asking the Nebraska Supreme Court to restore the department's power to withhold Medicaid coverage under a welfare-to-work program.

In the appeal, HHS attorney Matthew Dunning said Lancaster County District Judge Karen Flowers was wrong to throw out a state policy that ties Medicaid coverage for poor families to weekly work requirements and to grant the case class-action status, among other things.

Flowers' 2009 ruling said HHS exceeded its authority when approving the work requirement, saying it was a matter for lawmakers to decide.

Her decision stemmed from a lawsuit filed by the Nebraska Appleeed Center for

Law in the Public Interest on behalf of more than 400 impoverished parents.

Plaintiffs argued that the state's Welfare Reform Act allows only cash assistance to be taken away as a penalty for violating the terms of Employment First. So, HHS may not impose a stricter policy by also tying the Medicaid coverage to the work requirement, they argued.

But in HHS' appeal, Dunning said state statute grants the department the authority to set rules for public programs and that the Welfare Reform Act does not limit that power.

The appeal further states: "The department's regulations are reviewed by the governor and the Legislature prior to their adoption. ... If the Legislature did not intend for the department to adopt more stringent public assistance sanctions, then why would they direct the department to do so?"

"Additionally, if the department had attempted to act outside of their statutory authority in implementing the disputed regulations, the legislative review procedures would have prevented their implementation."

Nebraska Appleeed has filed its own appeal in the case, saying the plaintiffs should have been awarded monetary compensation.

Under the Employment First policy struck down, single parents with children older than 6 were required to work at least 30 hours a week to receive Medicaid. Two-parent families had to work a combined minimum of 35 hours or 55 hours a week, depending on whether they got federally funded child care.

Cash payments may still be withheld from people who don't work enough hours. The state Supreme Court is scheduled to hear arguments on Wednesday.

News Groups Seek More Info On Financial Trial

PIERRE (AP) — Three news organizations went to court Monday seeking more information from a partially closed trial regarding a financial dispute among owners of the Bear Country USA tourist attraction in the Black Hills.

Circuit Judge John Delaney of Rapid City had sealed many court documents and closed much of the trial in Rapid City to the public after ruling that financial information about Bear Country should be protected.

The trial, which ended Monday, was to determine the fair value of Bear Country stock, giving co-founder Pauline Casey and three of her children an opportunity to buy out the shares of four other children. After Delaney set a value Monday, they had 10 days to decide.

The Associated Press, *Rapid City Journal* and South Dakota Newspaper Association asked

the judge Monday for a copy of the trial transcript, even if financial information is edited out in compliance with his earlier ruling.

Jon Arneson, a lawyer for the news organizations, said the South Dakota Supreme Court might eventually be asked to decide whether Delaney's ruling was proper. The news organizations had planned to ask the state's highest court to prevent further closure of the trial, but that became moot when the trial ended, he said.

"We're not able to actually have the satisfaction of having a closed courtroom opened. But we will hopefully be able to have someone examine whether the courtroom was closed properly," Arneson said of a possible appeal to the Supreme Court.

Lawyers who had sought to close the trial and prevent public access to documents did not immediately return calls seeking

comment late Monday. They had argued that Bear Country's financial information amounts to trade secrets that should be kept confidential so competing tourism businesses cannot find out about the Bear Country's inner workings and financial dealings.

Bear Country USA, located in the Black Hills near Rapid City, features a three-mile drive through pine forests and meadows where visitors can see black bears, elk, reindeer, deer, cougars, bobcats, mountain goats, bighorn sheep and buffalo.

The judge originally closed the entire trial but later decided to open part of it and some of the court documents. He said financial information would be considered confidential.

In the April 21 hearing where he decided to open part of the trial, Delaney said he hoped his decision would be appealed to

the Supreme Court.

"I would frankly like their guidance to know what I can or cannot do," the *Rapid City Journal* quoted Delaney as saying. "I'm going to draw the line at financial data, and I'm going to protect it until the Supreme Court says otherwise."

Lawyers for some family members involved in the lawsuit asked the court to seal income tax records, financial statements, credit card records, financial projections, expert opinions on valuing the business and transcripts of the trial dealing with such information. That information should be kept private to protect trade secrets, proprietary business information and the privacy of people involved, they said in documents filed with the court.

Arneson said the news organizations are seeking information about the case so the public can find out what government is doing.

OBITUARIES

Dale Fryda

SPRINGFIELD — Funeral service for Dale E. Fryda, 86 of Springfield will be 10:30 a.m. Wednesday, April 28, 2010 at St. Vincent Catholic Church in Springfield, with Rev. Ken Johnson of Our Savior Lutheran Church officiating. Burial will be in the Springfield Cemetery, with military honors.



Fryda

Visitation will be at the Crosby-Jaeger Funeral Home in Springfield Tuesday from 2 p.m. to 7 p.m., with the family present from 6 to 7.

Dale Edwin Fryda, son of James and Minnie (Wagner) Fryda, was born May 7, 1923 at Kennebec, SD. He died Saturday, April 24, 2010 at the Good Samaritan Society in Tyndall. Dale attained the age of 86 years, 11 months and 18 days.

Dale's family moved to Tyndall where they lived for many years at what was known as the "County Poor Farm." He attend country school and later graduated from Tyndall High School.

Soon after graduation, Dale was inducted into the U.S. Navy on May 6, 1944. He served as a gunner on several battleships and

warships in the South Pacific during the entire time he was in the service. Dale was honorably discharged May 5, 1946.

On December 30, 1946, Dale was united in marriage to Elaine J. Lange at the Springfield Congregational Church by Rev. Cushing. In March of 1947, they moved to the Bixby farm south of Tyndall and lived there for 12 years. Later they bought a farm southwest of Springfield where they lived until 1991, when they moved into Springfield. Dale was a farmer all of his life until he retired. Dale loved fishing with all his friends and did commercial fishing with his oldest son for a few years. He became a resident of the Good Samaritan Society in Tyndall on October 13, 2009.

Dale was a member of Our Savior's Lutheran Church in Springfield and the Dwight Wood American Legion Post #132.

Dale loved a good joke. He always enjoyed getting together with his buddies for coffee and stories.

Thankful for having shared his life are wife Elaine of Springfield; three sons: Dale J. and wife Becky of Springfield; Gregory D. and Paul R. both of Oakland Park, FL; two grandchildren whom he loved dearly: David Dale of Riverdale,

ND and Lisa Renae of Lakewood, CO; two sisters: Hazel Kaufman of Yankton and Evelyn Coleman and husband Robert of Springfield; one brother, James and wife Maxine of Tyndall; two sisters-in-law: Doris Fryda of Oxford, NE and Leona Fryda of Springfield; many nieces and nephews; and a host of other relatives and friends.

Dale was preceded in death by his parents and two brothers: Lewis and Donald.
Yankton Press & Dakotan
April 27, 2010

Dennis Kaiser

Dennis R. Kaiser, 80, of Yankton died Saturday (April 24, 2010) at Avera Yankton Care Center.

Funeral services are at 2 p.m. Thursday at Wintz & Ray Funeral Home, Yankton, with the Rev. Paul Opsahl officiating. Burial will be in the Sacred Heart Cemetery, Yankton, with military honors by the Ernest-Bowyer VFW Post No. 791.

Visitation is one hour prior to the funeral service.

To post an online sympathy message, visit wintzrayfuneralhome.com.

Alvin Ackerman

Alvin Ackerman, 89, of Yankton and formerly of McLaughlin, died at his residence Saturday, (April 24, 2010).

Funeral services are at 7 p.m. Saturday, May 1, at Opsahl-Kostel Funeral Chapel, Yankton, with the Rev. David Wildermuth officiating. Burial of cremated remains will be at a later date in McLaughlin.

Visitation will begin one hour prior to the service on Saturday evening.

Alice Kreber

NEW HOPE, Minn. — Mass of Christian burial for Alice Ganske Kreber, age 84, of New Hope, MN, formerly of Mankato and South Dakota, will be Friday, April 30,

2010 at 10 a.m., with visitation one hour prior to the Mass, at St. Francis of Assisi Catholic Church, 1049 Howard St., Sturgis, SD. Burial is at 11:30 a.m. at Black Hills National Cemetery.

She was preceded in death by her husband, Lawrence and her brothers and sisters.

She is survived by son Donald L. (Piromrat), daughters, Julie (Charles) Gilley and Peggy (Warren Wagner), grandchildren, Aranya, Phillip, Christopher,

Mark, Dennis and Jeff; great-grandchildren, Alexander, Spencer, Landon, Sofia, Susan and Preston and dear friends and family.

Alice was appointed by Governor Wendell Anderson in 1973 to the Metropolitan Council, serving for three years.

Washburn-McReavy Funeral Chapels, Robbinsdale, MN is in charge of arrangements.

Yankton Press & Dakotan
April 27, 2010

Dying is not an option.

Flowers, music & cremation are. Discuss your wishes for a memorable service with family members now. Call us for more information.

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