

MIDWEST

River Flooding

Closes S.D. Road

PIERRE (AP) — The state Transportation Department has closed a portion of South Dakota Highway 19 south of Centerville because of flooding by the Vermillion River.

The DOT said parts of two other highways in eastern South Dakota remain closed: Highway 21 at Lake Marsh and Highway 42 from the junction of U.S. 281 east to the Davison County line.

U.S. Highway 81 and part of State Highway 28 at Lake Poinsett are closed to car traffic but are open for trucks.

Sec. Fraud Victims

May Get Checks

OMAHA, Neb. (AP) — Investors who lost millions of dollars through an Omaha man convicted of securities fraud may soon get some of their money back.

A receiver handling distribution of Bryan Behrens' assets in a case brought by the Securities and Exchange Commission has asked a federal judge to approve the first payment to investors.

In a motion filed Wednesday in U.S. District Court in Omaha, Thomas Stalnaker says an agreement has been reached on 47 of 48 claims for reimbursement. Together, the settled claims amount to \$9 million. The first distribution of funds is expected to total almost \$180,000. Payments will be prorated.

Behrens pleaded guilty last April to securities fraud and was ordered to spend five years in prison and repay \$6.8 million to his victims.

Codington County Declares Disaster

WATERTOWN (AP) — Citing damages of \$605,000 so far, the Codington County Commission approved a disaster declaration because of flood damage to roads, bridges and other infrastructure in the county.

The declaration is the first step in getting federal money to help pay for repairs.

The county's emergency management director, Jim Sutton, said damage reports are still pending from some towns and townships.

The highway superintendent said damage is more than \$227,000 just to gravel roads.

The *Public Opinion* newspaper said it's the second straight year for a disaster declaration in Codington County.

ND Close To Plan For Pipeline Project

BISMARCK, N.D. (AP) — North Dakota lawmakers are close to agreeing on how they'll pay for a \$150 million water pipeline project in western North Dakota.

House and Senate negotiators are considering loans to pay for the first \$110 million phase.

The Bank of North Dakota would loan \$37.5 million and be repaid first.

The state would lend \$37.5 million from its general fund and \$35 million from a separate trust fund.

The project will pipe water from the Missouri River into western North Dakota. It will sell the water to rural cities and oil companies.

Neb. Lawmakers Advance Roads Bill Again

LINCOLN, Neb. (AP) — A Nebraska roads bill that would tap sales tax revenue cleared a second legislative hurdle Wednesday, despite criticism that the plan is unaffordable and uncertainty that Gov. Dave Heineman will sign it.

Supporters overcame a filibuster and voted 36-12 to advance the legislation through second-round debate. A new version approved by lawmakers would commit one-quarter of a cent from Nebraska's 5.5-cent sales tax each year to road projects for cities, counties and the state.

The funding would start in 2013, continue for 20 years, and add roughly \$70 million annually to the revenue already generated by gas taxes and vehicle fees. Attempts to change the bill with amendments have failed, with the sponsor arguing that the ideas had already been considered.

Heineman repeated his concerns about the bill in a Wednesday press conference but declined to say whether he would veto. The governor has said he agrees

that roads funding is needed but questioned the timing in light of the fragile economy. On Wednesday, before the vote, lawmakers defeated a motion by Lincoln Sen. Danielle Conrad to postpone their decision until January.

"The challenge right now is, they want to move a little quicker than I would like," Heineman said. "Again, I don't have a crystal ball yet about 2013."

Opponents acknowledge the need for new roads and more maintenance but say the proposal departs from a decades-old practice of using revenue from gas taxes and motor vehicle fees. The bill's sponsor, Valentine Sen. Deb Fischer, said those fees don't generate enough.

Opponents contend that the bill could force court closures, school consolidations and other cuts if revenue falls short.

The approach taken by lawmakers will likely generate more money long-term than a simple gas-tax increase, said Joung Lee, deputy director for the American Association of State Highway and Transportation

Officials.

Opponents have repeatedly stressed that the plan is too expensive and relies on the assumption that general fund sales tax revenues will improve. One rejected proposal that was considered earlier this session would have raised Nebraska's gas tax to 12.5 cents per gallon, a 5-cent increase.

"There are pros and cons to both approaches," Lee said. "If you go the general-fund route, you're talking about a fairly small rate which results in an extremely large yield. The con is, it creates a disconnect between payers and users."

Lee said the ways states pay for roads vary. Generally, he said, smaller states rely more on sales tax revenue. Kansas passed a 10-year capital program last year that dedicates a portion of its general sales tax revenue to transportation needs.

The bill requires one final legislative vote before it proceeds to Heineman.

P.A. Woman Sues Over Target Debt Collection Methods Used By S.D. Bank

PITTSBURGH (AP) — A western Pennsylvania woman filed a federal lawsuit Wednesday against Target Corp. and its law firm over the discount department store chain's debt collection practices, saying false affidavits were used to go after customers who allegedly owed money to a subsidiary bank that issues the store's credit cards.

Vicki Higgins' lawsuit seeks class-action status on behalf of thousands of Target customers who have repaid Target National Bank debts, paid legal fees, lost lawsuits or had their credit scores damaged as a result of debt collections using the allegedly false affidavits.

The lawsuit seeks unspecified damages and a court order to stop the debt collection practices alleged by Higgins, who

lives in Westmoreland County, east of Pittsburgh.

Jessica Carlson, a spokeswoman for Minneapolis-based Target, said the company had not been served with the lawsuit and had no comment.

Officials with Target National Bank of Sioux Falls, S.D., and the chain's law firm, Patenaude & Felix APC, did not immediately return calls from The Associated Press. The suit also names a Target official identified only as Adam Grim, who signed the debt affidavits, a notary public who attested to the documents, and several "John Doe" defendants — one being an unknown "officer at Target Corporation who authorized the implementation of the false affidavit factory" described in the lawsuit.

Eminent Domain Lawsuits Rise In SD

SIoux FALLS (AP) — The number of eminent domain lawsuits TransCanada Corp. has filed against South Dakota landowners along the route of its proposed Keystone XL oil pipeline has risen by nearly two-thirds in recent months.

Court records show that the number of lawsuits has increased to 21 from 13 in January, the *Argus Leader* reported.

The \$7 billion, 1,900-mile pipeline will carry oil from Canada to Texas if it gets federal approval. Supporters say it would boost U.S. jobs and energy production. The pipeline would pass through more than 300 miles of land in South Dakota. Many landowners in the state have granted easements but many worry about such things as liability issues and

potential groundwater contamination.

"They're starting to put the pressure on," said John Harter, who ranches near Colome and belongs to a group that has lobbied for more landowner protections. He said TransCanada lawyers have told him they will be suing him shortly.

"They get to do a one-time payment, and then use your property to make millions of dollars with for the next 40 to 50 years," he said. "They're getting better business terms than what I get (as a rancher)."

TransCanada said it sues to

condemn land only as a last resort after easement

negotiations have failed, and that it always treats landowners fairly. "It's called filing a lawsuit, but that's not really what it is," company spokesman Shawn Howard said. "It's really just to request a hearing on (compensation)."

Nina Vansickel, of Opal, said she reluctantly settled with the company after a two-year battle over three stretches of land in rural Meade County.

Documents show she was paid \$56,000, but "I've signed something that will affect my grandchildren," she said.

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