

### Judge Substitutes Regents In Camp Lawsuit

ABERDEEN (AP) — A judge has ruled that the South Dakota Board of Regents should be a party in a lawsuit determining liability for injuries an 11-year-old boy suffered when he fell out of a camp bunk bed.

The civil lawsuit filed in Brown County says the incident occurred in June 2011 at the camp near Aberdeen and that the boy fell out of a top bunk that did not have a guard rail, according to the Aberdeen *American News*. His father, Ted Haeder, sued South Dakota 4-H, the Richmond Lake Youth Camp and Brown County claiming negligence on the defendants' part.

But Judge Jack Von Wald ruled this week that the Board of Regents be substituted as a defendant in place of South Dakota 4-H, because 4-H is operated by South Dakota State University and the regents oversee SDSU.

Jennifer Van Anne, an attorney for the regents, had asked that the lawsuit be dismissed entirely because it listed the wrong defendant. The judge denied that motion and instead ordered the switch in defendants.

The boy's medical bills had topped \$28,000 as of March 6, according to court records.

Zachary Peterson, an Aberdeen attorney representing the county and youth camp, has filed a cross claim that denies any county liability in the case. The claim says the Board of Regents would bear any liability for the incident.

### Salmonella Outbreak Linked To Baby Chicks

PIERRE (AP) — South Dakota health officials are reporting an outbreak of salmonella associated with baby chicks.

The department says that three cases have been reported in the southeastern part of the state and one in the southwest. One case was a child younger than 4 and the others were adults.

Children are especially susceptible because they frequently put their fingers into their mouths and because their immune systems are still developing.

Early symptoms of Salmonella include fever, diarrhea and abdominal pain. Bloodstream infections can be quite serious, particularly in the very young or elderly.

Officials recommend that residents wash hands thoroughly after handling poultry.

### Children's Choir From Pierre Safe In Boston

PIERRE (AP) — Adults with the Capital City Children's Choir of Pierre said Friday that the group is safe in the Boston area despite the highly publicized manhunt for a suspect in the Boston Marathon bombings.

The choir earlier this week traveled to Boston, where the marathon was bombed Monday in an attack that killed three people and injured more than 160 others. Early Friday morning, one of two suspects identified by the FBI had reportedly been killed in a police shootout while the search for a second suspect was under way.

Though more than a million residents were ordered to stay in their homes, chaperone Julie Meyers told KSFY-TV that the group's hotel was not in an area of Boston that was under lockdown.

Chorus Director Barb Newman told KCCR radio that the 64-member group on Friday was on a museum tour about 45 minutes from Boston.

Newman said the chorus had dinner Thursday night in the area of MIT, where the suspects allegedly killed a campus police officer. The group's bus encountered law enforcement vehicles rushing to the scene, she said. The group has been holding impromptu performances at various places, she added, and so far is still scheduled to play at the Cathedral of St. Paul on Sunday and at Fenway Park on Monday.

4+20 MUNICIPALITY OF LESTERVILLE STATEMENT OF FUND CASH BALANCES ALL FUNDS For the Year Ended December 31, 2012					
			Enterprise Funds		Total
	General Fund	Reserve Fund	Water Fund	Sewer Fund	
Cash Assets:					
Cash in Checking Accounts	23,543.40	24,576.22	15,014.54	29,906.48	93,040.64
101 FUND CASH BALANCES (Note 1)	23,543.40	24,576.22	15,014.54	29,906.48	93,040.64
Municipal funds are deposited or invested with the following depositories:					
First Dakota National Bank General Fund					23,543.40
First Dakota National Bank Reserve Fund					24,576.22
First Dakota National Bank Water Fund					15,014.54
First Dakota National Bank Sewer Fund					29,906.48
					93,040.64
Note 1: These amounts must equal the amounts stated on the bottom line of Exhibit II, page 3.					
Exhibit II MUNICIPALITY OF LESTERVILLE STATEMENT OF RECEIPTS, DISBURSEMENTS AND CHANGES IN FUND CASH BALANCES ALL FUNDS For the Year Ended December 31, 2012					
			Enterprise Funds		Total
	General Fund		Water Fund	Sewer Fund	
Receipts (Source):					
311 Property Taxes	13,065.91				13,065.91
313 Sales Tax	33,902.78				33,902.78
311-319 Other Taxes (319)	496.17				496.17
320 Licenses and Permits	2,445.00				2,445.00
335.1 Bank Franchise Tax	307.88				307.88
335.3 Liquor Tax Reversion	1,050.96				1,050.96
335.4 Motor Vehicle Licenses (5%)	3,040.75				3,040.75
335.8 Local Government					
Highway and Bridge Fund	9,860.63				9,860.63
338.1 County Road Tax (25%)	156.38				156.38
331-339 Other Intergovernmental					
Revenue (339)	174.35				174.35
341-349 Charges for Goods and Services (341)	9,758.88				9,758.88
351-359 Fines and Forfeits (351)	536.49				536.49
361 Investment Earnings	49.57				49.57
363-369 Other Revenues (369)	1,453.50				1,453.50
ENTERPRISE FUNDS					
380 Enterprise Operating Revenue			21,187.78	16,133.00	37,320.78
Total Receipts		76,299.25	21,187.78	16,133.00	113,620.03
Disbursements (Function):					
411-419 General Government (414)	14,568.96				14,568.96
422 Fire	4,483.70				4,483.70
431 Highways and Streets (includes snow removal & street lights)	4,268.90				4,268.90
432 Sanitation (includes garbage & rubble sites)	8,870.92				8,870.92
433-439 Other Public Works (435)	312.23				312.23
451-459 Culture-Recreation (451)	425.22				425.22
470 Debt Service	11,019.37				11,019.37
480 Intergovernmental Expenditures	601.52				601.52
ENTERPRISE FUNDS					
410 Personal Services			1678.43	1486.44	3,164.87
420 Other Expenses			13150.11	471.90	13,622.01
426 Supplies and Materials			19098.00	6656.49	25,754.49
Total Disbursements	44550.82		33926.54	87092.19	87092.19
39101 Transfers In		12579.12		5897.92	18,477.04
51100 Transfers Out	(12579.12)				(12,579.12)
391.2 Money Received From Borrowing					
Miscalculated transfer from 2011	3834.56				(3834.56)
Subtotal of Receipts, Disbursements and Transfers	23003.87	12579.12	(6840.84)	3683.61	32425.76
Fund Cash Balance, January 1, 2012	539.53	11997.10	21855.38	26222.87	60,614.88
Adjustments:					
Restated Fund Cash Balance, January 1, 2012	539.53	11997.10	21855.38	26222.87	60,614.88
FUND CASH BALANCE, DECEMBER 31, 2012	23543.40	24576.22	15014.54	29906.48	93,040.64
Published once at the approximate cost of \$231.00.					

# Crash That Killed Gov. Remembered

BY DAVID MONTGOMERY  
Argus Leader

SIoux FALLS (AP) — It was a tragedy that struck home not just for the families and friends of the victims, but for the entire state.

South Dakota's governor, George S. Mickelson, was among the dead when a state twin-engine, eight-seat airplane crashed into an Iowa silo on April 19, 1993, killing everyone aboard. The plane was returning to Sioux Falls from a trip to Ohio, a mission to try to save the John Morrell and Co. packing plant here.

Nationally, the deaths were overshadowed by the bloody federal siege of a religious compound near Waco, Texas, on that same day 20 years ago. But in South Dakota, the crash could not be ignored.

"It just put us in a state of shock," said Craig Lawrence, the current chairman of the South Dakota Republican Party, who was close to Mickelson. "It was South Dakota's version of 9-11. How could such a horrendous thing happen?"

The plane went down near Dubuque, Iowa, shortly before 4 p.m. It was about an hour later when South Dakotans started to find out something had happened.

"Our receptionist answered the phone, bolted into my office and told me I had to take this phone call," Frank Brost, Mickelson's chief of staff, told the *Argus Leader*. It was late afternoon, around 5 p.m., and most of the governor's staff were still at the Capitol, where they customarily worked until 5:30 or 6.

It fell to Brost to take the call from a federal aviation official.

"He advised that the plane was down, and there were no survivors, and that we had about 20 minutes to start notifying people because the story had started to break in the Chicago



Mickelson

television area," Brost said.

The next hours and days were a whirlwind, as South Dakota came to grips with the death of its governor and other civic leaders.

"It was an empty feeling," said Bernie Hunhoff, a Democratic leader in the Legislature who was serving his first year when Mickelson died. "I knew it was a huge loss for the entire state."

Some people didn't have the luxury of grieving. Mickelson's staff, some of the people who knew the governor best, had to get to work.

Brost spent that first evening contacting the families of the deceased. Aside from Mickelson, the dead in the crash included two state pilots, Ron Becker and David Hanson, banker David Birkeland, power company executive Angus Anson, Sioux Falls Development Foundation leader Roger Hainje, economic development commissioner Roland Dolly and energy commissioner Ron Reed. Every one was married. All but two had children.

A Highway Patrol car was dispatched to intercept Mickelson's wife, Linda, who was driving on the highway. Arrangements were made for the Mickelson children, off at college, to return. Some family members heard reports of the accident and called in.

So did some relatives of people who hadn't been on the plane. Gubernatorial adviser Greg Dean was in Pierre but had regularly traveled with Mickelson during his years in the governor's office.

"I knew that I was OK, and that was really all that I was thinking at the time," Dean said, explaining why he didn't call family members.

But his family was worried, and his brother hesitantly called the Capitol.

"From his standpoint, it's one of those calls you're hesitant to make, because you're afraid of what the answer is," Dean said.

Another near miss came from Lawrence, who had been scheduled to travel to Ohio with Mickelson.

"A couple of days before we were going to go ... they said, 'The prospect wants to talk about electricity, electrical power and availability. You're out.'" And they put Angus Anson on, because he was president of Northern States Power," Lawrence said. "If that prospect hadn't asked about electricity, I would probably be being remembered instead of remembering. It's one of those moments in life where you can't fathom why."

There was other work to be done. Brost talked to Walter Dale Miller, Mickelson's lieutenant governor, about when to swear him in. Dean was assigned to contact dentists for dental records to help identify bodies in the wreck. A Cabinet meeting was called for 7:30 the next morning. There was a memorial to plan and a state to run.

"That whole week, in a lot of ways, was just a blur," Dean said. "You just never had a chance to really focus on the enormity of the sadness, just because we all had a significant number of jobs that just needed to be done. The families had to grieve. The state had to grieve."

And the state did. Mickelson lay in state in the Capitol in Pierre, and then was moved to Brookings for a funeral. People lined the highway for the procession.

Mickelson was near the end of his two terms as governor when the crash happened, an energetic tenure that had left a mark on the state.

He had created the REDI economic development fund, laid the groundwork for major rural water projects, and called for a Year of Reconciliation between Native American and non-Native South Dakotans.

# High Court Upholds Dismissal Of Lawsuit

BY MARGERY A. BECK  
Associated Press

OMAHA, Neb. — The Nebraska Supreme Court on Friday upheld the dismissal of an Omaha woman's lawsuit against a Massachusetts bookseller over a rare, autographed novel in a decision that has implications for online merchants.

Helen Abdouch, 86, had claimed in the lawsuit that Ken Lopez and his Hadley, Mass.-based business, Ken Lopez Bookseller, improperly used her name and position as executive secretary on John F. Kennedy's presidential campaign to sell an autographed copy of "Revolutionary Road" she said had been stolen from her in the 1960s.

The pre-published, hardback copy of the 1961 novel about a disillusioned Connecticut couple was autographed by Richard Yates for Abdouch and included a personal note of best wishes. Yates, who had worked as a speechwriter for U.S. Attorney General Robert Kennedy in the early 1960s, died in 1992. "Revolutionary Road" was adapted into a 2008 movie starring Leonardo DiCaprio and Kate Winslet.

Abdouch's lawsuit said Lopez, who bought the book in 2009 from someone in Georgia, used the inscription by Yates and Abdouch's name in online advertisements to sell the book. Abdouch's lawsuit cited a 1979 Nebraska state law that allows people to sue if their names or images are exploited for

commercial gain.

The trial court dismissed the lawsuit, saying Nebraska did not have jurisdiction in the case, and Abdouch appealed, saying Lopez's online advertisement deliberately targeted her and other Nebraska residents.

But in a case of first impression, the Nebraska Supreme Court said Friday that Abdouch failed to show Lopez and his business have even a minimum connection to the state of Nebraska. Lopez and his business do not own, lease, or rent land in Nebraska and have never advertised directly or participated in book fairs in Nebraska, Nebraska Supreme Court Judge Michael McCormack wrote for the high court. He also noted that

Lopez has only two Nebraska customers on his mailing list and that from 2009 through 2011, he made a total of \$615 in sales to Nebraska residents out of an estimated \$3.9 million in total sales.

The benchmark in determining whether a state court has jurisdiction over matters involving an out-of-state defendant "is whether the defendant's minimum contacts with the forum state are such that the defendant should reasonably anticipate being hauled into court there," McCormack wrote. "Beyond the minimal website sales to Nebraska residents and mailing catalogs to two Nebraska residents, Lopez's and (his business') contacts with Nebraska are nonexistent."

## Latest S.D. Snowstorm Breaks More Records

SIoux FALLS (AP) — The latest spring snowstorm yet again broke records in the Dakotas.

The 2.9 inches of snow that fell Thursday in Sioux Falls, S.D., broke the 0.6-inch record for that day in 1978, according to the National Weather Service. Huron, S.D., saw 3.3 inches, breaking the previous 1.8-inch record from 1995. And Mitchell's 1910 record of 2 inches was exceeded by 1.3 inches Thursday.

Eastern South Dakota's roads were still slippery early Friday, and in southeastern North Dakota, which also received a couple of inches of fresh snow, the state Transportation Department issued a travel alert due to blowing snow.

Sioux Falls and Huron also broke city records on Thursday for coldest high temperature — 32 degrees and 33 degrees, respectively. In North Dakota, Dickinson had a record low of 11 degrees, breaking its record of 12 degrees set in 1953.

Spring snowstorms have walloped the Dakotas for more than a week. Earlier storms broke daily snowfall records in both Rapid City, S.D., and Bismarck, N.D. And a three-day ice storm last week damaged and downed trees and electrical lines in the Sioux Falls region, cutting power at one point to nearly 100,000 people.

City Councilman Kenny Anderson Jr., who also is on Xcel Energy's South Dakota Advisory Board, said he thinks it might be time to move the power lines underground.

"It's a question to see what the cost would be and if they felt it would be worthwhile to do," Anderson told the *Argus Leader*.

Xcel supplies power to most people and businesses in Sioux Falls. The utility mobilized workers from across the Midwest to help restore power in areas that were damaged in the ice storm.

Xcel spokesman Jim Wilcox said burying the system already served by overhead power lines would be costly, though he did not have an exact estimate.

"I think it easily could cause our rates to have to double," he said. "It would be an extraordinary expense."

Pierre, S.D., which has a municipal electric utility, decided 35 years ago to convert its overhead electric system to an underground system, utilities director Brad Palmer said. The transition happened section by section, and it took about 10 years to complete.

"I think it's definitely been a benefit to us," Palmer said.

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