

Construction Workers Turn Neb. Creek Red

OMAHA, Neb. (AP) — Construction workers cleaning out tubs filled with concrete say they accidentally turned a nearby Omaha creek red.

Greg Armstrong, owner of Swain Construction, says his employees were cleaning the tubs Friday afternoon about 70 feet from the Little Papio Creek in Omaha. Armstrong says three to four gallons of the dye leaked into the creek in the process, but the water has since been cleared.

The *Omaha World-Herald* reports the Nebraska Department of Environmental Equality and county officials were called to test the water.

A supervisor with the state agency says officials are aware of the issue, but had no further information.

Armstrong says the dye isn't harmful to fish or other wildlife.

Man Charged With 1989 SD Slaying

SIoux FALLS (AP) — A Florida man was arrested Friday on a first-degree murder charge in connection with a slaying more than 25 years ago in South Dakota.

Kim Aune, a 57-year-old man from Lee County, Florida, was indicted Thursday in South Dakota and arrested in Florida early Friday. Authorities are working to bring him back to South Dakota to face the charge.

Aune is charged with shooting 21-year-old Kimerbly Eidsness, his girlfriend at the time, on Nov. 13, 1989, at their home east of Sioux Falls. Aune, who was 31 at the time, was living with Eidsness when she died, said State's Attorney Aaron McGowan.

Captain Paul Niedringhaus of the Minnehaha County Sheriff's Office said Aune had been living in Florida for some time before his arrest.

"It's not a situation in which he fled South Dakota," Niedringhaus said.

Because the investigation is ongoing, Niedringhaus and McGowan said evidence and case specifics are not being released yet.

Once Aune is back in South Dakota, he will have his initial appearance and arraignment on the murder charge.

Motorcycles Used To Crack Down On DUIs

SIoux FALLS (AP) — For the first time in 30 years, state troopers are going to police the highways on motorcycle in an attempt to crack down on drunken driving in the state.

The South Dakota Highway Patrol unveiled three new Harley Davidson motorcycles at the state capitol on Friday.

The funding for the new bikes comes from a federal grant intended to aid DUI enforcement. Colonel Craig Price says troopers on motorcycles are able to respond to calls faster because they can more easily maneuver through traffic.

Six troopers underwent two weeks of motorcycle training at the Wisconsin State Patrol Academy.

The motorcycles will be assigned to Pierre, Rapid City and Sioux Falls. They will also be used throughout the state, including at the Sturgis Motorcycle Rally in August.

Lawsuit Over Autistic Boy To Proceed

LINCOLN, Neb. (AP) — A judge says a lawsuit may proceed against Lincoln Public Schools over treatment of a 12-year-old boy with autism.

The *Lincoln Journal Star* reports that the lawsuit claims the boy suffered mental health problems after being kept in a special safe room at the school dozens of times during the 2010-11 school year. The boy's parents say they not notified about their son's handling, as district policy requires. The lawsuit seeks damages for the boy's pain and suffering, and reimbursement of \$1,470 for psychological treatment and future psychological services.

The district sought to dismiss the lawsuit, arguing that the family didn't exhaust remedies available through federal special education law, and that the law protects governmental subdivisions from being sued for certain "discretionary actions."

On Feb. 8, 2011, the child's mother found her son had been placed in a 5-by-7-foot, unfurnished safe room with a small window in the door that can't be opened from the inside when her son's school asked her to bring a change of clothes for him, according to the lawsuit.

The lawsuit says the mother had participated in creating her son's individual education plan, which never called or mentioned the use of a safe room. According to the judge's order, the parents thought the safe room was another classroom where their son could go if he became over-stimulated.

Ousted Tribal President Fighting For Job

RAPID CITY (AP) — The recently removed president of the Rosebud Sioux Tribe is fighting to get his job back.

The Tribal Council on Tuesday ousted President Cyril "Whitey" Scott from office over alleged ethics violations. The council also banned Scott from running for any tribal office in the future.

Scott won election in 2012 but has been entangled in various ethics-related proceedings since then. He was accused of mishandling tribal funds and disobeying an order from the tribal Ethics Commission to reinstate an employee he had ordered fired, according to council representative Webster Two Hawk Sr.

Scott and his attorney, Gary Montana, told the *Rapid City Journal* that Scott's removal is politically motivated.

"He didn't do anything wrong," Montana said. "His term ends in August (and) there's an election going on. People are jockeying for position, and they want him out of the way."

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USDA Confirms Bird Flu At 5th South Dakota Turkey Farm

BY KEVIN BURBACH
Associated Press

SIoux FALLS — Five commercial turkey farms in South Dakota have now been infected with a bird flu strain that's led to the deaths of more than 250,000 turkeys in the state and over 2.4 million birds in the Midwest.

The U.S. Department of Agriculture's Animal and Plant Health Inspection Service announced Friday that the H5N2 strain of avian influenza in a flock of 66,000 birds in a Roberts County farm in the far northeastern corner of the state, marking South Dakota's largest outbreak to date.

The approximately 6-mile quarantine zone that officials set up around the impacted farm also stretches into parts of North Dakota and Minnesota. Dr. Dustin Oedekoven, the South Dakota state veterinarian, said Thursday that crews were beginning to euthanize the farm's surviving birds to prevent the disease from spreading.

The commercial turkey farm is the latest in the region to be hit with the disease that has cost producers



METRO GRAPHICS

millions of birds since early March. Dr. John Clifford, the USDA's chief veterinary officer, told The Associated Press on Thursday the nation's poultry industry may have to live with the deadly bird flu strain for several years.

Once response teams have "depopulated" the Roberts County farm, approximately 256,000 turkeys in South Dakota will have died as a result of the disease. While that's a considerable chunk of the approximately 4.5 million turkeys the state's Hutterite growers

Ricketts: Neb. Judicious In Use Of Death Penalty

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Gov. Pete Ricketts argued Friday that Nebraska has remained judicious in its use of the death penalty and said he was working to reinstate capital punishment after the state's supply of a lethal injection drug expired.

Capital punishment serves as an important tool for prosecutors, Ricketts said, even though it is seldom used.

His comments came one day after lawmakers gave first-round approval to a bill that would end capital punishment. The Republican governor has promised to veto the measure, which still has to advance through two more votes in the Legislature.

"We're not Texas," Ricketts said. "We use it judiciously here. We only have 11 people on death row."

Texas executed 10 inmates in 2014 and has put six to death so far this year, according to that state's Department of Criminal Justice.

Nebraska has sentenced 33 offenders to death since 1973, three of whom were executed. The last was Robert E. Williams, who was electrocuted in 1997. Williams confessed to killing three women and trying to kill a fourth during a three-day

rampage in 1977 that crossed into three states.

Nebraska has 11 men currently sitting on death row. One of the inmates, Carey Dean Moore, has been awaiting execution for 35 years for killing two taxi drivers.

Ricketts said he was working with his new corrections director, Scott Frakes, to reinstate a functional death penalty, but declined to say when or how that might happen.

Nebraska is required under state law to use a three-drug protocol for executions, but its supply of sodium thiopental — a required anesthetic — expired in December 2013. The drug is nearly impossible to buy because it's produced by European pharmaceutical companies that are forbidden from selling drugs used for capital punishment.

"Certainly I think there are other options beyond just the current protocol," Ricketts said.

Death penalty supporters argue the punishment is warranted for crimes that are especially heinous, or those that involved children as victims. Some of the state's current death row inmates were convicted of sexual assaults, robberies or torturing victims while committing murder.

Neb. Power District Converting Coal Plant Unit To Use Hydrogen

HALLAM, Neb. — Nebraska Public Power District and a California-based manufacturer said they will collaborate on a project that will provide cleaner-burning hydrogen to a nearby power plant that will convert one of its coal-fired units, the district announced on Friday.

One of the two units at Sheldon Station near Hallam in southeast Nebraska will be converted to the hydrogen fuel by 2019, officials said. The hydrogen will come from a carbon black plant that is expected to be built and operating by 2016, said officials for Monolith Materials, of Redwood City, California.

"This is an example of the next generation of American innovation and energy production that will also have a positive economic impact in Nebraska and deliver clean and affordable energy to the state," said Gov. Pete Ricketts.

Burning hydrogen instead of coal will cut emissions from Sheldon's Unit 2 to near zero, officials said.

The environmental group Sierra Club applauded the plan and encouraged the district to continue down a path toward less pollution.

"Starting the shift away from coal is an important first step for NPPD to reduce its pollution," said Graham Jordison, a field organizer with the Sierra Club's Beyond Coal campaign in Nebraska. "However, the fact remains that NPPD will continue to burn coal from a unit at the Sheldon coal plant," he said.

"We urge NPPD to continue what it started today and complete a thorough evaluation of its opportunity to invest in modernizing the way we get our power by committing to shift away from coal to clean energy," Jordison said.

The project will be built in phases and will create about 600 jobs, including about 100 at the plant, which will be built adjacent to Sheldon Station, said Monolith co-founder Rob Hanson.

Hydrogen is a byproduct of the process to make carbon black, which is a fine black powder used to produce rubber, plastics and other products and materials.

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