

MIDWEST DIGEST

I-29 Shut Down As Possible Poison Probed

WILMOT, S.D. (AP) — An 11-mile stretch of Interstate 29 in northeast South Dakota remains closed because of an incident that might involve a deadly material.

Watertown Fire Department spokesman Tyler McElhany (MAK'-eh-lahny) says there was an initial report of a car in the area north of Wilmot with a dead person inside and the words "hydrogen sulfide" written on a window. Hydrogen sulfide is poisonous gas that emits fumes smelling like rotten eggs.

McElhany says he can't confirm the initial report, but emergency responders and the fire department's hazardous materials team are on scene investigating.

He says both northbound and southbound traffic between mile markers 213 and 224 is being diverted, and the stretch likely will remain closed for at least a few more hours.

\$34,000 For Drawings Of New Corn Palace

MITCHELL (AP) — The city of Mitchell will spend \$34,000 for designs for a new Corn Palace.

The city council authorized the 2011 allocation for conceptual drawings after a request last week from the Mitchell Area Chamber of Commerce.

The report prepared by a chamber subcommittee says the current arena is showing its age and a new, larger one is needed to preserve Mitchell's history as tourist destination.

The Corn Palace is known for its colorful exterior murals, which are redesigned each year out of corn and other grains.

The first Corn Palace debuted in 1892. The current one — the third in the series — was built in 1921.

Rounds Lifts Restrictions On Big Sioux

SIOUX FALLS (AP) — The Big Sioux River has been reopened for recreation in Minnehaha County.

That section of the river was closed earlier this month after the city of Sioux Falls was forced to release untreated wastewater into the waterway amid flood-related sewer problems.

Sioux Falls public health director Jill Franken says tests show a continued decline in the amount of fecal coliform bacteria in the river. So, Gov. Mike Rounds on Wednesday lifted restrictions on the lake.

Autopsy Confirms Man Died Of Gun Wounds

SIOUX FALLS (AP) — The South Dakota attorney general's office says an autopsy has confirmed that a Sioux Falls man shot by sheriff's deputies died as a result of those injuries.

Thomas Webster died shortly after being shot Friday at his home.

Minnehaha County assistant sheriff Michelle Boyd says two deputies attempted to arrest the 55-year-old on outstanding warrants for failing to appear in court. Boyd says Webster was armed with a gun and was shot by at least one of the deputies.

The deputies have been placed on leave. They're expected back on the job next week.

In January, Webster was involved in an 11-hour standoff with deputies. He was due in court later Friday for sentencing on charges related to the standoff.

Trial Ordered For Woman In Girl's Drowning

OMAHA, Neb. (AP) — A Douglas County Court judge has ordered an Omaha woman to stand trial in the drowning death of a 4-year-old girl in a motel swimming pool.

Deshayla Neal faces a manslaughter charge in the Feb. 27 death of Iyana Allen. The 25-year-old could face life in prison if convicted.

Police say the girl had been attending a large party at a mid-town hotel and was found at the bottom of the swimming pool. She died at a hospital.

Douglas County prosecutor Brenda Beadle says the girl was at the bottom of the pool for more than an hour. Neal was the girl's caregiver at the time but is alleged to have been out buying party supplies.

Neal is out on bail. Her attorney says there were teenagers at the party who were watching over the younger children.

Community Colleges See Enrollment Jump

OMAHA, Neb. (AP) — Some Nebraska community colleges are seeing record enrollment increases, thanks to a sour U.S. economy that has high school graduates looking for cheaper ways to get a college education and is sending some workers back to college for more training.

Nebraska Community College Association director Dennis Baack says Nebraska's community colleges have a seen a nearly 13 percent increase in enrollment in the last year.

That includes a more than 16 percent increase at Omaha's Metro Community College, to this summer's enrollment of 12,749 students.

Southeast Community College in Lincoln also saw record enrollment last year, jumping 9.4 percent with 9,447 students to 10,335 by the end of June — the first time the school has exceeded 10,000 full-time students.

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Future Of Other Neb. Abortion Law Murky

BY **TIMBERLY ROSS**
Associated Press Writer

OMAHA, Neb. — One of two controversial abortion laws put on the books in Nebraska this spring was likely blocked for good on Wednesday, and the future of the other law is murky.

Attorney General Jon Bruning announced Wednesday that he'd agreed to a permanent federal injunction against enforcement of a law requiring health screenings for women seeking abortions.

Citing an earlier ruling temporarily blocking the law from taking effect, his spokeswoman said Bruning believes that there's little chance the law would prevail in court against a lawsuit filed by Planned Parenthood of the Heartland.

"Losing this case would require Nebraska taxpayers to foot the bill for Planned Parenthood's legal fee," spokeswoman Shannon Kingery said. "We will not squander the state's resources on a case that has very little probability of winning."

But the state's leading anti-abortion group said it expects Bruning's office to throw its resources behind preserving the other law should it be challenged.

That law — the first of its kind in the U.S. — would ban abortions starting at 20 weeks based on assertions from some doctors that fetuses feel pain at that stage of development.

"Any suggestion that Attorney General Bruning is shirking his responsibility to defend pro-life legislation is not shared by Nebraska Right to Life," executive director Julie Schmit-Albin said. If the ban is challenged in court, she said, "we are confident that the attorney general will vigorously defend any attack on that law."

The ban is scheduled to take effect Oct. 15, but it also could face a legal fight. Dr. Leroy Carhart, whose clinic in Bellevue is among the few in the nation to offer late-term abortions, has taken on other abortion laws before the U.S. Supreme Court. And his backer, the New York-based Center for Reproductive Rights, hinted in an April letter to Gov. Dave Heineman that it would challenge Nebraska's ban.

"This bill is clearly unconstitutional and is the most extreme abortion law passed in this country in recent memory," the letter stated.

Center spokeswoman Dionne Scott said Wednesday that no

decision had been made about a challenge. Calls to Carhart are directed to the center.

Lawyers on both side of the debate have said abortion rights groups may choose not to take on Nebraska's ban because of fears that losing could change the legal landscape for abortion nationwide. If opponents challenge the law and lose, the court could redefine the timeline for abortion restrictions, throwing out viability — when a fetus could survive outside the womb — in favor of the point when a fetus could feel pain, as it's defined by Nebraska's law.

The health screening law was challenged in a lawsuit filed last month by Planned Parenthood of the Heartland in U.S. District Court in Omaha. The group said the law could be difficult to comply with and could require doctors to give women irrelevant information.

Jill June, the group's president and CEO, said court documents were filed within minutes of Bruning's announcement on Wednesday to make the injunction permanent. A federal judge still must sign off on the agreement, though it wasn't immediately known when that would be.

"We have maintained from day one ... that this law was unconstitutional, and we are coming close to end of this legal battle," June said.

The law would require women wanting abortions to be screened by doctors or other health professionals to determine whether they had risk factors indicating they could have mental or physical problems after an abortion. If screening wasn't performed or was performed inadequately, a woman with mental or physical problems resulting from an abortion could file a civil lawsuit, according to the law. Doctors would not face criminal charges or lose their medical licenses.

The law was to take effect July 15, but U.S. District Judge Laurie Smith Camp had temporarily blocked it from taking effect. In that ruling, the judge said evidence presented so far showed that the screening law would make it harder for women to get an abortion in Nebraska by requiring screenings that could be impossible to perform under a literal reading of the law. She also said the law would put abortion providers at risk of crippling lawsuits.

Gov.: State Will Take All Money In Jobs Bill

BY **CHET BROKAW**
Associated Press Writer

PIERRE — South Dakota will accept all the \$47.2 million in federal aid it was allocated in the jobs bill passed last week by Congress, Gov. Mike Rounds said Wednesday.

Rounds, a Republican, last week said the state might not be able to take the extra \$26.3 million in education aid because acceptance of the money might trigger an increase in local school districts' property taxes. Guidance received from the U.S. Education Department now means South Dakota can qualify for the federal money without requiring any tax increase, he said.

The state also will accept an extra \$20.9 million in federal money for the Medicaid program that provides health care for poor people.

The additional \$47.2 million in federal aid will free up the same amount of state money that can be encumbered for spending in the budget year that begins next July,

which will help narrow the budget gap in that year, the governor said.

The next governor and the 2011 Legislature will probably still have to consider some budget cuts for next year, but those cuts will be \$47.2 million less than would have been required without the extra federal money, Rounds said.

"It significantly reduces what the cuts might be," said Rounds, who is term-limited and leaves office at the end of this year.

Brian Aust, the communications director for the South Dakota Associated School Boards, said some school districts will be disappointed that the federal money will not be used to increase spending on K-12 education, but education groups hope the next governor will follow Rounds' plan to use the extra federal money to avoid future budget cuts.

"Schools are going to make due now and brace for what are uncertain times in the future," Aust said.

South Dakota school districts have not laid off many teachers, but some have not filled positions left vacant because of retirements or resignations, Aust said.

The \$26 billion jobs bill passed by Congress provides \$10 billion to help retain teachers or rehire those already laid off. It also provides \$16 billion for another six months of increased Medicaid payments to states, which frees up state money for other uses.

South Dakota school districts

are funded with a mix of state and local funds, and the Legislature kept this year's spending per pupil at last year's level. Rounds said South Dakota will not use the extra money to increase spending per pupil, but instead will use the federal money to free up state funds that can be carried over to support school districts in the year beginning next July.

To qualify for the federal education money, South Dakota will have to show funding for school districts and higher education has not fallen below 2009 levels, the governor said.

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Monday, August 23

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