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Illness That Has Sickened 576 Hits S.D.

PIERRE (AP) — An intestinal illness that has sickened more than 500 people in other states has been reported in South Dakota.

The state Department of Health says it's not clear whether all the cases are from the same outbreak of cyclosporiasis, including the one in Meade County.

Nationally, health officials are investigating 576 cases in 19 states, with most occurring in June and July. Iowa has reported 153 cases and Nebraska, 56.

The outbreak is linked to a packaged salad mix from a plant in Mexico that has suspended its operation.

Cyclosporiasis is caused by a parasite on food or water. The illness can last a month or longer if not treated.

South Dakota's last reported case was in 2008.

Dead Woman's Boyfriend Had Warrant

OMAHA, Neb. (AP) — Authorities say the boyfriend of a woman found dead in an open grave in Omaha has an arrest warrant that was issued one week ago, after he was accused of assaulting her.

Police said Friday they were still investigating the death of 19-year-old Melissa Rodriguez as a homicide. Rodriguez's body was found at Graceland Park Cemetery on Thursday morning.

No arrests have been made, but the Douglas County attorney's office says 19-year-old Mikael Loyd is considered a person of interest in the case. According to an affidavit, Rodriguez was assaulted on June 11. Officers who spoke with her reported that she had bruises on her arms and legs, but Rodriguez said she didn't want to press charges. Her family members voiced concerns that she was in an abusive relationship.

Couple Convicted Of Horse Neglect

RAPID CITY (AP) — Jurors in Rapid City took just over an hour to convict a couple of neglecting dozens of horses last winter.

Donald and Terri Harwood were found guilty Friday of nine counts each of inhumane treatment of an animal.

Deputies in January seized 69 horses at the Rapid Valley home. A prosecutor says the horses at times were left without hay or water, and some were thin and weak. A defense attorney argued the Harwoods were caring for the horses, and that skyrocketing hay prices and illness among the horses played a big role in the case.

The Harwoods owned about 30 of the animals and were boarding the rest.

The maximum punishment on each count is a year in jail and \$2,000 fine.

Group Hopes To Block Alcohol On Pine Ridge

PINE RIDGE (AP) — A group that opposes the legalization of alcohol on the Pine Ridge Reservation plans to file an injunction in tribal court, arguing that not everyone who objects to the move might have been able to voice their opinion.

Tribal members voted this week to end prohibition and legalize alcohol so the tribe can use the profits for education and treatment. The American Indian Movement Grassroots organization says it thinks the vote was illegal due to a lack of polling sites, improper notice for tribal members, inadequate training for election workers and other issues.

A majority of tribal members would have voted against legalization if more had gotten to the polls, organization President Thomas Cheyenne told the *Rapid City Journal*.

"There wasn't enough information for the tribal members — they weren't informed on what was going to happen," he said.

Election Commission Chairman Francis Pumpkin Seed disputed that, saying the overall count of 3,550 valid votes was one of the highest in Oglala Sioux history.

"The crime rate and the death rate from alcohol will increase. Sclerosis and everything that comes with it. And violence, which is going to be a bigger problem."

THOMAS CHEYENNE

"Had the numbers been really, really low, I would say maybe there was a mistake, but the numbers were higher than the general (tribal council) election" last November, he said.

About 53 percent of those who cast ballots on Tuesday voted to approve alcohol on the southern South Dakota reservation. The result, if approved by the tribal council later this month, will end a ban on alcohol that has existed for the near-entirety of the reservation's 124-year history.

Pumpkin Seed acknowledged that Tuesday's election was conducted on a tight budget. In a general election, the

tribe's executive branch usually budgets about \$150,000. This election, the executive branch allocated \$15,000. That meant only nine of the usual 22 polling places could be opened, which Pumpkin Seed said was not preferable but also not illegal. Tribal law does not stipulate how many polling sites need to open on the day of an election.

Pumpkin Seed said the training given to election workers was the same as for any regular election. He also said his commission sent out election notices two weeks before the referendum, and advertised it in print and on radio and television.

"I don't believe my commission has violated any sections of that (election) law," he said.

Cheyenne said that if his group feels its complaints aren't heard, it might hold protests because members believe alcohol legalization will hurt the Lakota culture and exacerbate existing alcohol problems on the reservation.

"The crime rate and the death rate from alcohol will increase," he said.

"Sclerosis and everything that comes with it. And violence, which is going to be a bigger problem."

Nebraska High Court: Tax For Jury Award Proper

BY MARGERY A. BECK

Associated Press

OMAHA, Neb. — A trial judge was wrong to order BNSF railroad to pay the full amount awarded by a jury to a former railroad worker without deducting federal railroad retirement taxes, the Nebraska Supreme Court ruled Friday.

Eddie Heckman, of Alliance, was injured on the job in 2003 and sued the railroad in 2004. A jury awarded Heckman \$145,000 in 2011. BNSF paid the award, but deducted \$6,200 to cover the tax withholding it says it must pay on compensation for lost wages.

Heckman objected, and a Box Butte County judge ordered BNSF to pay Heckman the \$6,200, saying the award was not compensation for lost wages. The judge also required both sides to agree in writing that no amount of the award would be considered lost wages, thereby avoiding the need to deduct payroll taxes on it.

Railroad workers do not receive Social Security benefits. Instead, they receive retirement benefits under the Railroad Retirement Tax Act of 1974, funded through payroll taxes, much as Social Security benefits are.

BNSF appealed, and the case caught the attention of the U.S. Justice Department, which filed a friend-of-the-court brief in the case arguing that the lower court judge's decision could be "harmful to the United States because ... it may interfere with federal tax collection."

Heckman argued in the appeal that the

verdict did not state how damages were allocated, so no amount of the award could be considered lost wages.

But the state's high court disagreed, noting that Heckman alleged in his lawsuit that his damages included lost wages.

The high court said federal law makes clear that when part of a jury award is to cover lost wages, the whole verdict may be considered pay and, therefore, subject to the tax.

The lower court also erred when it ordered the railroad to agree that none of the award would be considered lost wages.

"We find no authority that would permit the court to order BNSF to agree to an allocation of the settlement after the verdict was entered," Nebraska Supreme Court Judge John Wright wrote for the court.

The state Supreme Court ordered the lower court to find that the jury award to Heckman has been satisfied upon proof that BNSF paid the \$6,200 withholding to the IRS.

Neither attorneys for Heckman nor the railroad immediately returned messages Friday seeking comment on the ruling.

Kathryn Keneally, assistant attorney general of the Justice Department's tax division, lauded the ruling.

"Withholding is the most reliable means of collecting taxes, and we filed a brief in this case ... to support BNSF Railway's attempt to comply with the federal tax laws," Keneally said.

OBITUARIES

Mary Loretta Voss

Loretta Voss, age 90, of Yankton, South Dakota and formerly of Storm Lake, Iowa died August 14, 2013 at Avera Sister James Care Center in Yankton.

Funeral services will be held Saturday, August 17, 2013 at 10:00 a.m. at the St. Mary's Catholic Church in Storm Lake. Burial will be in the St. Mary's Catholic Cemetery.

Visitation will take place one hour prior to the service at the church. In lieu of flowers memorials may be made to St. Mary's Church. The Fratzke & Jensen Funeral Home in Storm Lake is in charge of the arrangements.

Mary Loretta Shields was born April 27, 1923 in Dunlap, Iowa the daughter of Phillip and Barbara (Wetengel) Shields.

She attended St. Joseph High School where she graduated in 1941. Following high school graduation, she received her Teaching Certificate from the Iowa Teachers College.

On February 17, 1947, Loretta was united in marriage to Gilbert C. Voss in Dunlap, Iowa. Together, they were blessed with seven children: Joe, Jack, David, Mary, Roxy, Chris, and Dan.

Loretta was a very compassionate person and cared for many. She often spent time in prayer. In her spare

time, she enjoyed baking, especially rolls and jams. Loretta's family was very important to her and she treasured spending time with them. She will be deeply missed by all who knew and loved her.

Those left to cherish her memory include her children: Joe (Diana Christopher) Voss of Olive Branch, Mississippi; Jack (Betsey) Voss of Lyons, Nebraska; David (Wendy) Voss of New Brighton, Minnesota; Mary (Ron) Pesek of Yankton, South Dakota; Roxy (Steve) Ackerson of Des Moines, Iowa; Chris (Jerry) Muff of Elkader, Iowa; Dan (Beth) Voss of Washington, Iowa; 18 grandchildren; 9 great grandchildren; four sisters: Phyllis (Darrell) Hansen of Woodbine, Iowa; Charlotte Assman of Earling, Iowa; Barbara Stracke of Harlan, Iowa; Mary (Ray) Wilwerding of Earling, Iowa; extended family and friends.

Loretta was preceded in death by her husband, Gilbert in 1997; her parents, Phillip and Barbara Shields; infant sister, Rosemary Shields; and two sisters, Genevieve Moore and Joanne Graeve.

Ada Milk

Ada Milk, 76, of Yankton died Friday, Aug. 16, 2013, at her residence.

Arrangements are pending under the care of the Opsahl-Kostel Funeral Home and Crematory, Yankton.

Delsmore Larson

Delsmore Lorrel Larson, 91, of Vermillion died Friday, Aug. 16, 2013, at Sanford Vermillion Hospital, Vermillion.

Funeral services are at 10:30 a.m. Tuesday, Aug. 20, at Dalesburg Lutheran Church, rural Vermillion, with Pastor Steve Martens officiating. Burial will follow in Dalesburg Lutheran Cemetery.

Visitation begins at 4 p.m. Monday, Aug. 19, with prayer services beginning at 6:30 p.m.,

at Hansen Funeral Home, Vermillion.

For obituary and online condolences, visit hansenfuneralhome.com.

Donna Lubbers

Donna A. Lubbers, 87, of Yankton died Thursday, Aug. 15, 2013, at the Avera Yankton Care Center, Yankton.

Mass of Christian Burial is at 10:30 a.m. Tuesday, Aug. 20, at Sacred Heart Catholic Church, Yankton, with the Rev. Mark Lichter officiating. Burial will be in the Sacred Heart Cemetery.

Visitations are 5-7 p.m. Monday, Aug. 19, at the Opsahl-Kostel Funeral Home and Crematory, Yankton, with a 7 PM rosary followed by a video tribute and 7:30 p.m. Scripture service. Visitations will resume one hour prior to the service at the church.

Marilyn Cooley

Marilyn A. Cooley, 75, of Yankton died unexpectedly Friday, Aug. 16, 2013, at her residence.

Arrangements are pending.

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