

Candidates Square Off At State Fair

HURON (AP) — The four candidates vying to replace retiring U.S. Sen. Tim Johnson all say they're the best choice to help reduce the nation's debt.

The candidates squared off at the State Fair on Friday for their second debate.

KELO-TV reports former South Dakota Governor Mike Rounds, Democrat Rick Weiland and Independents Larry Pressler and Gordon Howie each made their pitch for how they would reduce the nation's debt if elected.

Rounds suggested the country should balance its budget each year, like South Dakota. But the candidate caught flak from his opponents for his time as governor.

Weiland says Rounds used federal stimulus money to balance the state budget, despite criticizing the stimulus package.

Rounds says every governor used the money because they didn't want to lose it to another state.

Prison Officials To Testify On Dentences

LINCOLN, Neb. (AP) — Five people who worked in Nebraska's prison system have been ordered to testify before a legislative committee investigating why hundreds of inmate sentences were miscalculated.

Lancaster County District Judge Stephanie Stacy issued the ruling on Friday. Stacy said their testimony can't be used against them in a criminal prosecution.

Three former employees and two current ones asserted their right to remain silent after they were subpoenaed to appear at a legislative hearing next week.

The former employees are George Green and Sharon Lindgren, who retired two weeks ago under threat of being fired, and Jeannene Douglass, who retired earlier. The current employees are Kyle Poppert and Kathleen Blum, who were both suspended.

The Nebraska State Patrol is investigating the erroneous sentences, but no charges have been filed.

Tribe Agrees To Settlement On Utilities

MACY, Neb. (AP) — The Omaha Tribe of Nebraska and its utilities commission have reached a settlement with the federal government to improve the tribe's drinking and wastewater systems as well as its trash collection program.

The settlement, announced Friday, requires the tribe to implement utilities improvements valued at about \$1 million. They would also pay a civil penalty of \$2,000.

The U.S. Environmental Protection Agency claims the tribe violated the Resource Conservation and Recovery Act, the Safe Drinking Water Act, and the Clean Water Act. The settlement resolves those claims.

The settlement is in the form of a judicial consent decree filed with the U.S. District Court of Nebraska. It addresses utilities serving the communities of Macy and Walthill, located on the Omaha Reservation.

Man Gets Prison For Child Pornography

GERING, Neb. (AP) — A western Nebraska man has been given six years in prison for distributing child pornography.

U.S. Attorney Deborah R. Gilg announced Friday that 52-year-old Ralph Moreno was sentenced in federal court in Lincoln to 72 months. He will be required to register as a sex offender.

The Nebraska State Patrol says an investigator downloaded a video of child pornography from Moreno's computer in October. That led to a search warrant of Moreno's residence in November. A forensic review revealed more than 200 videos of child pornography were collected over a five-year period.

States Settle Lawsuit Against Omnicare

PIERRE (AP) — The state's attorney general says South Dakota has recovered more than \$170,000 after settling a whistleblower lawsuit with a Cincinnati-based company that allegedly engaged in a kickback scheme with skilled-nursing facilities nationally.

A Friday statement from Attorney General Marty Jackley's office says Omnicare Inc., allegedly gave discounts to some skilled-nursing facilities to keep the company as their drug provider for elderly Medicare and Medicaid recipients.

The company is the nation's largest provider of drugs and pharmacy services to skilled-nursing facilities.

The federal government will retain about \$93,000 of the total amount recovered by South Dakota. The remaining \$78,000 will go to the state general fund to offset alleged Medicaid damages in the case.

Jackley's office says South Dakota worked with other states and the federal government on the matter.

Counties To Get Trees Grown In Project

PIERRE, S.D. (AP) — Trees growing in soil collected from all 66 counties will be delivered to sites across the state in the next two weeks, to help celebrate South Dakota's 125th anniversary of statehood this year.

The project dubbed "Grow: 66/125" was spearheaded by Plankinton teacher and artist Altman Studeny, who collected the soil from each county in June, mixed it together in 5-gallon buckets, and planted the bur oaks.

"Just as every county is uniquely itself, so is its soil," Studeny said. "But, only when all of those wonderful differences are combined can our state grow to be the type of forward-thinking environment that improves upon the dreams of the past to persevere long into the future."

The bur oak grows in each region of South Dakota and can live for centuries. A 50-foot-tall bur oak in Wessington Springs that is believed to be the state's oldest is thought to be almost 400 years old —long before the Pilgrims landed at Plymouth Rock. It's a reminder that South Dakota's history began long before statehood, according to Studeny.

"The deeper one's roots, the more firmly does one stand when the gale winds blow," he said.

The trees have been on display in Pierre, along a walking path near the state Capitol. They will now be delivered to historic sites in each county, Gov. Dennis Daugaard said.

Two Exceptions To Nebraska Smoking Ban Struck Down

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. (AP) — The Nebraska Supreme Court on Friday struck down exceptions to the state's public smoking ban for cigar bars and tobacco shops, but it spared the exception for some hotel guestrooms that allow smoking.

The decision came in the case of Big John's Billiards, an Omaha pool hall, whose owner sued after Nebraska enacted a statewide public smoking ban in 2009. The law bans smoking in all public buildings and private businesses, including bars and restaurants. However, the law provided exceptions for cigar bars, some hotel rooms and tobacco-only retailers.

In a split decision, the state's high court found that the exception for hotel rooms is permissible because hotel guestrooms are akin to private homes. But it found the exceptions for cigar bars and tobacco retailers amounted to unconstitutional special legislation.

Allowing patrons to smoke in cigar bars and tobacco shops simply because

it is convenient doesn't conform to the purpose of the ban, "which is to protect the public and employees from the dangers of secondhand smoke," Nebraska Supreme Court Justice Kenneth Stephan wrote for the majority.

In dissent, Justice William Cassel agreed with the majority that the exception for cigar bars is unconstitutional and the exception for some hotel rooms is permissible, but he said the exception for tobacco-only retailers should also stand.

"I recognize that the exemption may not be perfect, in that some nonsmokers may be exposed to secondhand smoke," Cassel wrote. "But the Legislature is presumed to have acted within its constitutional power despite that, in practice, its laws may result in some inequality."

The ruling is certain to hit the bottom lines of cigar bars and tobacco shops, said Jason "Hutch" Hutchison, general manager of Jake's Cigars and Spirits in Lincoln. Jake's also has a location in Omaha.

"I imagine we'll see a hit between 10 to 15 percent, as far as our cigar sales

go," he said. "It's an unfortunate ruling. I really think that judges sometimes don't think about the impact their decisions have on real people."

The high court also rejected a cross-appeal by Big John's in which it argued that the smoking ban was unconstitutional because it has a right to allow smoking and that not allowing it would hurt the business' revenue. Big John's billiards hall in Lincoln went out of business because the ban drove patrons away, the company's attorney argued.

The high court's ruling upheld, in part, a Lancaster County judge's ruling last year that found all three of the smoking ban's exceptions were unconstitutional.

A spokeswoman for the Nebraska Attorney General's Office said state's attorneys are in the process of reviewing the opinion.

An attorney for Big John's Billiards, Ted Boecker, said his client is pleased that the high court "recognized that it was unfair to create certain exemptions for certain types of bars."

School Board Puts \$421M Bond Measure On Ballot

OMAHA, Neb. (AP) — The Omaha school board has placed a \$421 million bond measure on the November ballot that would go toward repairing old schools and, eventually, building more of them in areas where student enrollment is increasing.

The board unanimously voted Thursday to put the issue on the Nov. 4 general election ballot, *The Omaha World-Herald* reported. If the measure passes, it would raise property taxes in the school district by \$90 on a

home valued at \$150,000. That homeowner would have paid about \$1,800 in school taxes last year.

"This plan is by no means a Cadillac or gold plan, as I've heard from some people," board member Lacey Merica said. "There's no plans for cushy offices for the administration or lavish dining rooms. There are plans to build walls in classrooms in open-concept schools. There are plans to replace doors and hardware."

Board members also say

that if the measure passes, they plan to put another bond issue of \$377 million forward in May 2017. It's part of a two-pronged plan to spread nearly \$800 million in proposed construction costs.

Steve Seline, the Greater Omaha Chamber of Commerce's board chairman, has endorsed the measure. He said updating the schools aligns with the organization's efforts to grow the city.

The district's last bond issue totaled \$254 million and was passed 15 years ago by

voters. Those funds were used to renovate the district's oldest schools, such as Miller Park Elementary built in 1912. But since then, board members say some buildings constructed in the 1960s and 70s have become outdated in meeting technology and security standards, while the number of enrolled students continues to climb in the district.

"The reality is we've got 15 years of pent-up demand," Superintendent Mark Evans said.



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