

## No Evidence Of Fetal Tissue Sale

PIERRE (AP) — The state Health Department says it hasn't received any reports or evidence that the sale of fetal tissue has occurred in South Dakota since the department started regulating abortion facilities in 2006.

Planned Parenthood is caught up in a national furor after anti-abortion activists released undercover footage of organization officials outside of South Dakota discussing their handling of fetal tissue.

South Dakota's only abortion clinic is run by Planned Parenthood Minnesota, North Dakota, South Dakota. Spokeswoman Jennifer Aulwes says the organization doesn't have a program in the state for the legal donation of fetal tissue from terminated pregnancies and says it follows state and federal laws.

Attorney General Marty Jackley says he contacted the Health Department in mid-July about the issue. Jackley says there's no evidence of illegal activity.

## Vehicles In Rally Most Since 2005

STURGIS (AP) — South Dakota transportation officials say the number of vehicles that entered the city of Sturgis for the 75th annual motorcycle rally was the highest for the event since 2005.

The Transportation Department count shows that about 511,000 vehicles were in and around Sturgis from Aug. 4-10, about a 31 percent increase last year.

The record number of vehicles recorded since the state began keeping totals was more than 604,000 in 2000.

## Corrections Department Filling Jobs

LINCOLN, Neb. (AP) — Nebraska's corrections director is assembling a new team of senior staff to oversee the department which has been plagued with problems.

Director Scott Frakes announced Tuesday that he has appointed two new deputy directors, a chief of psychiatry, a new head of behavioral health and a warden at the Nebraska State Penitentiary in Lincoln.

Frakes says he is continuing to reorganize the department. The new hires include longtime employees who held other positions and a specialist who has worked in Illinois, Idaho and Afghanistan.

The new deputy directors are Michael D. Rothwell and Diane Sabatka-Rine. Dr. Martin Wetzel will serve as the new chief of psychiatry, Dr. Lisa Jones will lead behavioral health, and Richard Cruickshank will become warden at the state penitentiary.

## County Police Dept. Updates Warnings

OMAHA, Neb. (AP) — A deputy-involved shooting earlier this summer has prompted Douglas County to change how it warns law enforcement officers to a potentially dangerous person.

Emergency dispatchers have long been able to warn law enforcement officers when they're going to a home address of someone with a history of violent behavior or threats. But they haven't been able to provide the same information based on a person's name, said Douglas County Deputy Chief Tom Wheeler.

That becomes a problem when an officer approaches someone who could be dangerous but isn't at his or her home, the *Omaha World-Herald* reported. The new alert system will allow dispatchers to check for warnings put on individuals by searching either a name or residence.

In June, two deputies were involved in a shooting with a man who had a history of deadly threats against police.

Authorities say Taylor Culbertson had pulled a gun and fired at deputies Wade Grim and Chad Miller after they asked him to exit his vehicle outside a store. Grim returned fire and struck Culbertson, who died of his injuries Sunday.

Douglas County Attorney Don Kleine has determined the deputies were justified in using the deadly force. An autopsy has been scheduled and a grand jury will look into the death, as required by state law.

Miller said in a Monday interview with the newspaper that the new alert system could have helped him when he was dealing with Culbertson.

"If I had known ahead of time that I was dealing with somebody who had made violent or threatening statements in the past toward law enforcement, that would have elevated my alert system right from the beginning," he said.

Two weeks before the shooting, a notice had gone out to officers in the Omaha area warning them to watch out for Culbertson, who told a friend he would shoot police if they pulled him over or showed up at his residence.

Miller said he read the notice, but didn't remember Culbertson's name or face when he encountered him later. He said officers come into contact with a lot of names and other information on a daily basis, and said it's difficult to remember it all.

Neither deputy was injured in the incident. They were put on paid administrative leave during an investigation of the shooting, but have since returned to work.

## City Gets Improved Fire Protection Grade

SIoux FALLS (AP) — Homeowners in South Dakota's largest city might soon get a break on their insurance bills.

The Insurance Services Office that scores about 48,000 fire departments nationwide is upgrading Sioux Falls' public protection grade to the second-best mark that a fire department can receive.

"What it measures is a community's firefighting capabilities, and it goes to not only the proximity of firehouses but also water pressure, hydrant locations and the number of firefighters who are in the area to combat a fire," said Michael Barry with the Insurance Information Institute, a national organization that aims to help the public understand the insurance industry.

The improved rating is expected to take effect next month and eventually could collectively save Sioux Falls homeowners up to \$3 million on annual insurance premiums, Sioux Falls Fire Rescue Chief Jim Sideras told the *Argus Leader* newspaper.

The upgrade is the result of numerous factors, according to Sideras — more fire trucks and fire halls, quicker fire response times, improvements to the city's water distribution system and better communication among city departments.

The improved grade has taken 25 years to achieve and is "truly a testament to the continued hard work of the members of the Sioux Falls Fire Rescue," Sideras said.

## Trial Set For Man Accused Of Killing Son

BURKE (AP) — A Burke man accused of killing his infant son by shaking him is to stand trial next spring, two years after the death.

Twenty-three-year-old Adam Bruns has pleaded not guilty to several charges including murder in the March 2014 death of 3-month-old Levi Bruns. He would face a life prison sentence if convicted of second-degree murder.

The *Daily Republic* reports that a two-week trial is scheduled for March 2016 in the Gregory County Courthouse.

## Redevelopment Of Veterans Campus

LINCOLN, Neb. (AP) — Plans are in the works to redevelop Lincoln's Veterans Affairs campus into a mix of apartments, townhomes and medical offices.

The Lincoln City Council endorsed the proposal on Monday, indicating that the council likely will approve a redevelopment agreement expected later this summer.

Under the first planned phase of the project, developers want to build a three-story apartment building for low-income veterans who qualify for veteran housing vouchers, along with a private medical office building.

The developer expects to spend around \$20 million on Phase 1 and intends to use around \$2 million in tax increment financing for street, water and sewer improvements, said David Landis, director of the city's Department of Urban Development.

Developers also plan to renovate the hospital into apartments with office space, the *Lincoln Journal Star* reported.

# Ricketts Unveils Plan To Generate Additional \$3M For Roads

BY GRANT SCHULTE  
Associated Press

LINCOLN, Neb. — Nebraska counties and midsize cities are expected to receive an extra \$3 million each year for street and bridge work under changes unveiled Tuesday by Gov. Pete Ricketts.

Ricketts said the state will increase the money it gives to cities and counties through a program that allows them to swap federal dollars for state money to complete local projects. Using state money allows them to finish work faster and with fewer restrictions.

"Twenty-first century infrastructure is critical for us to be able to grow Nebraska," Ricketts said at a press conference at the Capitol.

The state has traditionally taken 20 cents of every dollar that cities and counties receive in exchange for the service. Ricketts said the state will reduce that fee to 10 cents per dollar, allowing the local governments

to keep more. Ricketts has focused on efficiency in government as a major theme of his early tenure in office.

Nebraska's new Department of Roads director, Kyle Schneeweis, said the state can absorb the revenue loss because of a new agreement with the federal government to reduce engineering and construction costs. The U.S. Federal Highway Administration has agreed to reduce the number of times state officials have to seek environmental approval at various stages of a construction project, making the work faster and cheaper.

"Those (time) savings translate into dollars, and we're happy to pass those dollars on to our local partners," Schneeweis said. He said state officials will ensure that environmental rules are followed.

Lynn Rex, executive director of the League of Nebraska Municipalities, said the extra money will ease pressure on local property taxes. All 93 Nebraska coun-

ties participate in the program, as do 25 midsize cities with populations between 5,000 and 100,000.

Larry Dix, executive director of the Nebraska Association of County Officials, said the change represents another important step in the push to address a backlog of necessary upgrades. In a report last year, the Department of Roads identified \$10.2 billion in projects it says are needed during the next 20 years.

The change will save Sarpy County an estimated \$90,000 on one project alone. Sarpy County Engineer Dennis Wilson said the county has been saving money to upgrade 168th street, a gravel road with a county bridge just east of the fast-growing Omaha suburb of Gretna.

Nebraska has historically relied on fuel-tax revenue, motor vehicle fees and federal dollars to pay for roads projects, but revenue from the state sources have flatlined in recent years as cars and trucks became more fuel

efficient.

Nebraska lawmakers voted in May to raise the state's fuel tax by 6 cents per gallon, overriding the governor's veto. The higher tax will generate an additional \$76 million annually for roads and bridges when fully enacted, to be divided among the state, counties and cities.

Members of the Legislature's Transportation and Telecommunications Committee also have announced plans to hold a series of hearings this fall for input on new ways to pay for roads.

Another major law, the 2011 Build Nebraska Act, sets aside one-quarter of a cent from the state's 5.5-cent sales tax for roads projects.

Nebraska has more than 100,000 miles of roads and 20,000 bridges, mostly owned by counties and cities. Roughly 10,000 miles of road and 3,500 bridges belong to the state.

# Court Affirms Judge's Gay Marriage Ban Ruling

BY KEVIN BURBACH  
Associated Press

SIoux FALLS — A federal appeals court affirmed a judge's ruling that struck down South Dakota's ban on same-sex marriage as unconstitutional, allowing attorneys for the couples who challenged the law to proceed with their plan to seek legal fees from the state.

The 8th U.S. Circuit Court of Appeals released its opinion Tuesday, upholding the January decision by U.S. District Court Judge Karen Schreier in a case brought by six same-sex couples in May 2014.

Same-sex marriages already began in South Dakota on June 26, following a decision from the U.S. Supreme Court legalizing such unions across the nation. Forty-nine same-sex couples have so far applied to get married, according to Attorney General Marty Jackley, despite the ban officially remaining on the books and a stay imposed by Schreier stopping her ruling from taking effect.

Tuesday's court ruling doesn't lift

Schreier's hold — the appeals judges said that would be left up to the district court — but attorney Josh Newville said he has now filed a motion asking her to remove it.

Jackley said Tuesday, citing the opinion, that the ruling ends the need for further "federal oversight." Since the state has given assurances that it will uphold the Supreme Court ruling and since licenses have been issued without incident, Jackley said Schreier's permanent injunction that she placed on South Dakota's law is unnecessary.

As to whether the South Dakota law defining marriage between one man and one woman and the language in the state constitution will ever be removed, Jackley said that's up to state legislators and the public.

Legally, Jackley said it makes no difference, since South Dakota law prohibits officials from enforcing a law that has been declared unconstitutional by a federal court. Other laws, like South Dakota's anti-corporate farming law, are still on the books despite being struck down.

The practical effect of the appeals court's decision is that it allows Newville to move forward with his plans to seek attorney's fees. Newville said he and his colleagues have worked pro bono for over a year and now hope to be compensated.

"We've committed a lot of resources and we now need to get paid for that," he said.

Newville said he hopes to iron out a settlement with state officials. If that doesn't happen quickly, he said, he plans to ask a court to formally award him fees. Under federal law, plaintiffs in federal civil rights cases can petition a court to award them legal fees if a court finds in their favor.

Newville has said he estimates fees could come to hundreds of thousands of dollars.

Jackley said he's open to discussing attorney's fees, but said it's still unclear how the state will proceed once Newville takes any action. Ultimately, he said any money put toward fees would have to be appropriated by state officials, not him.

# Sex Offender Granted Monitored Release From Minnesota Lockup

BY BRIAN BAKST  
Associated Press

ST. PAUL, Minn. — A 68-year-old man who has spent two decades in the Minnesota sex offender treatment program is on the verge of provisional release after a special court panel granted his placement in a four-bed residential facility in rural Olmsted County.

The three-member panel's order last month paved the way for Benjamin Gissendanner's conditional release. It came to light Tuesday when the Olmsted County Sheriff's Office announced a community notification meeting is set for Aug. 18 in the township southwest of Rochester where Gissendanner will live as soon as September.

Gissendanner, who previously served prison time for rape convictions, will be subject to electronic monitoring, outpatient treatment, regular chemical screening and several restrictions, including on Internet use. He's only the fourth offender in the program to reach this stage, with one of the others returned to the secure treatment program due to violations of his release conditions.

"Ben's really looking forward to it, but with good perspective," said

Gissendanner's attorney, Lisbeth Nudell. "He knows what he has to do, and he's ready to do it."

Nudell said she's confident his monitoring and ongoing treatment program will work.

"It's a well-constructed, well-thought-out plan that should give him some years in the community of living a life without a lot of the rules he's been living under, but within safe confines," she said.

Minnesota's treatment program has been ruled unconstitutional by the federal courts, in part because so few of the 720 current patients have re-entered the community after being civilly committed by a county judge. In the program's 21-year history, no one has ever been fully discharged. A federal judge and state lawmakers met privately on Monday to discuss potential changes, but the elected officials indicated after that any retooling is a ways off.

Gissendanner was convicted in a 1970 rape in New York City and later in a 1981 Minnesota sexual assault. After being paroled from prison, he was admitted to the Minnesota Security Hospital in 1992. A year later, he was civilly committed as "a mentally ill and dangerous

and a psychopathic personality." He has been confined to secured facilities in St. Peter and Moose Lake since.

Aside from his sex offenses, Gissendanner struggled with alcoholism and drug use in the past. He has severe learning disabilities, with an IQ of 70 and an educational assessment putting him at a third-grade level, according to public records on his case.

Court papers say Gissendanner has been sober since 1989 and lacks a sex drive due to an array of medications he now takes. He has participated regularly in group counseling sessions. A court file said program doctors who have extensively analyzed Gissendanner concluded that he "has likely reached maximum treatment benefit in his current setting."

Gissendanner applied for provisional release in 2014 and was granted it by a special review board. An appeal by the Department of Human Services put the discharge on hold, but the state and two county attorney offices later indicated to a judicial appeals panel they were not opposed to the step.

In reversing her initial opposition, Human Services Commissioner Lucinda Jeson wrote in a February let-

ter to the judicial panel that Gissendanner's "sex offender treatment has adequately addressed his dynamic risk factors and that he himself has shown significant engagement and progress in treatment despite his cognitive limitations."

In announcing the notification meeting, the local sheriff's office indicated it had no say in the placement.

"This notification is not intended to increase fear in the community. Law enforcement believes that an informed public is a safer public," the sheriff's department wrote in a fact sheet. "The Olmsted County Sheriff's Office may not direct where the registrant does or does not reside, nor can this agency direct where he/she works or goes to school."

State Rep. Duane Quam, a Republican whose Byron home is not far from Rock Dell Township, said there's already a buzz around town and frustration that area residents didn't have more input in the placement.

"People are a bit concerned," Quam said. "In general, the people don't have a problem with giving people a chance, they're just cautious."

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