

Lawmakers' Confidence Split Over Funding For Tuition Freeze

BY JAMES NORD
Associated Press

PIERRE — Confidence among state leaders is split over whether there will be enough money during the upcoming legislative session to freeze South Dakota's in-state college tuition for the 2016-2017 school year.

Lawmakers responded Thursday to this week's budget request from the state Board of Regents, which included \$4.7 million for the tuition freeze as part of the regents' push to even out the student-state funding ratio over three years. The freeze is the regents' highest priority for inclusion in the budget that Republican Gov. Dennis Daugaard will put together ahead of the 2016 Legislature.

Though key officials appear open to halting in-state tuition hikes when the Legislature convenes in January — lawmakers last

approved a freeze in 2014 — political leaders' optimism over whether there's enough money to do so varies.

Daugaard "likes the concept but needs to see what funds are available," spokeswoman Kelsey Pritchard said in an email. "He will take it under consideration as he prepares a budget request this fall."

Incoming Senate Majority Leader Corey Brown, R-Gettysburg, said much the same: Lawmakers understand the state's universities need to stay competitive, but isn't sure there will be funds available unless the state economy significantly improves.

It was also the board's top request for the 2015 session, but lawmakers cited scarce state funds in dropping it. House Majority Leader Brian Gosch, R-Rapid City, said that plan was discarded because of overly conservative fiscal projections. But

the indications he's seen make him believe the state budget for the upcoming session will be healthy.

"I think not only will there be support for a tuition freeze, but there will be money to pay for it," he said.

House Minority Spencer Hawley said he hopes increased growth in the state's sales tax receipts will pay for the freeze. The Democrat from Brookings said that the state share of support for public higher education should increase.

Lawmakers need to invest in higher education funding for the future economic vitality of the state, the regents' CEO and Executive Director Michael Rush said. Overall, his board asked for \$14.2 million more for new and ongoing funding for the state's six public universities and two special schools, plus \$14.2 million in one-time spending.

The ongoing funding

request also includes more money for items such as needs-based scholarships and building maintenance.

After the Legislature adjourned, the board approved in April an average tuition and fee increase of 5.8 percent across the university system for the upcoming school year, bringing the average cost of tuition and fees for on-campus, in-state students to about \$8,380, up from \$7,925.

Students plan to lobby lawmakers for the freeze because it would help keep education affordable, said South Dakota Student Federation Executive Director Harrison Costello, a senior at the South Dakota School of Mines and Technology.

Costello said keeping down tuition means students could work less and be able to focus on their studies.

Woman In Jail Died Of Meth Overdose

PIERRE (AP) — South Dakota's attorney general says a woman who died while in custody in Brown County died of a meth overdose.

Attorney General Marty Jackley says an autopsy on 24-year-old Sarah Circle Bear found her blood had acute methamphetamine and amphetamine toxicity.

Circle Bear, of Claremont, was found unresponsive in the jail July 5 and died later the same day at a local hospital.

The American News in Aberdeen previously reported Circle Bear was in custody on a bond violation following a minor car accident in Roberts County.

Suspicious Letter Delivered To Prison

LINCOLN, Neb. (AP) — An envelope filled with cornstarch forced a Nebraska prison to close its entrance for nearly two hours while authorities investigated the suspicious item.

Staff members at the Nebraska State Penitentiary in Lincoln flagged the envelope around 11:30 a.m. Thursday because it contained an unknown white powdery substance.

Corrections department spokesman James Foster says crews from Lincoln Fire and Rescue, the Nebraska State Patrol and the city health department arrived at the prison and determined that the substance was cornstarch.

Foster says the prison returned to its normal operations around 1:15 p.m.

Police Arrest Man Following Manhunt

ST. LOUIS (AP) — A St. Louis man suspected of threatening a resident with a machete and fleeing the scene of a rollover crash is in custody following a manhunt by police.

Authorities say the 28-year-old man was arrested on aggravated assault, tampering with a motor vehicle and traffic-related charges Thursday in the backyard of a home in the 800 block of South Lowell Avenue.

Police say the man threatened a homeowner with a machete around 6 a.m. The homeowner fired a handgun toward the ground to scare away the man.

Police say the suspect ran away and later crashed a car near East 18th Street and South Wagner Avenue. A witness says the man had a handgun as he fled.

Officers searched for the man for several hours before arresting him around noon.

Officials Push For Treatment Center

HASTINGS, Neb. (AP) — Hastings leaders have vowed to help find workers to staff a proposed behavioral health treatment center for prison inmates, if it were placed in the south-central Nebraska city.

Local leaders made their pitch at a legislative hearing held Wednesday in the Hastings City Council chambers, the *Hastings Tribune* reported.

Hastings Mayor Vern Powers, CEO and president Eric Barber of Mary Lanning Healthcare and Hastings Economic Development Corporation executive director Dave Rippe all spoke in favor of the proposal, saying the city has the ability to bring the necessary jobs to the proposed center.

The Legislature passed a bill in spring 2014 authorizing \$199,000 to study placement of the center at the Hastings Regional Center, a former state psychiatric hospital. To qualify for placement in the center, inmates would have to be within 12 to 18 months of parole or sentence completion.

The program is aimed at reducing recidivism among convicts as well as the Nebraska prison population.

"We, as a city, working hand in hand with an incredible mental health treatment facility and staff at Mary Lanning Hospital are again ready to assume the mantle of mental healthcare treatment at the Hastings Regional Center," Powers said.

Others, including former State Sen. Annette Dubas of Fullerton, who is now with the Nebraska Association of Behavioral Health Organizations, believes will be extremely difficult. Dubas told lawmakers that staffing the center would be a challenge for Hastings.

Rippe said staffing hurdles aren't exclusive to Hastings, "and should our state elect to go forward with this facility, these hurdles will need to be addressed regardless of location."

Shotgun Willies Club Shutting Down

RAPID CITY (AP) — An adult entertainment cabaret in Rapid City is closing after spending much of its 31-year history at odds with religious groups and local officials.

Shotgun Willies will shut down at the end of the month, the *Rapid City Journal* reported. Owner Aaron Johnson already has sold the property and is trying to sell the business, which includes a city liquor license, he said.

"We'll be out of here by September 1. We're done," Johnson told the newspaper this week. "It'll be the last strip club in Rapid City. There will be no more."

The club opened in 1984 and featured nude dancers until 2003, when the city passed a more restrictive ordinance governing adult-oriented businesses. Only topless dancing has been allowed since.

Shotgun Willies has continued to run into problems in recent years, including having the business license suspended for three days after the club was accused of violating the city's adult-oriented business code. Johnson, who purchased Shotgun Willies in 2007, said he's tired of the scrutiny and has been "kicking around" the idea of selling for some time.

"I'm tired of fighting the city and being the kid on the block that's always looked down upon," he said.

Johnson isn't sure what the new owner will do with the building and he declined to name the property buyer.

"He's being very tight-lipped," Johnson said of the new owner. "He didn't tell me anything at all."

He also declined to discuss other details of the sale, but described it as an offer he couldn't refuse.

"I was pretty surprised at the size of the real estate offer," he said. "There was no time like the present to let it go."

Man Convicted Of Stealing From Co-Op

GERING, Neb. (AP) — A 22-year-old Bayard man convicted of stealing from a co-op in western Nebraska has been given 30 months of probation.

Online court records say Nathan Wheeler was sentenced Wednesday in Scotts Bluff County District Court. Wheeler also was ordered to pay restitution of nearly \$3,900.

An arrest affidavit says Wheeler took the money from June through early September last year when he worked at Panhandle Co-op in Scottsbluff. The affidavit says Wheeler told a Scottsbluff officer that if a customer was paying cash, he would manually override the cash discount, enter a higher discount price per gallon and pocket the difference.

The affidavit says Wheeler admitted the thefts but disagreed about the total taken.

Man In Bust Gets 10 Years In Prison

ABERDEEN (AP) — A Groton man accused of having more than 7 pounds of marijuana worth about \$40,000 at his farm and business has been sentenced to serve 10 years in prison.

Forty-five-year-old Timothy Thurston was arrested last December and later pleaded guilty to possessing and intending to distribute drugs. *The American News* reports he was sentenced Wednesday.

Thurston also was ordered to pay nearly \$3,500 in fines, fees, restitution and drug-testing costs. He was given credit for about eight months spent behind bars and will be eligible for parole after serving 40 percent of his sentence.

Mom Of Disabled Son Loses Attempt To Get Payments Restored

LINCOLN, Neb. (AP) — A judge has dismissed a lawsuit that a Nebraska mother hoped would restore her position as a private-duty nurse for her son who is disabled and autistic.

Dee Shaffer filed appeals with the state Department of Health and Human Services and sued in district court after the state reneged on a contract allowing her to be paid to take care of her son, the *Lincoln Journal Star* reported. The state's managed care provider, Coventry, had determined that the services weren't medically necessary.

Shaffer was successful in her lawsuit challenging the state agency on medical necessity ruling, but Coventry appealed. The Supreme Court reversed and vacated the district court order since Coventry wasn't included as a necessary party.

A Lancaster County District Court judge determined that because of the former court ruling, he couldn't find

that the care was medically necessary.

Shaffer's attorney said Shaffer can appeal, and that there could be other remedies.

Her son, Brian, has been diagnosed with autism, developmental disabilities, multiple chemical sensitivities, congestive heart failure, food intolerances and scoliosis. Many of his nearly 100 allergies are to fundamental substances found in food and medicines.

In 2006, Shaffer asked the state department to be her son's paid caretaker. She's a licensed practical nurse, registered dietitian and licensed medical nutrition therapist.

Then-state Sen. Cap Dierks agreed to introduce a bill in 2007 that would provide financial compensation for care-giving family members, but the state agency stepped in and offered, in lieu of legislation, to hire Shaffer as her son's primary caregiver and pay her 18 hours a day as a private-duty nurse.

The agreement continued for a few years, but after Dierks left office, the department switched to a managed care company and Shaffer had to reapply to be her son's primary caregiver.

The department said she no longer could, by state law, be paid for her son's care. It censured Shaffer for practicing outside the scope of her professional license — using acupuncture to relieve her son's pain.

The Legislature passed a bill in 2012, clarifying that currently licensed nurses could be hired to provide care for family members.

But Shaffer has not received any payment for her son's care for nearly four years, and he has received no other skilled nursing care from the state.

Shaffer said at this point, she has used all of her savings in caring for her son on her own.

Missing Woman's Family Pursues Lawsuit Against College

AUBURN, Neb. (AP) — The family of a Peru State College student missing since 2010 and presumed dead is pushing ahead with a lawsuit against the college in state court, just two weeks after a similar lawsuit was dismissed in federal court.

At a hearing in Nemaha County District Court on Wednesday, an attorney for the family of Tyler "Ty" Thomas asked the judge to find college officials responsible for ignoring warnings that fellow student Joshua Keadle was a possible threat to women at the college.

Thomas was 19 when she disappeared days before Christmas in 2010 after leaving a party near the Peru State campus. Keadle, who is serving a prison sentence for a 2008 rape, has not been charged in Thomas' disappearance, but authorities say he made several statements that led investigators to believe he was involved.

In the weeks before Thomas' disappearance, Peru State's director of

campus security had recommended to administrators that Keadle be expelled, attorney Vince Powers said in the hearing. At the time, Keadle was a 29-year-old student who had been accused of sexually harassing two female students during his first weeks of living in a co-ed dorm.

"I don't think there's a case in America where a college can ignore the director of security who says 'Kick him out of school,'" Powers said.

Ronald Krause, an Omaha attorney representing the Nebraska State Colleges Board of Trustees, countered that a jury "could not reasonably conclude the college had information that Keadle posed a serious risk of violence to another student."

Judge Daniel Bryan Jr. said he would issue a ruling at a later date, *The Omaha World-Herald* reported.

On June 29, U.S. District Judge John Gerrard dismissed the family's wrongful death lawsuit against Nebraska college

officials, saying that while officials could have done more to protect Thomas, the decision to not expel Keadle for prior sexual harassment claims didn't rise to the level of deliberate indifference by college officials.

The family plans to appeal the dismissal of the federal lawsuit, Powers said.

Authorities say Keadle told them he and Thomas had sex in his vehicle the night of her disappearance, and that he left her alive on a river dock after she threatened to report he had raped her. Keadle was later convicted and sentenced to 15 to 20 years for the 2008 rape of a 15-year-old Fremont girl.

Keadle declined through a prison spokesman to comment to The Associated Press on Thursday.

A death certificate was issued for Thomas in 2013, although her body hasn't been found.

Bush Leaves Door Open For Use Of Torture By Government

BY KEN DILANIAN
AP Intelligence Writer

DAVENPORT, Iowa — Republican presidential candidate Jeb Bush on Thursday declined to rule out resuming the use of torture under some circumstances by the U.S. government.

"I don't want to make a definitive, blanket kind of statement," Bush told an audience of Iowa Republicans, when asked whether he would keep in place or repeal President Barack Obama's executive order banning so-called enhanced interrogation techniques by the CIA.

"When you are president your words matter," he said.

The former Florida governor said that in general, he believes torture is inappropriate, and that he was glad his brother, former

President George W. Bush, largely ended the CIA's use of the techniques before he left office. The CIA used waterboarding, slapping, nudity, sleep deprivation, humiliation and other methods to coerce al-Qaida detainees — methods the military would be prohibited from using on prisoners of war.

A Senate report released last year cited CIA records in concluding that the techniques were more brutal than previously disclosed, that the CIA lied about them, and that they failed to produce unique, life-saving intelligence. The CIA and its defenders take issue with the report.

Jeb Bush said he believed that the techniques were effective in producing intelligence, but that "now we're in a different environment."

He suggested there may

be occasions when brutal interrogations were called for to keep the country safe.

"That's why I'm not saying in every condition, under every possible scenario," Bush said.

Bush has been walking a careful path, seeking to disassociate himself from some of the unpopular aspects of his brother's legacy while praising him.

In discussing the Iraq war, for example, Bush, who previously acknowledged that the intelligence didn't support the decision to invade, on Thursday said he had learned from some of the mistakes made during the occupation, including what he said was a wrong decision to disband the Iraqi military. He said his brother also now believes that was a mistake.

Bush blames the rise of

the Islamic State group on what he said was Obama's failure to negotiate an agreement to leave U.S. troops there in 2011. Asked if it was true that there would be no IS absent a U.S. invasion of Iraq, he said there was no way to know.

He repeated his call for a more aggressive posture toward the Islamic State group but, like the Obama administration, he opposes sending in regular U.S. ground forces. He does favor putting special operations troops on the battlefield.

Bush spoke at a foreign policy forum sponsored by Americans for Peace, Prosperity and Security, a group chaired by Mike Rogers, a former Republican congressman from Michigan who chaired the House Intelligence Committee.

not life-threatening.

First Avenue General Manager Nathan Kranz said about 750 people were inside for a performance by the band Theory of a Deadman when the ceiling fell in. That also pulled down the building's sprinkler pipe, he said.

Fire department crews shut off the water supply, Penn said. The scene was cleared and the building turned back over to management just after 11 p.m.

3 Hurt In Minneapolis Concert Ceiling Collapse

MINNEAPOLIS (AP) — The ceiling of a landmark Minneapolis concert venue partially collapsed during a show late Wednesday night, injuring three people, officials said.

Firefighters responded to a report of a possible building collapse around 10:15 p.m., Minneapolis Fire Department spokeswoman Cherie Penn said in a statement.

When firefighters arrived, they found patrons evacuating First Avenue, a club

in downtown. Firefighters inspected the venue and found that an approximately 30-by-30-foot section of the ceiling had given way during a concert, Penn said.

Three people were injured, and two were taken to the Hennepin County Medical Center for further evaluation, Penn said.

A spokeswoman for HMC told the *Minneapolis Star Tribune* the hospital treated three people, who were in satisfactory condition with injuries that were