

Pierre Man Appointed State Fire Marshal

PIERRE — Paul Merriman of Pierre has been appointed State Fire Marshal in the South Dakota Department of Public Safety. Public Safety Secretary Trevor Jones announced the appointment on Friday in a press release.

Merriman, currently chief deputy fire marshal, fills the position vacated when former Fire Marshal Al Christie retired in November.

Merriman, 46, is a Pierre native and a graduate of Riggs High School and South Dakota State University. He started his career in state government in 1991. In 1999, he moved to the Fire Marshal's Office as fire code specialist and he became chief deputy in July of 2009.

Merriman's appointment is effective Dec. 23.

Officials Plan Summit On Indian Foster Care

PIERRE (AP) — Federal officials are planning a summit in South Dakota in the wake of allegations that the state has violated federal law by removing too many American Indian children from their homes and placing them in foster care with non-Indian families.

Nedra Darling, a spokeswoman for the Interior Department's Office of Indian Affairs, told The Associated Press that the agency has created a committee to plan the summit, the date of which has not yet been set.

"We hope it will open up a dialogue between tribes and federal and state agencies," Darling said.

The summit is in response to a National Public Radio series in October that said the state routinely broke the Indian Child Welfare Act and disrupted the lives of hundreds of Native American families each year. Federal law requires that Native American children removed from homes be placed with relatives or put in foster care with other Native American families except in unusual circumstances.

The three-part NPR report said 90 percent of the Native American children removed from their homes in South Dakota each year are sent to foster care in non-Indian homes or group homes. It reported that Native American children are placed in South Dakota's foster care system at a disproportionate rate because only 15 percent of the state's child population is Native American, but half of the children in foster care are Native American.

State officials have criticized the NPR report as inaccurate, unfair and biased.

Kim Malsam-Rysdon, secretary of the state Department of Social Services, said the Interior Department has not notified state officials about the planned summit, but that the state has nothing to hide.

"We are very confident that South Dakota is in compliance with federal law in this area, and we really do welcome the opportunity for the federal government and others to understand just how that federal law is being implemented in our state," Malsam-Rysdon said.

Inmate Withdraws Request To Be Own Attorney

OMAHA, Neb. (AP) — Nebraska's longest-serving death row inmate has withdrawn his request to act as his own attorney.

Carey Dean Moore last week asked a Douglas County district judge to let him file pleadings, motions and other legal documents. But in paperwork filed Thursday, Moore says he's changed his mind.

Moore was convicted of murder for killing cab drivers Maynard Helgeland and Reuel Eugene Van Ness in 1979.

Six days before Moore was scheduled to be executed in 2007, the state's high court issued a stay because it wanted to consider whether the electric chair should still be used. Nebraska lawmakers have since replaced electrocution with lethal injection as the state's preferred method of execution.

Moore's execution has faced additional delays because of controversy over one of the drugs required for the execution.

Law On Abortion Screenings To Remain Blocked

OMAHA, Neb. (AP) — A federal appeals court has refused to reconsider a lower court's decision to block a 2010 Nebraska law that would require mental health screenings for women seeking abortions.

Last year, U.S. District Judge Laurie Smith Camp granted a preliminary injunction to block the law requested by Planned Parenthood of the Heartland, which said the law could be difficult to comply with and would require doctors to give information irrelevant to abortions.

State officials argued it was designed to help women understand the risks and complications that may accompany abortions.

Under the law, women would be screened for potential mental or physical problems after an abortion.

Nebraskans United for Life challenged Smith Camp's ruling, and on Friday, the 8th U.S. Circuit Court of Appeals upheld her ruling.

Firing Of Wayne Police Chief, Lieutenant Upheld

WAYNE, Neb. (AP) — The Wayne Civil Service Commission has upheld the firings of Wayne's police chief and a lieutenant.

The three-member commission announced its unanimous decision Friday morning on the appeals by former Lt. Phil Shear and former Chief Lance Webster.

Shear and Webster were fired by City Administrator Lowell Johnson in April. They appealed to the commission.

Shear is accused of having an affair with a subordinate and making sexual advances toward others in the department. Webster is accused of trying to cover up for Shear by, among other things, trying to fire Shear's accuser.

Shear and Webster also are accused of using city-issued cell-phones for excessive personal calls and texts.

CEO Says Pipeline Debate May Persist

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — The chief executive of a company trying to build a pipeline to carry oil through six states from Canada to Texas said the national debate over the plan has "gone off on tangents" that touch on larger issues of U.S. energy and environmental policies.

TransCanada CEO Russ Girling said the proposed 1,700-mile Keystone XL pipeline has become mired in debates over topics ranging from global warming to U.S. presidential politics. The U.S. State Department delayed the \$7 billion project last month largely because of concerns about its route, particularly though environmentally sensitive areas in Nebraska.

"It's mushroomed into this debate about all these social issues, which I don't deny we have to address," Girling said in a telephone interview with The Associated Press from his office in Calgary.

"We're obviously in a migration from fossil

fuels to alternative energy, which is why we've invested in the largest wind farm in Canada and one of the largest wind farms in Maine," he said, referring to a 132-megawatt wind farm in Maine with the capacity to serve about 50,000 homes and two similar projects in Canada. "But it's not going to occur tomorrow. It's going to take decades."

Environmental groups have argued that tapping the vast tar sands in Alberta would lead to a vast increase in the burning of carbon-intensive fossil fuels at a time when it should be trying to reduce the release of gases that contribute to global warming.

"The one thing that has nagged me is how this debate has gone off on tangents," Girling said. "Those aren't the questions that need to be asked here. We should be asking, 'Is the United States going to need fossil fuels for decades to come? Do you want to get it from Venezuela?'"

Members of Congress, especially Republicans, and GOP presidential candidates have criticized President Barack Obama for his administration's decision to delay the project

for a year. They argue that the pipeline would produce thousands of jobs and lessen the nation's dependence on oil produced in nations that are often hostile to the United States.

Some also accused of Obama of intentionally delaying the project until after the 2012 elections.

The pipeline would pass through Montana, South Dakota, Nebraska, Kansas, Oklahoma and Texas.

Officials in most states support the project, but the pipeline ran into intense opposition in Nebraska from environmentalists, landowners, lawmakers and others who were worried because the pipeline would cross the Sandhills region. The expanse of sandy-soil hills sits atop the massive Ogallala aquifer, a major irrigation water source that sits beneath parts of eight states.

Girling predicted that resistance to the Keystone XL would ease once Nebraska approves a new route that avoids the Sandhills region, but he said some opponents would never be satisfied.

Omaha Lawyer Disbarred For Repeated Deceptions

LINCOLN, Neb. (AP) — An Omaha attorney who exhibited a pattern of deception is no longer fit to practice law, the Nebraska Supreme Court said in a decision released Friday.

William Bouda II neglected legal matters entrusted to him, made misrepresentations and falsified documents to hide his misdeeds, according to the ruling. The court also noted that Bouda, 41, previously was disciplined for misleading a client.

Bouda's lawyer did not immediately respond to a message from The Associated Press on Friday.

Bouda pleaded guilty in August to committing mail fraud in 2010 while working as a claims examiner for an insurance agency. The Supreme Court said Bouda defrauded the insurance company out of \$160,000 to pay off a judgement against an Omaha concrete company he

had poorly represented.

The Supreme Court's disbarment order mentions the fraud, but doesn't cite the federal court case.

"Simply put, Bouda's pattern of neglect and deception, his theft from his employer, his recalcitrance and recidivism in response to previous discipline and his complete failure to respond to the charges against him, demonstrate beyond any reasonable dispute that he is unfit to practice law," the court said in its ruling.

The Supreme Court said Bouda falsified several documents in 2008 and 2009 to mislead the concrete company about the work he had done.

The mail fraud case against Bouda involves false entries he made in a claim file assigned to him at Zurich American Insurance Co.

Ex-Child Care Operator Gets Another Shot To Sue

BY MARGERY A. BECK
Associated Press

OMAHA, Neb. — A former day care operator cleared of felony child abuse in the death of an infant will get another shot at a lawsuit she filed against a state pathologist alleging malicious prosecution, following a Nebraska Supreme Court opinion released Friday.

Carla McKinney, who ran a state-licensed day care at her Lincoln home, filed a lawsuit against Dr. Matthias Okoye more than a year after prosecutors dropped charges against her in the 2007 death of 4-month-old Chase Madsen.

Okoye, who was under contract with Lancaster County, performed the autopsy on the baby for the state. He told law enforcement authorities that the boy died from blunt-force trauma to the head, asphyxia and bleeding on the brain as a

result of child abuse. That led police to arrest McKinney.

McKinney maintained that she never abused the baby and she had tried in vain to wake the infant from his nap on Oct. 17, 2007. Paramedics also failed to revive the boy. McKinney's attorney at the time suggested the boy may have died of sudden infant death syndrome.

Two pathologists hired by McKinney's defense attorney disagreed with Okoye's conclusions. Prosecutors later dropped the charge, saying there was not enough evidence to prosecute McKinney.

McKinney sued Okoye and his corporation, Nebraska Forensic Medical Services, seeking nearly \$275,000. The lawsuit said Okoye's allegations were made "carelessly and maliciously without regard to the scientific and medical evidence available."

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