

MIDWEST DIGEST

Parts Of Dakotas Deal With Snow, Cold

BISMARCK, N.D. (AP) — Snow and cold is socking parts of the Dakotas.
The National Weather service said northeastern South Dakota and southeastern North Dakota will likely receive 1-to-2 inches of additional snow by Tuesday, with strong winds blowing it around.
Many schools in the region delayed or canceled classes and sporting events Monday.
Wind chill advisories also were posted for much of the two states, with the combination of wind and low temperatures making it feel as cold as 35 degrees below zero.

Police ID Deceased Rapid City Woman

RAPID CITY (AP) — A 47-year-old woman is found dead along a street in Rapid City, but police say foul play is not suspected.
The body of Mary Fast Horse was discovered shortly before 7 a.m. Monday in the 300 block of First Street.
Police say a cause of death has not been determined, and the death remains under investigation.

Neb. Felons May Have To Pay To Give DNA

LINCOLN, Neb. (AP) — Felons in Nebraska may not only have to submit DNA samples to the state — they may have to pay for them, too.
On Monday, lawmakers amended a bill (LB190) to require that felons pay the roughly \$30 cost of the DNA kits needed to collect and submit the samples. Lawmakers wanted the amendment to ensure state government wouldn't pay the costs because of the current budget problems.
The underlying bill from Sen. Bill Avery of Lincoln got second-round approval on Monday. It would require all felons behind bars or on probation to submit DNA samples. He says it would help police solve cold cases and could help with the exoneration of innocent inmates.
Currently, only those convicted of certain felonies in Nebraska have to give DNA samples.

Plan To Help Finance Neb. Businesses Killed

LINCOLN, Neb. (AP) — Skepticism and state budget woes have killed a bill designed to help provide financing for young farmers, ranchers and businesspeople in Nebraska.
On Monday, Nebraska lawmakers voted down a bill (LB297) from Sen. Annette Dubas of Fullerton that would allow the state to lend money to banks at a low interest rate to spur loans for budding businesses.
Senators expressed concerns the bill would tie up millions of state dollars when the state faces budget problems.
Also, some suggested current programs for young farmers and ranchers aren't getting enough use to justify another one.
State Sen. Dennis Utter of Hastings, a former banker, says many banks have enough money to provide loans without help from the state.

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Farmer Sues Over Failed Expansion

BY WAYNE ORTMAN
Associated Press Writer

SIoux FALLS — A long-running legal tussle over a failed effort to build a hog barn east of Madison has moved to federal court, where a farmer argues civil rights violations because the county denied a building permit.
The case has twice been before a state judge and twice before the South Dakota Supreme Court, where rulings have gone against Lake County farmer Ben Elliott.
The lawsuit in U.S. District Court in Sioux Falls seeks unspecified damages in a jury trial. It does not seek a permit or permission to put up the hog confinement building, said Brian Donahue, the Sioux Falls attorney for Elliott.
"Unfortunately, that's not an opportunity still available," he said Monday.
"The lost profits and the lost value of the

opportunity, which is usually measured by lost profits, would be one of the things we'd be seeking," Donahue said.
Lake County, three former members of the county commission and the Board of Adjustment are named as defendants. They have until Feb. 18 to file their court answer to the lawsuit, filed in early January.
An attorney for the defendants, Jack Hieb of Aberdeen, said he had not thoroughly read the complaint and declined comment.
The lawsuit alleges that Elliott lost lawful use of his property because the delays and subsequent new restrictions on large livestock operations make the project unfeasible now and interfere with his property rights and civil rights.
In August 2001, Elliott sought a conditional use permit for a hog barn holding up to 1,250 sows to produce baby pigs. The county commission denied the permit after hearing from nearby lake residents who said the

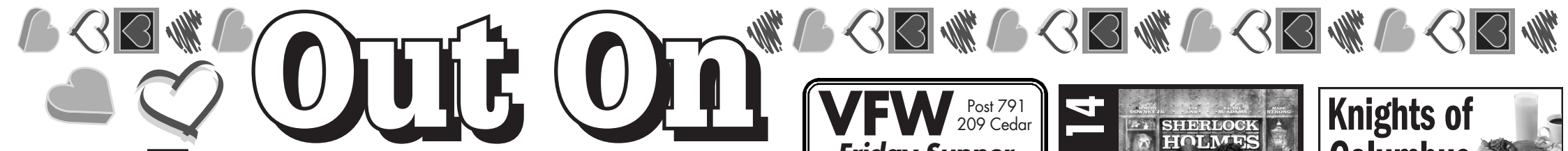
odor would devalue their property.
Elliott then reduced the size of the barn to 499 hogs and applied for a less-restrictive building permit.
With Elliott's application pending, the county commission put a temporary moratorium on new or expanded livestock operations while it reviewed a comprehensive zoning plan and possible changes. It later rejected Elliott's application after passing a new zoning plan with more stringent permits for hog confinement buildings.
Elliott sued the county in state court, arguing that he had met all requirements of the earlier building permit and should have been approved. The judge ruled that the new zoning requirements applied to the project.
On appeal, the state Supreme Court sent the case back to state court, where the judge decided he did not have jurisdiction and dismissed Elliott's lawsuit. The Supreme Court later upheld the dismissal.

Neb. Panel Raising Some Speed Limits On Some Roads

LINCOLN, Neb. (AP) — The Nebraska Highway Commission and Roads Department are about halfway finished reviewing posted limits on highways in the state.
Speed limits have been raised on about 360 miles so far.
The Roads Department's Alan Swanson said the policy on speed limits is based on what is safe and reasonable for any particular stretch of road, plus what would be consistent with similar stretches elsewhere in Nebraska.
The review of 1,135 miles of highway began in November 2008, Swanson said, after a new policy was developed that gives more weight to speed consistency. The limit is 55 mph on those 1,135 miles.
The review should be completed sometime next year, he said.
The highway commissioners often field complaints about roads that have an assortment of speeds.
Commissioner Doug Leafgreen said motorists get frustrated by limits of 35 mph in one town, while a similar stretch of the same highway in another town might have a limit of 50 mph.
Swanson said the limit has been raised to 60 mph on about three-quarters of those highway portions reviewed so far. The limit has been dropped on very few miles, he said.
In its highway review, the department studied how fast vehicles are actually moving, the speed limit, traffic volume, crash history, traffic composition, roadside shoulders and roadside development.

Iowa Senate Unanimously Approves Tougher Traffic Law

DES MOINES, Iowa (AP) — Iowa's Senate unanimously approved a measure Monday increasing the penalties for motorists who run red lights and injure others in accidents.
It stemmed from a 2007 crash that killed a motorcyclist. Jeremiah Dossor, 24, died when a pickup truck driver ran a red light and hit him as he rode to his job as a computer programmer.
The proposal would increase the possible fine to \$500 and allow driving privileges to be suspended for up to 90 days for those who run red lights and cause crashes with serious injuries. If someone dies they could face fines of up to \$1,000 and a 180-day driving suspension. The bill, approved 46-0, now moves to the House.
"It's a beginning. It's a foundation," said Dossor's mother, Jody Dossor, who was in the Senate chamber for the vote. "It won't help our situation, but our situation will be able to help others."
Under current law, the pickup driver could be charged only with two traffic citations and fined \$35 for each. Running a red light is considered a felony only when a driver is intoxicated by drugs or alcohol, eludes police, is involved in gang-related activity or is drag-racing.
"Those who, for whatever reason, run a red light and cause injury or death should know that their actions will result in a more severe penalty than a parking ticket," said Sen. Amanda Ragan, D-Mason City.
Since Dossor's death, his friends and family have pressed lawmakers to toughen the law. Jody Dossor wiped away tears as she received a standing ovation when the bill passed.



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