

MIDWEST DIGEST**U.S. Attorney: Agro-Terrorism Threat To S.D.**

HURON (AP) — U.S. Attorney Brendan Johnson is urging farmers and ranchers to be alert for agro-terrorism and the threat it poses to South Dakota's economy.

His comments came Friday during the South Dakota Farmers Union's annual convention.

Johnson says agriculture is South Dakota's lifeblood and one attack could cripple the entire state.

He says all sectors of agriculture are vulnerable to attack, but livestock and meat production are most at risk. He suggests that terrorists could try to sicken livestock.

Johnson is among eight U.S. attorneys on the Terrorism and National Security Committee formed by U.S. Attorney General Eric Holder.

Neb. Bank Standoff Suspect Faces Charges

KEARNEY, Neb. (AP) — Prosecutors filed seven felony counts on Friday against a Minden man suspected of holding hostages at gunpoint in a south-central Nebraska bank.

Jonathon Buckley was set to appear Friday afternoon in Buffalo County Court.

Earlier in the day, Buffalo County prosecutors filed five counts of kidnapping with the intent to terrorize, one count of robbery and one count of using a firearm to commit a felony.

Kearney police said Buckley began taking hostages inside a Wells Fargo Bank branch just before 11 a.m. Wednesday and started releasing people about 45 minutes later. He surrendered about 1:30 p.m.

No shots were fired, and no one was hurt.

Police said they recovered a shotgun and machete from the scene.

Local television station NTV said in a written statement and story posted on its Web site that Buckley was fired Feb. 3 for making threats against the station. A station manager declined to comment further.

It was not immediately clear whether Buckley has hired an attorney. If convicted, he faces up to 50 years in prison on each count.

Kearney is about 185 miles west of Omaha.

S.D. Committee Drops Bill To Sell Airplane

PIERRE (AP) — A South Dakota Senate committee on Friday grounded an attempt by Democratic gubernatorial candidate Scott Heidepriem to force the sale of state aircraft to help balance the budget.

The original bill brought by Sen. Heidepriem of Sioux Falls called on the state Department of Transportation to sell its three-plane fleet and put the proceeds into the general fund.

An amended version would have required just one of the planes to be sold, but the Senate Appropriations Committee killed the measure along party lines with four Republicans defeating it and three Democrats supporting it.

Heidepriem said there are certain needs in state government that require aircraft, "but transporting people from one meeting to another I don't think qualifies, certainly not in a time of great fiscal peril such as we're facing now."

State budget director Jason Dilges said the fleet provides a tool for state government to be more efficient with its travel.

Dilges said it often pays to have state officials and employees fly instead drive, especially when mileage, time and hotel room costs are worked in. Charter flights are too expensive and commercial air travel in South Dakota is very limited, he said.

Committee Chair Jean Hunhoff, R-Yankton, said residents expect government to respond when needed, and the state planes help make that possible and more efficient.

The amended version included the state's 1988 Hawker Beechcraft BE-200, leaving out its 1995 and 1999 Hawker Beechcraft C90As.

Dilges said that in the current economy, the state would have to take a loss on the sales.

SDNG Welcomes 228 Back From Deployment

SIoux FALLS (AP) — The South Dakota Air National Guard will welcome 228 members back from a mission in southwest Asia.

The Guard says members of the 114th Fighter Wing will arrive at Joe Foss Field in Sioux Falls at 6:30 p.m. Friday. They had been deployed to an undisclosed location in southwest Asia in December.

The Guard says 65 airmen are still carrying out missions in locations around the world.

Two Men Shot In Deadwood

DEADWOOD (AP) — Police have arrested a 49-year-old man in a shooting at a Deadwood home.

Authorities say Terry Steinbach and his son, Terry Jr., were shot at about 10 a.m. Friday.

Both of the shooting victims were taken to a hospital, with one of them flown to a Rapid City facility. Their conditions and what led to the shooting were not known.

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Neb. Attorneys Want Protest Lawsuit Tossed

LINCOLN, Neb. (AP) — Attorneys for the state are asking a federal judge to dismiss a lawsuit filed by a Kansas woman facing criminal charges in state court for allegedly desecrating an American flag.

Shirley Phelps-Roper of Topeka, Kan., was accused in 2007 of letting her then-10-year-old son stand on an American flag during a protest at the funeral of a National Guardsman in Bellevue.

Authorities say she wore a flag as a skirt that dragged on the ground.

She sued state officials in December. She argues Nebraska's flag and funeral protest laws are unconstitutional.

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S.D. LEGISLATURE**Panel Rejects Land Purchase Restriction**

BY CHET BROKAW
Associated Press Writer

PIERRE — A plan to require legislative approval before the state Game, Fish and Parks Commission could buy land for public hunting and other outdoor recreation was rejected Friday by a South Dakota committee.

The State Affairs Committee killed the measure on a unanimous vote after lawmakers said it would interfere with private landowners' rights to sell to buyers of their choice.

Rep. David Lust, R-Rapid City, said the bill would have forced landowners to go through the currently required Game, Fish and Parks Commission hearings and then wait for additional public debate in the Legislature.

"As a landowner rights advocate, I think that is asking too much of landowners in this state," Lust said.

The bill would have required state agen-

cies to get legislative approval for any land purchase exceeding 80 acres. It would not have applied to the Transportation Department, which frequently acquires land for highway projects.

The bill's main sponsor, Rep. Betty Olson, R-Prairie City, a frequent critic of the Game, Fish and Parks Commission, said that commission was her "primary target — surprise, surprise."

The commission members are appointed and mostly support the Game, Fish and Parks Department, Olson said. Members of the Legislature are elected and represent the public, she said.

"We have the people's interest at heart," Olson said.

Critics of the department have said its land purchases prevent private landowners from buying some land.

Game, Fish and Parks Secretary Jeff Vonk said Olson's bill would have stopped most land purchases by the department because landowners would not wait up to a year or

more for a sale to be approved in the Legislature.

The Game, Fish and Parks Commission already notifies the public before it buys land, and it takes public comment in meetings before purchase are made, Vonk said.

Nearly all land purchases are made to add to existing outdoors areas, Vonk said. The department owns not only parks and recreation areas, but also game production areas and other land available for public hunting and other recreation.

The department last year spent more than \$2.5 million to buy 15 tracts of land totaling more than 2,000 acres, Vonk said. Land owned or leased by the department provides public hunting for those who cannot afford to pay to hunt, he said.

Vonk said the department buys an average of about 2,000 acres a year. The department's Wildlife Division does not use general state tax funds, but instead uses hunting and fishing license fees and money from a federal excise tax on outdoor equipment, he said.

Neb. Officials Appeal Ruling In OT Lawsuit

OMAHA, Neb. (AP) — A trial over whether the Nebraska treasurer's office improperly retaliated against an employee who refused to create a computer program to prohibit employees from filing for overtime will be delayed at least six months.

The delay is required because state officials are appealing an order that cleared the way for trial in Robert Harrison's lawsuit against his former bosses, including Treasurer Shane Osborn.

"Mr. Harrison deserves a trial," his lawyer Kathleen Neary said Friday. "The citizens of Nebraska deserve to know what was going on in the treasurer's office."

The Lincoln man says his bosses asked him to resign after he refused to make the program blocking overtime. He refused that and refused a transfer to a temporary filing job.

The Nebraska Attorney General's office declined to comment on the case because it is ongoing. Lawyers from that office are representing the Treasurer's office.

Osborn has said he believes the treasurer's office will be cleared once all the facts are revealed, but he wouldn't comment on specifics of the case.

Osborn gained fame as a Navy pilot in 2001 when his EP-3 spy plane collided with a Chinese fighter jet over the South China Sea. He landed successfully on a Chinese island with his 23 crew members and then endured 11 days of captivity and interrogation.

He was elected Nebraska treasurer in November 2006 but is not seeking re-election.

Lancaster County District Judge Steven Burns earlier this week rejected state officials' motion to dismiss the case.

State officials filed notice Thursday that they intend to appeal because they believe they are immune from the lawsuit.

Burns said in his ruling that he couldn't determine whether the defendants should be entitled to immunity as state officials because a trial is needed to sort out significant factual questions, including whether

Harrison was fired or resigned.

Neary estimated that the appeal will delay the case six to 18 months.

State managers approached Harrison in early 2008 about creating a timecard program that would prevent hourly employees working more than 40 hours to receive overtime pay.

According to court documents, Harrison complained about the overtime program both verbally and via e-mail. He also raised concerns with the Nebraska Department of Labor.

Harrison alleges the retaliation he experienced before leaving the treasurer's office in May 2008 violates labor laws.

"Robert Harrison did what was right, and suffered the consequences," Neary said.

He is seeking to be returned to his database and Web development position, for which the state hired him in December 2007, or to be paid what he would have earned. The lawsuit also asks for unspecified compensatory damages.

The treasurer's office has about 50 employees.

Civil Lawsuit Filed In S.D. Dog Raid

SIoux FALLS (AP) — A Hurley dog breeder has filed a civil lawsuit against an animal rescue group, claiming a raid caused more than \$100,000 in damage to his business and the death of 28 of his dogs.

Second Chance Rescue Center raided Dan Christensen's property in September, taking 172 dogs. A judge has since ruled that the search warrants used were illegal.

The lawsuit filed Thursday says Second Chance allowed nearly 40 dogs to become infected with a virus and that the center allowed noncertified employees to eutha-

nize some of the dogs.

Mike Pulizzi, who took over as center director after the previous director stepped down following the judge's ruling, does not dispute that some of the dogs became sick or died. He said the center is making changes as a result.

"The ones that got sick and died were primarily the puppies that were born, and unfortunately that's a horrible thing but it happens," he said.

One of the dogs that died was a puppy Jim and Dena Kaufman fostered. They said they worried about the care the dogs were

receiving after the raid.

"I think they gave it their best shot to do the best they could do by these dogs, but the disease is overtaking the facilities and all these animals," Dena Kaufman said.

The lawsuit says the number of dogs seized has grown to 265, with more than 50 still being housed at Second Chance and the others with foster families. Pulizzi said the dogs at the center are being closely monitored.

"Anytime a dog gets sick we bring them to a vet or have a vet come in," he said.

S.D. Tourism, Economic Development Could Split

PIERRE (AP) — A bill that would split the South Dakota Department of Tourism and State Development is headed to the full Senate.

The measure, which moved out of a state Senate committee Friday, would create a separate Department of Economic Development and a Department of Tourism.

Senate Republican Leader and gubernatorial candidate Dave Knudson proposed the bill and said the current department has too wide a range of responsibilities, and economic development is important enough to break off on its own.

Neil Fulton, Gov. Mike Rounds' chief of staff, said the current organizational setup has worked well both for tourism and economic development, and he questioned whether the legislative branch should be reorganizing the executive branch.

He said the way Rounds organizes his administration is not the only way it can be done, "but he is the governor and he has the prerogative to organize those entities in the way that he sees fit," Fulton said.

Fulton also pointed out that South Dakota will elect a new governor later this year, and he questioned why it's necessary to introduce a reorganization bill that would take effect just six months before an upcoming administration change.

Knudson said economic development is too important for the state to wait.

The bill also would move the Office of Tribal Affairs back to the governor's office.

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