

Keystone Pipeline

Attorney: Landowners Still Have Options

BY GRANT SCHULTE
Associated Press

LINCOLN, Neb. — Nebraska opponents of the Keystone XL oil pipeline will continue to fight the project, even though the state's highest court allowed its planned route to stand, an attorney for the group said Monday.

Omaha attorney Dave Domina said landowners on the route can challenge the project again once pipeline developer TransCanada uses eminent domain to get access to their property. Once the company begins that process, Domina said individual landowners can fight the company in court battles that could take two to three years with appeals.

In addition, Domina said the landowners could file a new legal challenge against the law itself, using landowners who live directly on the route. Or they could lobby Nebraska lawmakers to try to change the law. It's too early to know which approach they'll choose, Domina said.

"This decision has simply been punted down the road, to be answered another day," Domina said in an interview. "It's up to TransCanada to make the next move."

The Nebraska Supreme Court on Fri-

day ruled against three landowners who sought to overturn Nebraska's 2012 pipeline-siting law, which they say violates the state constitution. Not all of the plaintiffs owned property along the route, but the group sought legal standing as Nebraska taxpayers challenging an illegal use of state money to review the project. TransCanada later reimbursed the state.

The Nebraska attorney general's office argued that, among other things, that the landowners didn't have legal standing to bring the case.

The high court ruled 4-3 that the plaintiffs had standing, and four judges also deemed the law unconstitutional. The remaining three declined to review the constitutional arguments, arguing that the landowners lacked the legal standing. A five-judge supermajority was needed to overturn the law because it raised a constitutional question.

Pipelines are generally reviewed by the Nebraska Public Service Commission, but the siting law allowed then-Gov. Dave Heineman to approve it after a review by the state's environmental department. Heineman, a Republican, supported the pipeline, and the environmental department is a part of the governor's administration. Public Service

Commission members are elected.

TransCanada spokesman Shawn Howard said offers to landowners are set to expire on Friday, at which point the company can begin eminent domain proceedings. Howard said the company will continue to discuss deals with landowners who are still negotiating in good faith. When warning letters were sent in December, the company said it had voluntary agreements from 84 percent of landowners along the route.

The \$8 billion pipeline would carry oil from Canada through Montana and South Dakota to Nebraska, where it would connect with existing pipelines to carry more than 800,000 barrels of crude oil a day to refineries along the Texas Gulf Coast.

Environmentalists and other opponents argue that any leaks could contaminate water supplies, and that the project would increase air pollution around refineries and harm wildlife. But many Republicans, oil industry members and other backers say that those fears are exaggerated and that the pipeline would create jobs and ease American dependence on oil from the Middle East. They note a U.S. State Department report raised no major environmental objections.

SD Session Set To Go: How To Track The Action

BY BOB MERCER
State Capitol Bureau

PIERRE — The South Dakota Legislature opens the 39-day run today of the 2015 regular session. Here are some ways to keep up.

South Dakota Public Broadcasting airs the governor's State of the State speech at approximately 1 p.m. CST today on television, radio and Internet, with a rebroadcast on TV at 10 p.m. CST.

The Legislative Research Council posts every piece of legislation in full and tracks every recorded vote on every measure too. All of the information is available on the Internet. The main link for the 2015 session is http://legis.sd.gov/Legislative_Session/Default.aspx?Session=Ninetyth&cookieCheck=true/.

This newspaper will carry reports daily from its capitol reporter, Bob Mercer, and its local staff, as well as from The Associated Press. You can also track the action via Twitter (@pierremercer) and via the Pure Pierre Politics blog (www.my605.com/pierremercer/).

You can listen to committee hearings and debates from the House and Senate floors via the Internet. The live action can be heard by clicking on the audio links at http://legis.sd.gov/Legislative_Session/Committees/default.aspx?Session=2015&cookieCheck=true.

Audio archives for specific bills can be found by clicking on the links next to the date when a meeting took place. Audio archives for entire

committee meetings and for House and Senate floor sessions can be found at www.SDPB.org on the State-house page at <http://sdpb.sd.gov/state-house/default.aspx>.

If you want to visit the Capitol to see the Legislature working, pay attention to two things.

First, make certain the Legislature is meeting that day. The normal schedule is Monday through Friday except the weeks when Monday or Friday is off. Those off-days will be Monday, Jan. 19; Monday, Feb. 2; Friday, Feb. 13; Monday, Feb. 16; Monday, Feb. 23; and Monday, March 2.

The committees meet mornings, typically at 7:45 a.m. and 10 a.m. CST, and the House and the Senate hold their floor sessions in the afternoons, with the time varying by the day, usually at 1 p.m., 1:30 p.m. or 2 p.m., but sometimes as early as noon or 12:30 p.m. CST. To check the House and Senate times, look at what's known as the calendar. It is assembled the previous day and lists all of the legislation and related matters to be taken up for that afternoon in the floor session.

It's also worth noting the Legislature has its own system of counting days. This year, the session will last 39

days. Those are days when the Legislature will actually work. Day 38 is Friday, March 13. Lawmakers then take a break for two weeks and return for day 39 on Monday, March 30, to consider any vetoes or other remaining unfinished business.

Important dates to keep in mind:

- Legislators can file legislation starting today through 5 p.m. Jan. 30.
- The last day for a piece of legislation to be acted upon in its chamber of origin is Feb. 25.
- The last day for a piece of legislation to be acted upon in both chambers is March 10.
- The final three days of the session's main run are set aside for conference committees, which are negotiating panels of six — three lawmakers from each chamber — that attempt to work out differences in legislation that won approval in each chamber in a different version. These days are March 11-13.

As of late Monday afternoon, there were 60 House bills and 71 Senate bills pre-filed by state agencies, legislative interim committees and state task forces. The 2014 session saw a total of 261 House bills and 188 Senate bills by its completion.

Crop Report Shows Record Harvest

DES MOINES, Iowa (AP) — Farmers set new corn and soybean records last year, harvesting the largest crops ever as a cool summer allowed the plants to mature under mostly favorable conditions.

The abundance has kept commodity prices low, however, meaning many farmers will struggle to make a profit this year, especially if they're paying high rent for land.

Farmers harvested a record 14.2 billion bushels of corn, 3 percent more than the 2013 crop, which set the previous record. The average bushel-per-acre yield was 171, significantly better than the 158 bushels per acre in 2013, the U.S. Department of Agriculture reported in its final tally of the 2014 crop year released Monday.

Governor Eyes Transportation Funding



Daugaard

PIERRE (AP) — Gov. Dennis Daugaard is slated to kick off South Dakota's upcoming legislative session with a State of the State address that will highlight issues ranging from road and bridge funding to workforce development initiatives.

Lawmakers will gather at the state Capitol on Tuesday for the beginning of the 2015 session. Perhaps the most significant debate facing legislators is transportation funding, and there could be tax increases in Republican-dominated South Dakota to secure that financing.

Daugaard says he will outline to lawmakers his plan to overhaul the juvenile justice system. He will also talk about railroad infrastructure and making a more efficient government by cutting red tape and trimming unnecessary statutes.

Democrats will continue calls for hiking teacher pay and expanding the state's Medicaid program to cover more low-income people.

Number Of SD Measles Cases Hits 13

PIERRE, (AP) — South Dakota Department of Health officials say the number of measles cases in the state is up to 13. State epidemiologist Lon Kightlinger said nine of the cases involve people who live in the Mitchell area and four are people from out of state.

Measles is a highly contagious airborne viral disease transmitted from one person to another by direct contact or droplet spread. It can cause permanent brain damage or even death.

The state's last reported case of the measles before the recent outbreak was 1997.

Kightlinger says the best protection against the disease is the measles vaccine.

4 Arrested For Inhaling Paint Thinner

RAPID CITY (AP) — Police say four people stopped for driving the wrong way on a Rapid City were ingesting paint thinner with two small children in the vehicle.

The *Rapid City Journal* says the incident happened about 12 a.m. Saturday. Police say an open container of paint thinner was found in the vehicle and several people in the vehicle had containers of a clear liquid.

The children, ages 6 and 4, were not placed in child safety restraints.

Twenty-five-year-old Whitney Goings, of Rapid City, was charged with ingesting and driving without a license or insurance.

Ingestion charges were also filed against 33-year-old Antonia Caldwell, of Pine Ridge; 49-year-old Marlin Hawkwing, of Pine Ridge; and 27-year-old Ohitika Redcloud, of Rapid City. Caldwell and Redcloud are also charged with possession of marijuana.

Report: Tribe Mishandled Funds

SIoux FALLS (AP) — Leaders on the Lower Brule Indian Reservation misdirected millions of dollars in federal funding intended to help impoverished tribal members, a nonprofit group alleges in a report released Monday.

Human Rights Watch outlined numerous allegations against longtime Lower Brule Sioux Tribe Chairman Michael Jandreau and others, accusing them of diverting money and concealing financial activity by withholding government documents from the public.

Jandreau did not respond to phone messages seeking comment but later Monday released a statement condemning the report as baseless, inaccurate and merely a rehash of previous misstatements by political dissenters.

"The Lower Brule Sioux Tribe condemns the biased, error-ridden, defamatory attack on the Lower Brule Sioux leadership, Lower Brule Sioux sovereignty, and the Lower Brule Sioux people," it states.

"It's full of factual errors, misrepresentations and outright falsehoods. We're exploring our legal options," Jandreau wrote.

Human Rights Watch started its two-year probe after learning of allegations of wrongdoing while doing other work on the reservation, said Arvind Ganesan, the group's director of business and human rights.

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