

2010 Legal and Public Notices

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Invitation To Bid

Sealed bids will be received by the State Engineer on behalf of the Bureau of Administration at the Office of the State Engineer, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501-3182 until 3:00 PM CT, July 21, 2010 for labor and materials to provide Utility Tunnels, Remaining Tunnels Abatement, Human Services Center, Yankton, SD, OS#H1308-02X/SWMR.

Combined Bids will be received provide abatement including all necessary Demolition, General, Mechanical, and/or Electrical work.

Copies of the Plans and Specifications may be obtained by bidders at the office of B2 Environmental, Inc., 10838 Old Mill Road, Omaha, NE 68154, telephone number 402.330.0763. Copies are on file for viewing purposes at the Office of the State Engineer, Joe Foss Building, 523 East Capitol Avenue, Pierre, South Dakota 57501-3182. Anyone requesting, reviewing, or copying plans and specifications for this project (such individual is hereinafter referred to as "bidder") agrees that they are doing so for the sole purpose of submitting a bid on the project. In consideration of the State of South Dakota providing such plans and specifications for the purpose of preparing a bid, bidder further agrees:

- The plans and specifications are the sole property of the State;
 - Any copies of the plans and specifications obtained directly from the State will be returned to the office of B2 Environmental, Inc. immediately after the State provides notice that bidder will not be awarded a contract, or thirty (30) days after the bid opening for the project, which ever occurs first;
 - Any copies of the plans and specifications made by the bidder will be destroyed immediately after the State provides notice that bidder will not be awarded a contract, or thirty (30) days after the bid opening for the project, which ever occurs first;
 - If bidder does not submit a bid, bidder will fulfill the requirements of B and C above on or before the date of the bid opening;
 - The plans and specifications are to be used only with respect to this project and are not to be used for any other project or purposes other than preparing a bid for this project;
 - The plans and specifications will not be disseminated to any person or entity for purposes other than obtaining pricing information without the express written approval of the state;
 - All information contained in the plans and specifications is confidential; and
 - Should the bidder disseminate the plans and specifications to an individual or entity for purposes of obtaining pricing information, the bidder will require that individual or entity to adhere to the terms set forth herein. The bidder, however, assumes no liability for the misuse of the plans and specifications by such third party or such third party's failure to comply with the provisions contained herein.
- Should bidder be awarded a contract for construction of the project, bidder does not need to return or destroy plans and specifications until after completion of the project.

Each bid in excess of \$50,000.00 must be accompanied by a certified check, cashier's check or draft in the amount of 5% of the base bid and all add alternates and drawn on a State or National Bank or a 10% bid bond issued by a surety authorized to do business in the State of South Dakota and made payable to the Bureau of Administration of the State of South Dakota.

The Bureau of Administration reserves the right to reject any or all bids and to waive any irregularities therein.

KRISTI HONEYWELL, P.E.

State Engineer

Office of the State Engineer

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Mate Piloting Tug In Duck Boat Crash Refusing To Talk To FBI

BY MARYCLAIRE DALE
Associated Press Writer

PHILADELPHIA — A crew member refusing to talk to federal investigators about a fatal duck boat crash in Philadelphia was piloting the tugboat pushing a barge that slammed into the duck boat, a Coast Guard official said Monday.

The mate exercised his Fifth Amendment right against self-incrimination and refused to meet with investigators over the weekend, according to the National Transportation and Safety Board. U.S. Coast Guard Capt. Todd Gatlin confirmed to The Associated Press that the mate was on duty as the tug pushed a 250-foot barge up the Delaware River. The crew of the duck boat told the NTSB that its radio calls to the tug "received no response," although other boat operators nearby reported hearing them.

The collision last week sank the tourist vessel, dumping 37 people overboard and killing two young Hungarians.

The tug, The Caribbean Sea, had been moved to Philadelphia on June 24, Gatlin said. It previously had been in New York Harbor, according to Joseph Dady, a national tug safety advocate who once piloted the vessel.

The tug's crew consisted of a captain, the mate, an engineer and two deckhands, the NTSB said.

"The mate was on duty ... and the captain was off," Gatlin told the AP.

By law, either the captain or mate must be at the wheel at all times, said Dady, president of the National Mariners Association and a

member of the Coast Guard's Towing Safety Advisory Commission.

An 18-year-old trainee had been at the wheel of the duck boat when it entered the water, but the captain took over when the engine appeared to smoke, a passenger said Monday. The pair cut the engine, dropped anchor and were waiting calmly for help for several minutes when they saw the hulking barge bear down on them.

"Our younger fellow was out there flailing and calling, and obviously nobody saw him. I came to find out that nobody was on deck on the barge," passenger Sandy Cohen said Monday from her home in Durham, N.C. "And then they couldn't reach them by radio."

The tug's owner, K-Sea Transportation Partners of East Brunswick, N.J., declined to identify the mate or describe the crew's experience level. Nor would the company say if there was a lookout on the barge, which Dady said is required if the pilot's view from the wheelhouse is significantly obstructed.

K-Sea has provided legal counsel to the five-person crew, but a spokesman could not immediately name the mate's lawyer. The company said it was cooperating fully with the probe.

"If an individual chooses to take the Fifth Amendment, that's fully their right," spokesman Darrell Wilson said.

The captain submitted to an NTSB interview, but NTSB spokesman Keith Holloway would not disclose what he said.

Typically, tug captains and mates rotate six-hour shifts, with one per-

son on duty and the other on break, Dady said. The deckhands also rotate shifts, and the NTSB said one was asleep at the time.

"It's 90 percent boredom and 10 percent sheer terror," Dady said of a tug captain's job.

The amphibious duck boats are a popular way for tourists to see the sights of Philadelphia from both land and water. Two Hungarians visiting the city as part of a language program, 20-year-old Szabolcs Prem and 16-year-old Dora Schwendtner, were missing for two days before their bodies were found. Ten passengers suffered minor injuries.

The tug was pushing a city-owned barge that carries sludge a few miles downriver to a wastewater treatment plant. The barge — empty and riding high on the sea — was making the return trip upriver when it struck the tourist boat about 150 feet from the shoreline, where commercial, tourist and pleasure craft share space in the Delaware River's deep shipping channel.

According to Dady, Coast Guard rules mandate that a pilot make 11 trips on a given waterway before taking the helm. Although the Caribbean Sea had been moved to the Delaware River just weeks earlier, K-Sea may have hired a local crew, Gatlin said.

Dady, who operated The Caribbean Sea decades ago when it bore a different name, said the vessel has good maneuverability. He believes the pilot could have changed course in about a minute and come to a full stop in about three minutes, if he knew of the looming peril.

Senators Support Regulation Overhaul

BY JIM KUHNHENN
Associated Press Writer

WASHINGTON — Sens. Olympia Snowe and Scott Brown pushed sweeping financial legislation to the edge of final passage Monday, both announcing they intend to support the regulatory overhaul despite initial misgivings.

Snowe of Maine and Brown of Massachusetts join Susan Collins of Maine as three crucial Republican votes for the legislation.

"While not perfect, the legislation takes necessary steps to implement meaningful regulatory reforms, create strong consumer protections and restore confidence in the American financial system," Snowe said in a statement Monday evening.

In breaking with the rest of the Republican Party, the three lawmakers appeared to give Democratic leaders the 60 votes needed to overcome procedural hurdles facing the legislation.

Majority Leader Harry Reid of Nevada said the legislation would be wrapped up this week.

"We will finish our work on this bill this week to ensure that these critical protections and accountability for Wall Street are in place as soon as possible," Reid said in a statement.

He commended the three Republicans.

"Despite the difficult political climate, these Republicans have joined Democrats to support these common-sense protections for consumers, investors and financial

institutions that will help prevent another financial crisis," Reid said.

Democratic Sen. Ben Nelson of Nebraska kept the vote count in limbo Monday, saying he remained undecided on the legislation. Nelson voted for an earlier Senate version of the bill.

"We've got some concerns that some of the banks in Nebraska have raised," Nelson said Monday. "We also have some banks in Nebraska saying vote for it. We're trying to balance out the concerns that have been raised. There's a certain amount of uncertainty. You don't know who's going to be the head of the consumer protection bureau."

A fourth Republican who voted for the Senate version in May, Charles Grassley of Iowa, has indicated he has reservations as well.

The legislation attempts to rein in banks, police previously unregulated markets and provide a new array of consumer protections. It aims to avoid a recurrence of the 2008 financial crisis that helped drive the country into the worst recession since the Great Depression.

Without Nelson, Democrats would have to wait for West

Virginia Gov. Joe Manchin, who is a Democrat, to fill the vacancy created by the death of Sen. Robert Byrd. Manchin said Monday that he would fill the vacancy as early as Friday and no later than Sunday.

Manchin's appointment would be expected to vote for the legislation. Like Snowe, Brown won concessions in the bill and said Monday that the legislation "is a better bill than it was when this whole process started."

"While it isn't perfect, I expect to support the bill when it comes up for a vote," he said in a statement. "It includes safeguards to help prevent another financial meltdown, ensures that consumers are protected and it is paid for without new taxes."

NATION/WORLD DIGEST

Consumer Reports Won't Recommend iPhone

SEATTLE (AP) — Consumer Reports says the iPhone 4 has reception problems caused by its antenna design. After the iPhone 4 went on sale in June, buyers started complaining that holding the gadget a certain way could cause calls to drop.

Apple has said that any phone will lose signal strength when gripped in certain ways. It said the iPhone 4 seems to show a larger drop because it has been using a faulty formula to decide how many signal bars to show.

But Consumer Reports says it tested several phones that use AT&T Inc.'s network, and only the iPhone 4 seemed to have the reception issue.

Consumer Reports says the iPhone 4 will not be marked "recommended" on its updated smart phone ratings list because of this problem.

Crewman Buried 60 Years After He Died

ARLINGTON, Va. (AP) — A U.S. Navy ensign missing since 1950 is among 31 service members being buried at Arlington National Cemetery.

Robert Langwell would have been destined for a dark, watery grave if not for the kindness of a fisherman in South Korea who pulled his body from the ocean.

Thanks to a tip from that same fisherman, family members were able to bury him Monday.

Langwell died aboard the USS Magpie when the ship hit a mine and exploded off the coast of South Korea in 1950.

Days later, his body got tangled in the fisherman's net and was pulled from the ocean. Local residents buried him in a shallow grave.

Two years ago, a tip from the fisherman led South Korean officials to search for his body. In April of last year, they recovered his remains.

First Lady Touts Childhood Obesity Initiative

KANSAS CITY, Mo. (AP) — First lady Michelle Obama says Americans need to change their eating habits to avoid producing the nation's first generation of children who live shorter lives than their parents.

Obama spoke Monday at the National Association for the Advancement of Colored People's national convention in Kansas City.

She charmed the standing-room-only audience at Bartle Hall with quips from her childhood, when she walked to school and ate whatever her mother put in front of her.

Obama touted her "Let's Move" campaign to cut childhood obesity, a problem she says will lead to other illnesses, such as diabetes.

Three Dead In Workplace Shooting In N.M.

ALBUQUERQUE, N.M. (AP) — A gunman angry about a dispute with his girlfriend forced his way into the New Mexico manufacturing plant where she works and killed two employees Monday before turning the gun on himself.

Police identified the shooter as 37-year-old Robert Reza, who had addresses in Rio Rancho and Albuquerque.

Four others were wounded in a rampage police said was motivated by Reza's disgust over a domestic violence dispute involving the girlfriend.

Police Chief Ray Schultz said no other names will be released before Tuesday.

Reza confronted the girlfriend outside the fiber optics and solar manufacturing plant in Albuquerque, and his rampage continued inside, Schultz said. She was hospitalized in critical condition with gunshot wounds.

Schultz said the woman had told co-workers she planned to report domestic violence to authorities.

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NOTICE OF PUBLIC HEARING
DEPARTMENT OF SOCIAL SERVICES
(Proposed: August 3, 2010)

Notice is hereby given that the Department of Social Services, pursuant to authority vested by SDCL 1-26 and 28-6, intends to adopt rules relating to the Division of Medical Services.

The effects of these rules will be to: revise definitions; remove obsolete and duplicative references; update internal references; centralize prior authorization information; remove certain gastric procedures from the list of noncovered services; add liver transplants for qualifying adults to the list of covered organ transplants; revise time limits for submission of claims; clarify existing cost sharing exemptions and age requirements; and revise requirements related to federally qualified health centers and rural health clinics. These rules are being amended to update and clarify existing standards relating to the Division of Medical Services.

Notice is also given that interested persons may present comments, either orally or in writing, relating to the proposed action in Conference Room #1, Kneip Office Building, 700 Governors Drive, Pierre, South Dakota on August 3, 2010, at 9:00 a.m. For purposes of assisting the Department to fully understand the issues being addressed, individuals intending to present oral testimony at the hearing are asked to make a written copy of their testimony available to the Department.

Interested persons may obtain copies of the proposed rule at <http://dss.sd.gov/news/hearings/index.asp> and may send their comments to Laura Ringling, Administrative Rules, Department of Social Services, 700 Governors Drive, Pierre, South Dakota 57501. Ms. Ringling may be contacted by telephone at (605) 773-3165. Written comments must be received by August 13, 2010, in order to be considered.

Notice is further given to individuals with disabilities that this hearing is being held in a physically accessible place. Please notify the above-mentioned office within 48 hours of the public hearing if you have special needs for which this agency will need to make arrangements. The telephone number for making special arrangements is (605)-773-3165.

The Department of Social Services, upon its own motion or at the instance of any interested persons, may thereafter adopt the above proposals substantially as above set forth without further notice.

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